

Migrations and Mobilities

Citizenship, Borders, and Gender

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Democratic Paradox (New York: Verso, 2000); Benhabib, *Transformations of Citizenship*, supra note 57.

63. Linda S. Bosniak, "Membership, Equality, and the Difference That Alienage Makes," *New York University Law Review* 69 (1994): 1047.

64. Of course, what exactly those terms would be raises difficult questions: Would they be conceived as rights of membership? Rights of persons? These are the substantive questions that drive the debates over citizenship to begin with.

65. For example, Linda Bosniak, "The Citizenship of Aliens," *Social Text* 56 (1998): 29–35.

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A Bio-Cartography: Maids, Neo-Slavery, and NGOs

Aihwa Ong

The underpaid, starved, and battered foreign maid, while not the statistical norm, has become the image of the new inhumanity in the Asian metropolis. The following cases illustrate the range of assaults against Indonesian maids by well-off households in neighboring countries:

- In 2002, an Indonesian maid in Malaysia was found to have been held as a "sex slave" for nearly two years by a government employee.
- In the same year, an Indonesian maid, who had been starved and repeatedly tortured by her Singaporean employer, died from a final blow. The employer was sentenced to eighteen and a half years and to receive twelve strokes of the cane.
- In early 2003, a Hong Kong housewife, who "filled her afternoons with golf lessons, facials and hair treatments," beat her Indonesian maid until her liver ruptured. The housewife was later charged with assault and is serving a 3.5-year sentence.
- In July 2004, news pictures of a foreign maid with extensive burns on her face, breasts, and back exposed a harrowing tale of sadistic torture. Nirmala Bonat, a nineteen-year-old from East Indonesia, had been repeatedly scalded with hot water and burned with an iron by her employer. The media disseminated shocking images of Nirmala's wounds, arousing a sense of national shame. The prime minister apologized publicly to the victim, and some lawmakers called for imposing a lifelong sentence on the employer *before* her trial.¹

In addition to the above cases of maid abuse and disfigurement, there are other incidents that remain murky and concealed. For instance, over the past five years, about a hundred foreign maids have fallen from Singapore's high-rises, plummeting to their deaths. The main causes cited were maids slipping off window sills while cleaning the outside glass or hanging laundry to dry on bamboo poles. Others suspect that maids "imprisoned" in apartments were trying to escape or to commit suicide.⁷

The frequency and ferocity of abuses against foreign maids index a brewing human rights crisis over the emergence of neo-slavery in South-east Asia. Over the past decade, having a foreign maid in the household has become an entrenched entitlement of the middle and upper-middle classes throughout Southeast Asia. Foreign domestic helpers (FDHs) from the Philippines and Indonesia compete to cook, nurse babies, clean bathrooms, and perform other bottom-drawer chores for the middle classes throughout the region, and beyond.⁸ There are approximately 140,000 foreign domestic workers in Singapore,⁹ 200,000 in Malaysia,¹⁰ and 240,000 in Hong Kong.¹¹ As an expendable and underpaid servant class, they have become key to the maintenance of the good life in affluent Asian sites. It has been said that these are countries where "the middle classes have no idea how to cope without a maid."¹²

The cases of abuses by employers and recruiters remain small, compared to the total number of female migrant workers. Nevertheless, there is no easy way to assess the actual number of attacks on foreign domestic workers, and the gruesome nature of the violence that has come to light reflects a widespread attitude towards foreign domestic workers as a separate category of subhumans. "Maids as slaves" is "Asia's hidden shame," a novel mix of rising affluence and mounting abuse that exposes the "vulnerable millions" of young women on the move.¹³ Low-skilled foreign women circulate in zones of exception that support the citadels of Asia's new rich.

Ethico-Political Spaces of Humanity

Social theorists have argued that the paradox of humanity is its birth in the nation-states, an inscription of the particular in the universal.¹⁴ Giorgio Agamben's concept of bare life points to the seemingly contradictory situation whereby sovereignty is predicated on the exclusion of living beings not recognized as modern humans.¹⁵ Observers note that categories

such as migrants, refugees, and illegals have been defined in such a way as to make their rights claims external to citizenship and the law.¹⁶ Agamben maintains that the logic of exception constructs "a zone of indistinction . . . in which the very concepts of subjective right and juridical protection no longer made any sense . . . power confronts nothing but pure life, without any mediation."¹⁷ The juridical-legal division between a zone of citizenship and a zone of bare life, while compelling, is a static and restrictive model, although at the end Agamben seems to be searching for a politics that is not founded upon the biopolitical fracture, or oscillation between the two poles of inclusion and exclusion.¹⁸ In contrast, a temporal conceptualization of the politics of exception would recognize that the state system interacts with other ethical regimes that also operate along a continuum of inclusion and exclusion, though without mapping onto the same division between citizens and bare life. We should not discount shifts in the lines dividing the human and the inhuman, the virtuous and the evil, that are crystallized in the interplay between the sovereign exception and other systems for valuing and devaluing bodies.

Another binary model that should be challenged is the strict division between human rights and situated ethics. Nevertheless, there is an extravagant claim that a "human rights culture" now prevails. Michael Ignatieff argues that "[t]he existence of a single normative rights standard leaves no room for . . . moral and political evasions" in non-Western countries. The human rights discourse, he maintains, provides "a moral vernacular for the demand for freedom within local cultures."¹⁹ This approach envisions a universal standard of the moral good that will provide the language for articulating human freedom in a range of presumably "bad" cultures in the global south. Ignatieff seems to discount the relevance of the great religions that have long existed as universal systems of civic virtue. Indeed, only by recognizing the relevance of the "moral and political" elements that Ignatieff dismisses as mere evasions can we study the way moral problems are posed, claims articulated, and resolutions arrived at in a particular milieu.

Such dichotomies, between the licit and the illicit, between a universal human rights regime and local cultures, are simple abstractions with little relationship to actual ethico-political negotiations on the ground. Instead of a rigid division between zones of humanity and zones of inhumanity, I propose that the space for problematizing the human is a milieu that is constituted by a nexus of multiple ethical regimes. A situated constellation of citizenship regimes, moral systems, and NGO interventions defines the

space within which the translation and transmission of human rights discourse proceeds. Because the site of problematization is shaped by diverse systems of value, it cannot be claimed that only the human rights regime creates a moral vernacular, as if situated ethics have nothing moral to say in the matter of labor and life.

In Southeast Asia, interrelationships among labor markets, nationalisms, and moral economies crystallize conditions of possibility for diverse notions of the human. The neo-slavery of migrant women emerges out of a postcolonial intersection of racialized nationalism, neoliberal strategies, and disjunctive moral economies based on kinship and ethnicity. In postcolonial nations built upon founding or dominant races, questions of who is considered human or subhuman are still inscribed by ethnic biases or hostilities.¹⁵ This racialistic opposition is reinforced by moral schemes that are skeptical about the attachability of mobile alien women detached from their own moral communities. The biopolitical concerns of the more well-off nation to secure middle-class entitlements depends on the availability of foreign others, creating an environment of class privilege and bias that tolerates slavlike conditions for poor female migrants. Thus, in addition to the biopolitical fracture, ruptures between racial and moral economies further complicate notions about who can or cannot be considered morally worthy human beings.

Into this knotted field of situated power and ethics, local NGOs introduce an ethical debate on the plight of female migrants, articulating political claims for their moral dignity beyond a condition of neo-slavery. It is widely assumed that NGOs, as actors in the global public sphere, operate as watchdogs of human rights vis-à-vis the state.¹⁶ But in practice, NGOs both local and transnational have had to engage the nation-state in a variety of practical ways shaped by the nexus of variables. The question is raised whether, in their actual representations of excluded populations, NGOs can operate independently of relationships to the nation-state and to the market. Furthermore, is the discourse of human rights effective for bringing about social improvements, or do NGO interventions require translations of their humanitarian goals into situated ethical notions about the common good? Because NGOs work in a fluid space of contending regimes, their negotiations on behalf of the politically excluded are contingent, and the resolutions are at best ambiguous.

As practitioners of humanity, NGO interventions are technical as well as ethical, since NGO work is fundamentally about managing the risk and security of marginalized populations by giving them value. In

order to make claims on their behalf, NGOs define and sort out different categories of excluded humanity, so as to give them resources that *may* be convertible into entitlements and rights. Such ethical work of giving moral value to the politically excepted increasingly has a spatial dimension. NGO interventions entail mapping of spaces of sheer survival that challenge the political spaces of inclusion and exclusion demarcated by individual nation-states. Such techno-ethical strategies are necessary for redrawing the map of moral inclusion.

The argument is in two parts. First, I discuss the way the disjunctures between nations and moral economies create conditions that foster neo-slavery for some foreign maids. As "transient aliens," foreign domestic workers are subjected to a household-based disciplinary regime and to techniques of securitization at the national level. Because they are mobile women, foreign domestic workers are not considered attachable to moral economies despite their role in reproductive labor. As a migrant population, female foreign workers tend to be viewed as aliens and threats to the security of the host society.

Second, interventions into this specific milieu of household-based neo-slavery must first address the moral economies of the new middle classes. In Malaysia and Singapore, NGO interventions stir ethical reflections on the moral obligations of employers by invoking cultural values that can protect the welfare of female foreign workers. NGOs seek to align the bodily integrity of migrant women with their availability as cheap labor, thus projecting their biological claims on a regional scale.

Biopolitical Otherness

The Moral Economy of the Female Migrant

The emerging cross-race, cross-ethnic economy of female migrant workers intersects with multiple moral economies rooted in kinship, religious ethos, and ethnic communities. Conceptually, a "moral economy" is a web of unequal relationships of exchanges based on a morality of reciprocity, mutual obligations, and protection.¹⁷

In anthropological terms, moral economies involve substantive relationships of exchange that are governed primarily by morality (peasant, religious, "culture") or ethics governing a particular vision of the good life.

Moral economies in villages and urban milieus are the bedrock stimulus for the outflows of young women as migrant workers in Southeast

Asia. Young, mainly unmarried women are central to the capacity of the family, community, and even homeland to sustain a level of development otherwise not available without remittances from abroad.¹⁸ Labor migrations responding to the moral obligations of family and kin have created opportunities for organization by state agencies as well as labor syndicates that seek to channel migrant women to overseas markets.

The Philippines is famous for supplying the world with nannies. Whereas other Southeast Asian nations seek to position themselves in manufacturing chains and knowledge webs, the Philippines' neoliberal strategy has been to transform the country into a labor-brokering nation. There is an overseas employment administration program that makes contractual agreements with foreign countries to hire "the great Filipino worker." The government advertises in global news magazines, claiming that "Filipino workers . . . were born with a natural ability to adapt to many cultures and even delight in discovering new ways to improve their craft."¹⁹ Labor recruiters for overseas markets stress the flexibility and docility of female Filipino workers. At the same time, the state appeals to women to seek overseas jobs as a patriotic duty of "modern-day heroes" whose overseas earnings support the country.²⁰ There is thus a process of feminization of migrant labor, as well as a masculinization of their national roles as soldiers and "ambassadors" who must not let down the national image of their country as the home of global workers.

Nongovernmental agencies, or NGOs, play a crucial role in training and indoctrinating would-be migrants, focusing in particular on self-managing techniques that instill proper attitude and conduct abroad. Feminist NGOs offer lessons linking overseas employment with Catholic feminine values. Using terms such as "empowerment," NGOs foster a moral connection between free choice in seeking overseas employment and the young women's sense of moral indebtedness and desire to sacrifice for their families. With rape and even murder a real risk faced by workers overseas, NGOs give advice on balancing the vulnerability of their working lives and the vulnerability of their families. They must protect the precariousness of their own families, not forgetting to send money home to their relatives and home towns. At the same time, they should be "friendly but not familiar" with overseas employers—should not be "sexually available" but instead be assertive and confrontational with men who proposition them.²¹ Thus, NGOs play a crucial role in reinforcing the moral economic justifications of overseas employment, and in sustaining

the moral economy of the family, all the while teaching female migrants to be free economic agents in overseas markets.

The massive, informal outflows of migrants from Indonesia to more developed neighboring countries have been less organized. Village families have been sending their daughters—often by perilous routes operated by criminal syndicates—to Malaysia or Singapore, where they can earn ten times the wages they can make at home. The government is not directly involved in the organization of the maid trade, relying instead on moral economic systems to mobilize young women from towns and villages, and on NGOs to train them for overseas work. Dar Rudnyckyj reports a *calo* (meaning "patron" or "boss") system of labor recruitment that exploits the notion of moral indebtedness and obligations. *Calo* agents advance cash to would-be female migrants, thus binding them by economic indebtedness and moral obligations to circuits of labor recruitment.²² Female migrants are collected in camps where NGOs train them in the "techniques of servitude," which include stock English phrases of compliance, keeping to a time schedule, and the use of modern appliances. These two regimes of female out-migration are in competition across the region.

Differences in nationality and educational levels will come to color their moral assessment in the receiving sites. Filipino maids—English-speaking, frequently college-educated, and exuding a sense of Western style—reign as a kind of labor aristocracy in the regional and global domestic service industry. The Philippine state and NGOs also promote the "export value" of their female migrants as responsible workers who are professional and worthy of respect.²³ In contrast, the Indonesian authorities and NGOs have not (yet) undertaken a campaign to sell the virtues of their female migrants. But nevertheless, in both countries, NGOs enhance the capacity of the state in making female migrants available for employment overseas,²⁴ where they are exposed to conditions of violence and neo-slavery.

Incarceration and Securitization

The interplay of moral economies, state policy, and NGOs has created conditions whereby tens of thousands of female migrants are sent across lines of ethnicity, religion, class, and nationality. The circulation of transient female labor engenders both biopolitical availability and biopolitical othering. Under two-year contracts, these "temporary aliens" become part of a revolving labor pool that sustains thousands of middle-class

households in affluent neighboring countries. The contingent legal status of foreign workers reinforces their "biopolitical otherness"³⁵ as non-citizens and lower-class subjects in tension with upwardly mobile Asian identities. The very biopolitical availability of foreign maids for sustaining a high standard of living becomes the reason for their exception from the good life and the body politic. In the host society, foreign domestic workers are subjected to two technologies of control: a house-bound form of labor incarceration, on the one hand, and a technology of securitization that treats them as potential political threats, on the other.

The influx of foreign domestic workers to the glittering, high-rise cities—Singapore, Hong Kong, Kuala Lumpur—is a vital prop to the new entitlements of the growing middle classes.³⁶ These cities are in competition to achieve global city status, and satisfying the demand for cheap domestic help is part of the bargain with two-income families. A high standard of living is considered impossible without one or even two foreign maids to take care of household chores as well as of children or the elderly. Having a maid at home is a social right, like access to good schools, housing, shopping malls, and leisure, all entitlements of the middle classes bent on buying their way to the good life. But even as the host country finds itself more intimately entangled with poor neighbors who participate in the reproduction of family life, disciplinary mechanisms and ethical exclusions invest the foreign maid with a biopolitical otherness in the public and in the domestic realms.

Foreign maids are shipped in to be confined in the households that employ them. In Hong Kong, Singapore, and Malaysia, contracted foreign domestic helpers can apply for the renewal of contract but not citizenship. In Singapore, work permits confine foreign domestic workers to "duties of a domestic nature," exclusively within the confines of an employer's home.³⁷ In Singapore and Malaysia, there are no rules for regulating the work conditions of foreign nannies. The Singapore employment act "prefers to leave the free market to determine the wages and other conditions of service for foreign maids because it is too impractical to impose standards terms."³⁸ Only in Hong Kong do foreign maids get special work visas that protect the minimum wage and the right to days off. In practice, in all three sites, the majority of foreign maids are not guaranteed good working conditions, minimal earnings, or rest days.

The unregulated nature of domestic employment is based on a logic of incarceration. The employer controls every aspect of the foreign maid's life. It is common practice in Singapore and Malaysia for the employer to

hold the maid's passport and work papers, on the excuse of preventing her from running away, but in effect confining her within the household. The employer thus gains a de facto ownership over the foreign domestic, who is thus entrapped and vulnerable to exploitation of her labor and sexuality. Such incarcerating control over an individual who can be subjected to abuse is a form of neo-slavery.³⁹ Furthermore, even benign employers in these countries do not as a matter of norm observe days off for domestic workers, this in effect imprisoning them within the confines of the house and the endless round of housework. Given such conditions, foreign domestic helpers are often reduced to the status of nonbeings, with no legal claims on their employers or society at large. Also, because foreign women are allowed in specifically for domestic employment, there is widespread public skepticism of their right to a public presence in the affluent cities.

In Hong Kong and Singapore, the incarceral tendencies extend to time-space limits on the maids' days off. The public gatherings of foreign domestic workers are restricted to Sundays and to certain urban spaces. The conditional tolerance of their public presence enhances the hypervisibility of foreign maids as an embarrassing third world presence in upscale metropolitan sites. In Hong Kong, Filipina maids gamely resist such public exclusions by regularly staging street festivals, costume pageants, and parades to establish their claims to a public presence in the host society.⁴⁰ Filipina workers enjoy some kind of glamour derived from their English-language skills, a kind of "trophy" maid status that enhances their employers' prestige. Nevertheless, in the Hong Kong environment, any Filipina-looking woman is hailed as "foreign maid" (or "*fan-miu*" in Cantonese), in a process of interpellation that frames an individual as "always-already" a subject of ideological construction.⁴¹ In Singapore, domestic workers are frequently referred as "menials," a term that reinforces their association with lowly, filthy work. Symbolically, then, foreign domestic workers are reminders of a too recent past from which Singaporeans and Hong Kongers have escaped by scaling the heights of urban living. Singaporeans consider foreign maids in public a "social nuisance" and even those who tolerate their presence avoid their weekend enclaves, which are associated with dirt, noise, and chaos.⁴² There is a synergy between a racial/dirty personal profiling and a racial/dirty spatial profiling, a sense of the contaminating presence of the transient but ever-present foreign female labor force. So despite the gloss of Westernized cultural skills, Filipina maids operate as a ubiquitous contrastive racial or alien other to the dominant ethnic Chinese populations in the two metropolitan sites.

At a regional scale, the ethno-racial differences between Chinese-dominated middle-class employers and their domestic helpers is projected onto the relationship between the glamorous and glittering cities and their poorer and "darker" neighboring nations. The scramble to become "global cities" has reinforced laws against public expressions of racism in Hong Kong, Singapore, and Kuala Lumpur, but these rules do not apply when it comes to the treatment of foreign migrants who perform a variety of "low-skilled" or "unskilled" jobs avoided by local citizens. But the daily intimate association with these "backward" racial others threatens to subvert the self-image of affluent Asians who themselves have so recently sloughed off menial labor and paddy fields. There is suppressed fear that the increasing presence of poor migrants will blur the ethno-racial distinction of the nation, which in postcolonial Asia is based on ideological constructions of race, kinship, language, religion, and culture.

Filipina domestic workers as a category are actually better treated than Indonesian maids in Southeast Asia. Many Filipina domestic help had worked as teachers or nurses at home, and thus command the highest wages in the region. They are viewed as a kind of status symbol for well-off families and expatriates in Asian cities. While some Filipina maids have been victims of rape, as a group they are less likely than Indonesian workers to be routinely mistreated by their employers and by the police. The Philippine government has bilateral agreements with host societies that give some measure of protection to Filipino workers, so that their chances of recourse to compensation and justice are greater than for other categories of foreign nannies. Filipina workers abroad are thus a kind of female migrant labor aristocracy who enjoy the best low-skilled working conditions for migrants in Asian cities.

Other foreign female workers—from Indonesia, India, Sri Lanka, and Thailand—are frequently treated as a migrant population that has high probabilities of being trafficked and thus entering the host society illegally. There is indeed a huge and not easily controllable system of labor smuggling that ferries low-skilled Indonesian workers to Malaysia. There is a widespread perception of Indonesian workers as the source of crimes and social ills. Poor Indonesians are blamed for petty crimes and an array of other risks such as prostitution and the AIDS disease.³⁵ They have been accused of practicing a kind of radical Islam not generally welcome in the country. These perceptions of Indonesians as potential enemies also color the treatment of Indonesian women who enter seeking work as domestic help.

While most Indonesian maids in Malaysia are recruited under a two-year contract, they are all tarred by the perception of being "illegal." Their status as less skilled migrant workers, compared to Filipina maids, also reinforces their negative image. They are also under constant surveillance, suspected of being home wreckers and prostitutes, and in public frequently threatened with violence. Indonesian maids are subjected to frequent checks by the police. Public intimidations include police destruction of their documents, demands for bribes, or even gang rape. In addition to the lack of protection from labor exploitation and nonpayment of wages, foreign maids in Malaysia lack a mechanism for the redress of abuse. The Indonesian diplomatic service has not been able to help beyond providing shelter for dismissed migrants who are awaiting deportation. Where foreign maids are concerned, Malaysians tend to be "pro-employer and anti-employee," with the result that abused migrants are criminalized,³⁴ while crimes against them go unpunished in the vast majority of cases.³⁵ The situation in Hong Kong is slightly better, but employers charged with maid abuse often avoid punishment.³⁶ Singapore has set up a procedure for maids to complain about abuses suffered by foreign workers.

Foreign domestic workers are thus situated in a transnational field of labor exchange and traffic that strips them of the most basic political rights. In addition, they are frequently treated as a threat to the social body. Securitization techniques include the manufacture of ruptures, which provokes panic and fears of disruption in the political order.³⁷ I already mentioned that Indonesian migrants are frequently targeted as a threat; on occasion, they are subjected to mechanisms of international penology. During economic downturn or social panics, a cascade of "emergency" acts reworks the divide between internal and external enemies. For instance, in the aftermath of the Asian financial crisis in 1997–98, close to nine hundred thousand migrant workers, the majority of them female, were expelled from host nations.³⁸ In Malaysia, campaigns such as "Operation Get Out" pushed migrants to nearby Indonesian islands that act as holding stations. There, migrant women survived by providing sexual services to tourists from Singapore and Malaysia. The combination of routine police harassment and transnational securitization measures gives the host society great flexibility in keeping borders open or shut to migrants, depending on the economic climate or public moral outrage, as the case may be. Indonesian workers are always assessed in terms of a calculation of probabilities that they are illegal, criminal, and a threat

to the host country. It is no surprise therefore that Indonesia has come to see itself as a "coolie nation" that makes available its own citizens as cheap workers for richer neighboring countries. The carceral logic thus imprisons foreign female workers in employers' households, but the logic of securitization keeps them in constant motion as a transient labor pool. An editorial in the leading Singapore newspaper comments on the expulsion of Indonesian workers, observing that "[i]f we must grow calluses on our hearts, so be it."³⁹ Indeed, foreign maids have a precarious claim on the moral economies of the host society.

Disjunctive Moral Economies

Besides political controls of disciplining and securitization, the moral economies of the host society also erect moral barriers to their presence. Foreign domestic workers are considered a necessary evil who are needed to maintain the household and yet can pose a threat to the host family. This moral ambivalence underlies social demands for strict controls over foreign maids. The employer comes to have unrestricted personal power over the foreign domestic helper, including holding her passport and work permit, and determining her wages, work, and living conditions. But while such privatized power gives the employer wide latitude in dictating the hours of work, there is a difference between a slave driver and a slave owner who feels no compunction in repeatedly abusing the foreign domestic worker.

Incidents of torture and murder of maids escalated in the aftermath of the Asian financial crisis. In Singapore, the authorities do not deal with the problem of maid abuse through legal protection, but on a case-by-case basis. The government recently introduced a half-day orientation for new employers of foreign maids, with the hope that employers can be socialized to treat their foreign maids with respect. Such mechanisms do very little to prevent violence against maids, which continues despite severe punishments for criminal acts of employers. Perhaps recognizing the limits of such legal action, an official made the following plea. "It is vital that employers respect their domestic maids and look after them properly, as invaluable helpers in our households, and not as slaves or chattel."⁴⁰ We are thus faced with a situation where the difference between exploitative working conditions and abuse of the foreign worker, between being a slave driver and being a slave owner, suggests a profound moral denigration of the domestic worker as a *female migrant*.

The biopolitical otherness of foreign maids is mapped onto ethno-racial politics surrounding the production of life, and by the disjunctive terrain of ethics through which foreign domestic workers circulate. Among the employing population, there is profound ambivalence about the fact that foreign maids play a crucial role in the material and social reproduction of middle-class families and yet belong to an external ethno-racial servant class. Tensions between a perception of foreign maids as racially and socially contaminating and their involvement in the intimate economies of family care engender complex mechanisms of internal exclusions. There are three contributing factors to an explosive situation whereby an ordinary household employment of foreign female labor can escalate into a situation of neo-slavery.

First, among ethnic Chinese populations, there is a historical practice of servitude that constructs the unattached, mobile woman as an unprotected category.

Many in Southeast Asia are familiar with the old practice of *mui-jai* (in Cantonese), or the bonded maidservant who faithfully served a single family throughout her life. In the early twentieth century, *mui-jai* were young, unattached girls who could be bought and sold as a form of dowry or for concubinage, prostitution, or slavery. The *mui-jai* was therefore an essential outsider, marked by her kinless state, and thus assigned a slave status. A more negative term was "*yong-yai*," an individual who exists for the personal use of the owner. The *mui-jai* could only overcome her social condition by becoming attached through kinship to the employer's family. "A woman was nothing unless she could be validated through kinship relations with a man."⁴¹ The enslavement of poor, unattached young women was a pervasive practice throughout British colonies in Southeast Asia. In 1921, the new professional class in Hong Kong led the fight against the *mui-jai*, in the name of modern progress and support for female liberation.

It is therefore ironic that some of the attitude toward *mui-jai*, or bonded maidservants, seems to have survived among the new middle-classes in Hong Kong, Singapore, and Malaysia. There is the perception that as unattached female migrants, domestic workers are moral outsiders, despite the performance of reproductive work and incorporation into the household. Her externality to kinship is what marks her as having a slavish status, making her highly vulnerable to physical abuse. Furthermore, unlike earlier generations of *mui-jai*, who were by and large ethnic Chinese, like their employers, contemporary domestics are ethnic others,

and therefore impossible to transform into kin. The moral unattachability of foreign domestic helpers makes permanent their exclusion from kinship considerations and obligations that in former days would have been extended to outside women brought in to work as servants. The Filipino or Indonesian maid is an unalterable alien to the moral economy of the Chinese family.

Second, from the perspective of the employer, the short-term employment of the foreign maid creates a sense of being "cheated" by the maid leaving after she has been trained to cook Chinese food and perform other chores that are specific to Chinese domestic life. Thus, in many complaints voiced by mistresses, and in many of the abuse cases, there is mention of the foreign domestic help as a drain on the family resources, requiring the family to incur a loss from employing her. There is an urgency that given the economic investment in her upkeep, the mistress should try to extract the maximum service from the helper during her short employment contract. According to Christine Chin, female employers in Kuala Lumpur frequently refer to their foreign maids as "garbage" or "slave." One employer summed up her distrust of foreign domestic helpers in the phrase, "love to hate them, hate to love them."³⁷ Despite the foreign maid's contribution to household maintenance, she is also perceived as an outsider who can waste family resources such as food, utilities, and money, and even betray affection from the host family.³⁸ With the relationship to the foreign maid reduced to one of necessary evil, there is often little room for affection or for developing a sense of moral obligation, so that in extreme cases, such employer resentments can be expressed in kicks, beatings, and burning on the maid's body.

Third, the mistress sometimes views the foreign maid's presence in the household as a double-edge sword. The maid's material and emotional labor are props to the well-being of the host family, but the presence of an exotic young woman in the household stirs worry and jealousy about her sexual allure. The many cases of seduction or rape by male employers contribute to a widespread hostility to the maid's sexuality, a negative view of her as neither kin nor friend but a potential marriage wrecker.³⁹ In Malaysia, middle-class women share stories about the "sexploits" of their maids, as well as their potential threat to the family as carriers of sexual diseases.⁴⁰ Such extreme mistrust disrupts the chances that employers will develop a sense of moral obligation to and protection of the foreign maid. Female employers are more likely than male to view the maid

as a potential economic and sexual threat, and they are also more likely to be the oppressors of foreign domestic workers.

In Malaysia, even the moral economies of Malay-Muslims and their Indonesian maids, while they have commonalities in Islam, race (*bangsa*), and similar *kampung* (village)-derived cultures, do not always guarantee good treatment for the latter. Domestic workers from Indonesia are viewed as "social pariahs" undeserving of public sympathy. They are commonly perceived to be perpetrators of moral and sexual crimes who should be locked up in "depots" and deported.⁴⁰ The limits of Malay moral economy indicate that national and class divisions break down the extension of ethnic-based moral obligations to poorer coethnics from overseas. There is thus a convergence of language and national bias, with the nationality of the foreign worker recast as a racial otherness, making it less likely that a sense of kinship obligation and mutuality can be extended to foreign domestic workers. In short, the ethical exclusions of foreign maids contribute to the widespread view of their moral inferiority, a kind of suspension of moral obligations that permits their treatment as subhumans, or bare life.

Indeed, the detachment of poor migrant women from moral economy is most concretely inscribed by the technologies of sterility. During the two-year contract, the foreign maid is not permitted to have sex, or to marry a local citizen. To ensure that she will have no biological recourse to citizenship, the foreign domestic helper is tested every six months to check for HIV and pregnancy. Pregnancy results in the termination of the employment contract and expulsion from the country. Meanwhile, there is no regular health coverage for foreign maids, and their health costs are to be borne by their employers, something that is not guaranteed. There is thus a total suspension of the female worker's biological rights during her overseas employment. She cannot express corporeal desires and activities. She is hired to perform reproductive services for the host family, but is excluded from reproductive activities in her own family. This denial of her reproductive role vis-à-vis her own family has led to the transnational relay of family care. Filipino maids working overseas hire poorer women in their home villages to care for their own children.⁴⁷ In short, within this realm of biopolitical otherness and disjunctive moral economies, migrant women's legal, moral, and biological statuses are highly contingent, making them vulnerable to the harsh working conditions, rapes, beatings, and disfigurements one associates with neo-slavery.

Remapping the Ethical Terrain

A Milieu of Ethical Reflection

Modern situations of inhumanity become the milieus within which ethical reflection on modern humanity arises. In Asian locations, some critics, following Habermas, have pointed to the "democratic deficit" in public life.⁴⁸ For instance, a study of the mistreatment of foreign domestics in Singapore identifies the lack of a lively civil society scene.⁴⁹ But while that may well be the case, the model of the public realm is an abstracted space that does not take into account the diverse elements and contending visions, of which democracy is only one element, that shape the political and spiritual visions of the good life. Furthermore, the radical democracy model seems to predetermine only one outcome—full democratic citizenship. But when we investigate the actual unfolding situation for resolving the migrant worker problem, specific milieus of humanitarian crisis shaped by various elements—politics, markets, and ethical systems—also crystallize conditions of possibility for the ethical problematization of and search for ways to give value to the politically excluded.

Communitarian theorists have pointed to the centrality of cultural norms and practices in any conception of the public sphere. But in any one milieu, debates must take into account situated political and ethical reasoning about the public good, especially the kind of thinking about sheer life.⁵⁰ Below, I will consider the role of NGOs as they enter into the fray of middle-class entitlements, disjunctive moral economies, bio-welfare, and market calculations that surrounds the plight of foreign domestic workers, and through which the ethical treatment of aliens crystallizes.

The growth of the foreign maid trade coincided with the rise of the discourse of "Asian values." As I have discussed elsewhere, this discourse arose in the context of the "Asian tiger boom," fundamentally as an ideological claim that capitalism in Southeast Asia was a kinder and gentler system in which collective interests were not displaced by unfettered individual interests.⁵¹ Thus tied to nationalist development, the narrative of Asian values became part of the governing process designed to draw moral support for development despite social dislocations. The talk of a "caring society" in Malaysia and Singapore, which claims that wealth accumulation need not be incompatible with kindness, operates as a kind of regulatory discourse that lines citizens up behind development projects. The treatment of migrant workers who are crucial to national

development has never been addressed by Asian values discourse, nor has the plight of migrant domestic women who have become indispensable to middle-class life. Nevertheless, the gap between the "caring society" and the treatment of foreign maids cannot be entirely attributed to state developmentalist ideology. Ethnic-based moral economies reinforce the common view of foreign maids as people from coolie nations who are morally unattachable to the host society. In order to intervene in this constellation of values regimes, feminists must articulate an alternative geography of moral accountability.

NGOS: Mapping a Bio-Geography

A common view about migrant workers is that the host country should award them citizenship, in recognition of the contribution of their labor to the national economy.⁵² But in Southeast Asia, NGOs that intervene in the crisis of foreign maids do not demand citizenship on their behalf. In fact, the majority of foreign migrant workers do not wish to have citizenship in the host country; they wish to have moral legitimacy and market access. At the same time, competition for foreign jobs among labor-sending countries precludes insistence on the human rights of their own migrant workers. Thus, while NGOs may formally invoke United Nations conventions to claim rights for migrant women and their families,⁵³ their interventions respond directly to the specific conditions in the space configured by labor markets, biopolitics, and divergent moral economies.

It is useful to think of NGOs as a form of social technology, i.e., like other kinds of governing entities, that defines "objects, rules of action, strategic games of liberties."⁵⁴ NGOs give moral value to bare life by defining their clients' biological existence in relation to political space. NGOs thus gain power over the politically excluded, and exercise the power to regulate, frame, and represent their interests to various parties. For instance, in Singapore, some church-based NGOs "govern" foreign maids by helping them submit to their lot through religious disciplining and forbearance. "What we do is help them [the maids] cope using the Bible. . . . We don't encourage complaining, because that's not Biblical. So you either learn to forbear, or seek alternative solutions."⁵⁵ State-controlled NGOs thus create a religious space for inducing self-discipline among foreign maids.

But NGOs in Malaysia operate in a different direction, by mapping a different geography of claims for female migrants that cross-cuts the

space of the nation-state. This space is scaled at the level of regional migrant flows, and is intended to bridge over disjunctive nations and moral economies that devalue the moral status of female migrants and tolerate conditions of neo-slavery. These NGOs discover that a space of migrant claims to sheer survival can benefit from aligning the claims with neoliberal interest in cheap labor.

Bio-Welfare

The respatialization of migrant claims at a regional level is suggested by the commonality of dangers encountered by migrant women in many national, racial, and moral economic contexts. NGOs throughout Asia have collected data on the array of abuses that female workers suffer in the course of their migration and work in host societies. Migrant women are highly vulnerable to being trafficked, raped, deprived of their earnings, and getting infected with the HIV virus. The labor conditions are defined by the three-D jobs (dirty, demanding, and dangerous) and the three-D stigmas (disease, depravity, and drugs). NGOs remind the public that a majority of migrant workers are females who provide "the cheapest, flexible, and most docile labor . . . for dirty, demanding, and dangerous jobs which locals shun."⁵⁸ The extensive documentation of abuses inflicted on female migrant workers at the regional level exposes the hypocrisy of official discourses such as that of "the caring society" (in Malaysia) and the "educated society" (in Singapore). Such self-representations do not come with legal and moral protections for foreign female workers whose circulations make possible the realization of neoliberal standards of living.

Using "the media as their ally," feminists broaden the ethical debates on the treatment of foreign domestic workers, also challenging the Malaysian state to increase the protection of migrant women.⁵⁹ Reports on the abuse, maltreatment, torture, and even death of migrant women have provided ammunition in negotiations with local authorities to consider making medical coverage part of the work contract for female migrants. One outcome has been stricter controls over agencies that recruit and transport migrant workers. But there is unanimous support for the government's position that foreign maids should not be given opportunities for citizenship.

Therefore, a major strategy of NGOs is to change public perception about the moral obligation to support and protect the lives of migrant women who have contributed to the realization of their middle-class

dreams. Press reports of maid abuse have increased public awareness of the problem, bringing shame and horror to Malaysians who are accustomed to viewing themselves as a warm and hospitable people. The director of a women's shelter in Malaysia said that people need to realize that "poorer people who are working for you also have rights. This is not slavery."⁶⁰ The focus is on the mobile female body and its vulnerability to enslavement. What kind of representation can be made that will shift the perception of the migrant female body from a site of a biopolitical otherness to a site of biological claim?

Talking about undocumented workers with AIDS in France, Didier Fassin maintains that "the *suffering body* proposed in the name of common humanity is opposed to the illegitimacy of the *racialized body*, promulgated in the name of insurmountable difference." The discourse of the suffering body, he argues, has created "bio-legitimacy" as a new legal claim whereby health and illness become legitimate grounds for awarding citizenship to the asylum seeker.⁶¹ In Southeast Asia, NGO discourses of the "enslaved or at-risk body" of foreign maids is not proposed in the name of common humanity in order for maids to gain legal status as citizens. Indeed, Southeast Asian countries and their populations are very firm in their political beliefs that it is legitimate for the state to discriminate in favor of its own citizens against aliens. Thus, NGOs are not invoking human rights as a legal status, but are appealing to basic cultural values about the moral worthiness of women's bodies. The focus is on *bio-welfare*, an ethical claim that skirts the issue of political rights by focusing on the sheer survival of foreign female workers. Only by invoking cultural understanding and compassion, not abstract rights discourse, can the moral legitimacy of alien women's bio-security be persuasive to the host society.

The bio-welfare of foreign domestic workers, as women at risk, is an even more fundamental claim on Asian ethics. The bodily integrity of women, the female body confronted with potential violence, is something that can elicit greater moral importance from Asian society, more than the demand for gender or migrant rights. In the course of their work, migrant women suffer from violence and exposure to life-threatening diseases and have little or no access to health services. The foreign maid, who is not a machine, also requires rest, and a limit to overtime labor. Feminists ask, If Singapore is such a civilized society, why are maids treated as "emotionless and slavish working machines," not as human beings?⁶² In the absence of enforceable laws for maids to have rest days, feminist NGOs are now insisting on the moral obligations of employers to let their domestic

helpers have days off for "rest and relaxation," or to attend to religious practices. The language avoids demanding "worker rights," stressing instead the moral and health benefits of time off, since the foreign worker should not be treated like a slavlike thing. After all, migrant women and foreign maids are frequently also mothers and nurses, life givers and life nurturers who are cherished in Asian traditions.

By focusing on the *at-risk* female body, NGOs compel the Asian middle classes to acknowledge the vulnerable female body and their own responsibility as host society to secure the bio-welfare of their foreign workers. Islam, Hinduism, Buddhism, and Christianity all stress special protection of the weak and vulnerable, especially women and children. These religions also support moral traditions of hospitality to foreign visitors in a region long shaped by international trade and migration flows. Advocates of migrant workers thus stimulate a coherent reflection on ethics into which the public is drawn. In other words, how to reconsider the situation of the domestic worker, whose very biopolitical availability denies her bodily security and human dignity, but instead reduces her to a slavlike status? 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 enslaved, threatened bodies are a rebuke to the modernity of Southeast Asian societies, suggesting a backward slide to dependency on slaves in the feudal past.

In contrast, the healthy and secure body of the foreign maid can only redound favorably in sustaining the higher standard of living enjoyed by well-heeled Asians. Such ethical reflection will correct the new, ugly face of Asian affluence, and perhaps stimulate a recovery of a sense of Asian hospitality that combines the value of the life of the female migrant with 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. The calls for a restoration of the heart to the Asian treatment of migrant others induce them to rethink the questions of the daily activities that support families and the nation as both a political and ethical problem. In particular, can the middle-class employer break from his or her sense of entitlement and complacency, reenvisioning his or her relationship with the foreign maid as a kind of moral economy, i.e., an ethical relationship, one that minimally secures the biological health of the migrant woman? In the absence of legal rights protecting the foreign helper, can her bio-welfare be guaranteed through the moral economy of the family?

Bio-welfare refers to the rights to life and bodily integrity, which have been called "the first genre of human rights," the fundamental elements of individual rights.⁶¹ But the moral demands for bio-welfare by Asian NGOs are not antecedent to claims for full-fledged legal rights for migrants to become legal citizen subjects. The question remains whether this kind of strictly moral claims for migrant workers can be reinforced through market reasoning.

Market Rights

NGOs are not just content with promoting the bio-welfare of female migrants; they want foreign domestic workers to be truly free economic agents as well. As discussed above, NGOs have subcontracted the role of making available contracted labor migrants for overseas markets. Now, in order to be effective protectors of abused migrant workers, other NGOs ramp up the claims of migrant workers to job freedom in overseas labor markets. Although the foreign domestic helper is not as glamorous as the globe-trotting corporate warrior of neoliberalism, she is also a risk-taking subject, someone who crosses mountains and oceans to reach a labor situation where her chances of biological and economic well-being are highly uncertain. So NGOs are linking the demand for a healthy migrant body to a kind of neoliberal calculation, claiming that as foreign workers, maids should enjoy the freedom of residence, employment, and family life, i.e., the conditions of social reproduction that are enjoyed by foreign professionals in Asia. Foreign domestic workers should have the right to reside in the host city, to bring their families, and to change jobs or find other lines of work. This right of market access and freedom to operate across the region is very different from demands for citizenship.

In surveys conducted by local NGOs, the vast majority of female migrant workers are not interested in becoming citizens in Hong Kong, Singapore, and Kuala Lumpur. Perhaps at the most, 10 percent want to settle down in the host country, and most of these are migrant women who have married local people.⁶² What migrant workers want is legal residence, as well as unrestricted movement back and forth to the home country. For Filipino workers, the demand for residency rights and easy mobility also ensures that the Philippines can continue to be a labor-exporting country. Indonesian domestic helpers also feel that migrant rights of residence abroad will enable them to contribute to the development of their country. The Asian Migrant Center, a Hong Kong-based umbrella of

migrant-oriented NGOs, is currently fighting for the right of foreign domestic workers to be temporary residents in the city of employment and to work and move between Asian cities without the limits imposed by the contract system.

The ethics of healthy and unharmed migrant bodies becomes the grounds for their claim to be freely competitive in the regional labor markets. Furthermore, the health and security of the female migrant is unavoidably entangled with the well-being of her family left back home. Claims for the integrity of the migrant body, and freedom of choice in the regional marketplace, will make migrant workers (and their families) less vulnerable. At the same time, this alignment of gendered biological security and neoliberal logic also highlights the economic benefits to the host society. Health security and market flexibility will ensure that the foreign servant class continues to be available to affluent Asians, but preferably under better material, moral, and economic terms. The demand for migrant biological welfare is thus embedded in economic interdependency between the sending and the receiving countries.⁶³

Such NGO reasoning thus creates an ethics of exception for foreign maids, making a good moral economic argument for why, despite their status as aliens, they deserve biological justice. By inscribing a bio-cartography of migrant workers, NGOs reterritorialize their moral claims on a regional scale. Unfortunately, given the contingencies of the forces at play, NGO governance can only safeguard the biological security of migrant women by foregrounding their capacity to serve the insatiable demands of the neoliberal sector. For the moment, such moral bargains provisionally maintain migrant wages below those of the citizens of the employing countries.

* * *

We need to maintain skepticism toward claims that NGOs are building the institutional skeleton of a "global public sphere." We have seen that NGO activities are situated within particular constellations of power and ethics; their interventions can actually generate new moral hierarchies. In action, NGOs have not so much converted the globally excluded into humanity with legal rights as they have redefined and reordered different categories of the human in connection with various moral systems, markets, and the state. This is the case because specific NGO problems are crystallized by, and their interventions take shape through, situated constellations of economic, political, and ethical relationships. NGOs thus are not the actors

of a "postnational constellation," in the Habermasian sense of an emerging global civil society,⁶⁴ for three reasons. First, in Southeast Asia, NGOs are demanding moral guarantees of biological welfare, not rights of citizenship for migrant workers as members of a global humanity. Even if they formulate their demands in terms of "migrant rights," there is no juridical institutionalization of migrant rights outside national treaties between sending and receiving countries, and even these are minimal and easily thwarted by the host society. The shocking case of Flor Contemplacion, a Filipino maid executed in Singapore for causing the deaths of the child in her care and of another maid, raised questions of the sending country's capacity to protect the individual rights of its citizens in the host country.⁶⁵ Rather, within the Southeast Asian matrix of economic, moral, and political economies, NGOs invoke values shared by various ethical regimes: the female body deserves moral status and physical protection. Such an ethical reasoning can bypass if not displace the ethno-racialized stigma of foreign domestic workers as alien and illegitimate bodies. The bio-welfare claims construct a moral status that may reduce incidents of brutal attacks and disfigurements of foreign maids. But given the current nexus of nationalisms, migrant labor, and moral economies, it is not clear that claims of bio-welfarism will be an antecedent to formal citizenship in the host society.

Second, the NGOs are not postnational in that they play a variety of roles for the nation-state, and become somewhat party or subject to national agendas and capitalist interests. NGOs in labor-exporting countries are part of the institutional infrastructure that supports the state development strategy of making migrant workers available overseas. At the same time, other NGOs protest the dangerous and violent conditions of migrant employment and movement, seeking a kind of basic security and freedom for migrants as mobile workers. NGOs thus directly or indirectly subcontract for states and work with market interests. Such connections to strategic political and market institutions and enmeshment in normative structures actually make NGOs more effective in pursuing grass-roots causes.

My ethnographic discussion shows that NGOs in operation are not autonomous entities entirely devoted to an abstract notion of universal democracy. Rather, the NGO modality in action is one of complex attachments and detachments—embeddedness in cultural affiliations but solidarity with the plight of migrant workers; links to the nation and capitalism but contingent ties to notions of common humanity; use of situated

ethical beliefs but rare mention of human rights; and investment in regional attitudes toward migrant women as a priority over abstract ideals of global humanity. As actors intervening in particular milieus, NGOs are vulnerable to regulation and manipulation by the state, the media, and public opinion, even as they struggle to build an ethical solidarity between foreign domestics and their affluent employers. For the millions of intrepid young women traveling afar in order to support their own families back home, the geography of labor circulations becomes the unstable ground of their claim for biological security.

This formulation of situated attachment and detachment is a different modality than the concept of "detachment" proposed by the "new cosmopolitanists" as distance from particularistic ties and disinterested affiliations based on universalism.⁶⁶ The point is not that there are no "new cosmopolitanisms," but rather that NGO missions must be translated and negotiated within particular alignments of institutional power, and the ethical outcomes are not solely predetermined by human rights. In order to be effective at all, NGOs must work with and thus become subjected to the conjunctural force of overlapping political, moral, and economic systems. Furthermore, most NGOs in the south receive funding from transnational NGOs based in the Netherlands, Denmark, Sweden, the United Kingdom and Canada, and are thus also subjected to the governance of a universalizing human rights regime that often pushes human rights agendas without dealing with the practical problems of millions of impoverished peoples living on the edge. NGOs are caught betwixt and between transnational and situated regimes of living, trying to safeguard lives as well as living conditions. NGOs try to negotiate in the interstitial space among diverse ethics regimes.

Third, the concept of constellated ethical systems challenges Agamben's pessimism that bare life exists in a zone of exception bereft of any possibility of moral intervention.⁶⁷ NGOs' interventions on behalf of noncitizens and the politically excluded operate in a realm of diverse traditions that can be tapped for ethical principles that cherish and protect life. Humanitarian work relies on the interplay of rhetorical claims and counterclaims, constantly translating values across a range of exceptions, always making special cases for bringing in one more baby, one more tortured victim, from the ambiguous edge of humanity. The temporal dimension of NGO labor is one of continually undoing the binarism institutionalized in citizenship, or the conceptual separation between rights and ethics. When we recognize the fruitful interplay of diverse forms of virtue,

we know that there is no permanent zone of indistinction, only endless ethical challenges to established dichotomies of human and nonhuman, or of good and evil.⁶⁸

NOTES

This chapter is reprinted from A. Ong, *Neoliberalism as Exception* (Durham, NC: Duke University Press, 2006).

1. These are abstracted accounts drawn from reports in *The Straits Times* (Singapore), *The New Straits Times* (Kuala Lumpur), and *The Wall Street Journal* (Washington, DC).
2. Jason Szep, "In Wealthy Singapore, Maids Push for Protection," March 19, 2004, available at <http://in.news.yahoo.com/040319/137/2c31c.html> (last accessed May 1, 2007).
3. At the turn of the century, there were an estimated ten million Asian migrant workers, half of whom were female. Asian Migrant Center, *Baseline Research on Racial and Gender Discrimination towards Filipino, Indonesian, and Thai Domestic Helpers in Hong Kong* (Hong Kong: Asian Migrant Center, 2001), 14.
4. Szep, "In Wealthy Singapore," supra note 2.
5. "Malaysia Maid Abuse Shocks PM," May 21, 2004, available at <http://news.bbc.co.uk/2/hi/asia-pacific/3734695.stm> (last accessed May 1, 2007).
6. Hazlin Hassan, "Maids as Slaves: Asia's Hidden Shame," *The Manila Times*, June 3, 2004.
7. Jonathan Kent, "Malaysia Angry at Maid Abuse," *BBC News*, May 21, 2004.
8. Hassan, supra note 6; Philip Bowring, "Abuse Shed Light on Vulnerable Millions," *International Herald Tribune*, May 25, 2004.
9. Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ: Princeton University Press, 2002).
10. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998).
11. Etienne Balibar, "Outlines of a Topography of Cruelty: Citizenship and Civility in the Era of Global Violence," *Constellations* 8 (2001); Catherine Dauvergne, "Making People Illegal!" in *Critical Beings: Law, Nation, and the Global Subject*, eds. Peter Fitzpatrick and Patricia Tuitt (London: Ashgate Press, 2003), 83.
12. Agamben, *Homo Sacer*, supra note 10, 170-71.
13. *Ibid.*, 179-80.
14. Michael Ignatieff, "Human Rights," in *Human Rights in Political Transitions: Gettysburg to Bosnia*, eds. Carla Hesse and Robert Post (New York: Zone Books, 1999), 318-20.
15. See Stephen Castles and Alastair Davidson, *Citizenship and Migration* (New York: Routledge, 2000), ch. 8.

16. See, e.g., David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford, CA: Stanford University Press, 1995).
17. For the trail-blazing study of moral economy in Southeast Asia, see James C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven, CT: Yale University Press, 1976).
18. For specific case studies, see Aihwa Ong, *Spirits of Resistance and Capitalist Discipline: Factory Women in Malaysia* (Albany: State University of New York Press, 1987); and Mary Beth Mills, *Thai Women in the Global Labor Force: Consuming Desires, Contested Selves* (New Brunswick, NJ: Rutgers University Press, 1999).
19. "Invest in the Philippines: Home of the Great Filipino Worker," advertisement in *The Far Eastern Economic Review*, June 13, 2002, 11.
20. Anna Guevarra, "Manufacturing the Ideal Work Force: The Transnational Labor Brokering of Nurses and Domestic Workers from the Philippines" (Ph.D. diss. in Social and Behavioral Sciences, University of California, San Francisco, 2003).
21. *Ibid.*, 164.
22. Daromir Rudnyckj, "Technologies of Servitude: Governmentality and Indonesian Transnational Labor Migration," *Anthropology Quarterly* 77 (Summer 2004): 407–34.
23. Guevarra, "Manufacturing the Ideal Work Force," supra note 20, 8.
24. Rudnyckj, "Technologies of Servitude," supra note 22, 407.
25. The term "a biopolitical backwardness" is borrowed from Didier Fassin, "The Biopolitics of Otherness," *Anthropology Today* 17 (February 2001): 4.
26. Christine Chin has argued that in Malaysia, the demand for cheap foreign workers is so high that it is a kind of "social contract" between the state and the middle classes. See Christine B. N. Chin, *In Service and Servitude: Foreign Domestic Workers in Malaysia and the Malaysian "Modernity Project"* (New York: Columbia University Press, 2000).
27. B. S. A. Yeoh and S. Huang, "Spaces at the Margins: Migrant Domestic Workers and the Development of Civil Society in Singapore," *Environment and Planning A* 31 (1999): 1155.
28. Cited in *ibid.*, 1156.
29. This new kind of household slavery shares a startling similarity to the sexual slavery produced by the traffic of women in Asia. See Kathleen Barry, Charlotte Bunch, and Shirley Castley, eds., *International Feminism: Networking against Female Sexual Slavery* (New York: International Women's Tribune Centre, 1984), 22.
30. Nicole Constable, *Maid to Order in Hong Kong* (Ithaca, NY: Cornell University Press, 1997).
31. Louis Althusser, "Ideology and Ideological State Apparatuses," in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 1971), 174–75.
32. Yeoh and Huang, "Spaces at the Margins," supra note 27, 1156.
33. See Chin, *In Service and Servitude*, supra note 26, 109–11.
34. Interview with Tenaganita, June 2002.
35. Although the government does allow legal migrants temporary visa extensions to stay in the country in order to testify against an abuser, they are unable to work. In almost all cases, the worker settles for a sum of money and leaves the country. See Sydney Jones, *Making Money off Migrants: The Indonesian Exodus to Malaysia* (Hong Kong: Asia 2000, 2000).
36. Constable, *Maid to Order*, supra note 30.
37. Claudia Aradau, "Beyond Good and Evil: Ethics and Securitization/Desecuritization Techniques," *Rubikon* (December 2001), available at <http://venus.ci.uw.edu.pl/~rubikon/forum/claudiaz.htm> (last accessed May 1, 2007).
38. Asian Migrant Centre, *Asian Migrant Yearbook 2000* (Hong Kong: Asian Migrant Center, 1999), 72.
39. Seth Mydans, "As Boom Fails, Malaysia Sends Migrants Home," *New York Times*, April 9, 1998.
40. Rebecca Buckman and Trish Saywell, "Domestic Disputes: For Asia's Maids, Years of Abuse Spill into the Open," *Wall Street Journal*, February 19, 2004, A6.
41. Maria Jaschok, *Concubines and Bondservants: The Social History of a Chinese Custom* (London: Zed Books, 1998), 76–77.
42. Chin, *In Service and Servitude*, supra note 26, 144–45.
43. Constable, *Maid to Order*, supra note 30, 148–49.
44. Constable, *Maid to Order*, supra note 30, 71, 106–8.
45. Chin, *In Service and Servitude*, supra note 26, 144–45.
46. Chin, *In Service and Servitude*, supra note 26, 111.
47. For an instructive and poignant view of this transnational relay of family care, see the documentary, "The Chain of Love," directed by Marika Meerman (2003). See also Rhacel Salazar Parrenas, *Servants of Globalization: Women, Migration, and Domestic Work* (Stanford, CA: Stanford University Press, 2001).
48. Jürgen Habermas, "Why Europe Needs a Constitution," *New Left Review* 11 (Sept.–Oct. 2001): 14.
49. Yeoh and Huang, "Spaces at the Margins," supra note 27.
50. See Stephen J. Collier and Andrew Lakoff, "On Regimes of Living" in *Global Assemblages, Technology, Politics, and Ethics as Anthropological Problems*, eds. Aihwa Ong and Stephen J. Collier (Malden, MA: Blackwell, 2005).
51. See Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham, NC: Duke University Press, 1999), chap. 7.

52. Saskia Sassen, *Globalization and Its Discontents* (New York: New Press, 1998); and Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000).

53. Since the 1990s, the United Nations has introduced an international convention on the rights of migrant workers and their families, but it remains unratified by the majority of countries.

54. Michel Foucault, *Power: Essential Works of Foucault, 1954-1984*, vol. 3, ed. James D. Faubion, ser. ed. Paul Rainbow (New York: New Press, 2000), 319.

55. Yeoh and Huang, "Spaces at the Margins," supra note 37, 1170.

56. Tenaganita, *Implications of the Economic Crisis on Migrant Workers* (Kuala Lumpur: Tenaganita, 1998), 8.

57. Seth Mydans, "Malaysians Are Stunned by Reports Detailing Abuse of Servants," *New York Times*, February 20, 2000.

58. Cited in *ibid.*

59. Fassin, "The Biopolitics of Otherness," supra note 25, 4.

60. Lee Ching Wern, "Not Slaves: Maids Speak Out against Unfair System," *Aware*, March 10, 2003, available at <http://www.aware.org.sg/twc2/news2003Mar10Today.html> (site no longer accessible).

61. James C. Hsiung, "Human Rights and International Relations: Morality, Law, and Politics," in *Human Rights of Migrant Workers: Agenda for NGOs*, ed. Graziano Battistella (Quezon City: Scalabrini Migration Center, 1993), 185.

62. Interview with Tenaganita, July 18, 2002.

63. This point is also made in Hsiung, "Human Rights and International Relations," supra note 62, 186.

64. Jürgens Habermas, *Postnational Constellations* (Cambridge, MA: MIT Press, 2001).

65. For a discussion of this case, see Ninotchka Rosca, "Mrs. Contemplacion's Sisters: The Philippines' Shameful Export," *The Nation*, April 17, 1995.

66. Amanda Anderson, "Cosmopolitanism, Universalism, and the Divided Legacies of Modernity," in *Cosmopolitics: Thinking and Feeling beyond the Nation*, eds. Pheng Cheah and Bruce Robbins (Minneapolis: University of Minnesota Press, 1998), 267.

67. Agamben, *Homo Sacer*, supra note 10, 170-71.

68. Aradau, "Beyond Good and Evil," supra note 37.

III



Citizenship of the Family, Citizenship in the Family *Women, Children, and the Nation-State*