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# Indonesian domestic workers: an analysis of the legitimation process

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## INTRODUCTION

This paper is about Indonesian domestic workers in Saudi Arabia. Domestic workers in Saudi Arabia find themselves in a very vulnerable position. Abuses of these women occur regularly. Newspaper headings in the Jakarta post about this particular subject occur. The following headings about Indonesian domestic workers in Saudi Arabia occur: *Maid's beheading in Saudi Arabia halts Indonesian domestic worker scheme* and *'Flirtatious' migrant workers to blame for abuse: Govt taks force*. The first heading is about an Indonesian domestic worker who was sentenced to death because she killed her boss out of despair. He would not allow her leave Saudi Arabia. The second heading is about the legal difficulties Indonesian domestic workers face. It was even stated by an Indonesian government official that these women get mistreated because of their own behaviour what triggers the abuse. Apart from these stories that get attention in the Indonesian media, there are stories of Indonesian domestic workers which endured a lot of deprivations. One of these stories is the case of Nour Miyati. Her story contains a lot of problems that domestic workers can face in Saudi Arabia. This is why I would like to use her story to illustrate the vulnerable position these women are in. Her story is cited below:

*"The wife of the employer beat me, she did not work. Every day she beat me. She beat my head, so I would cover it with my hands. She hit my foot with her sharp high heels. Every day she did this until my foot was injured. When I told the husband about his wife's behaviour, he also beat me. After she beat my hands and they became swollen, (they made me) wash my hands with... one whole cup of bleach. I felt very hurt and had a lot of pain. I never got enough food. After one year, they still had not paid my salary.*

*I never got a chance to rest, I woke up at 4 a.m., made breakfast for the children, I worked all day without rest. I went to sleep at 3 a.m.. So many times I did not get the chance to sleep at night, I worked around the clock.*

*My employer had my passport. He is a policeman. I never got the chance to leave the house. They locked me in from the outside. When I had stayed there for one year, I got a chance to escape, it was Thursday and I ran out. My condition was bad, my left eye couldn't*

*see, I was swollen all over. I got a taxi that took me to a police officer... My employer came to the station and took me back. I refused, I said, "My employer is a bad person." My employer said, "You haven't finished your contract yet, it should be two years."*

*When I reached the house, they beat me again. They beat my mouth and one tooth fell out. After that they locked all the doors, only the bathroom door was unlocked. I was never allowed to go out, not even to throw out the garbage. They didn't let me use the telephone. The situation got really bad. The husband and wife beat me every day, they never gave me medicine.*

*It got worse after I tried to run away... In the last month I slept in the bathroom... They put tape on my mouth so I couldn't say anything because my employers didn't want the neighbours to know about me.*

*I didn't escape, I asked (my employers) to take me to the hospital because of my condition. First I had to promise not to tell about their behaviour to me. They forced me to stay silent.'*

*(A doctor identified the abuse and notified the authorities. Nour Miyati then underwent intensive medical treatment over several months, including amputation of her fingers due to gangrene.*

*The criminal proceedings of her case have stretched over three years, while Nour Miyati has waited in the overcrowded Indonesian embassy shelter for its resolution. A Riyadh court initially convicted Nour Miyati of making false allegations, sentencing her to 79 lashes, but later overturned this decision. The court dropped charges against her male employer. It sentenced the female employer to 35 lashes for committing abuse, but on May 19, 2008, a judge also dropped the charges against the female employer. That judge still awarded Nour Miyati with 2,500 riyals (\$668) in compensation, a small amount typically awarded for the types of injuries sustained. The Indonesian embassy plans to appeal the latest judgment)' (Human rights Watch, 2008, pp 35-36).*

This story indicates some trouble that Indonesian domestic workers can face when migrating to Saudi Arabia. Although we do not know what the exact numbers of the mistreatment of these domestic workers are, it is stated that these practices do occur regularly (Human Right Watch, 2008). This example illustrates that the mistreatment of these domestic workers can be manifold. First, there is the physical abuse. A second problem that is also faced by lots of domestic workers in Saudi Arabia, is the overload of work. Next to that, also the unfreedom that Nour Miyati experienced is a complaint that is often heard. Exploitation of these women economically, by not paying the entire salary that the domestic worker earned, is also a phenomena that often occurs. The indication that the story of Nour Miyati gives about the police officers, and especially the legal system in Saudi Arabia are common constraints for the Indonesian domestic workers that practice their profession within Saudi Arabia.

This paper thus will be about Indonesian domestic workers in Saudi Arabia. Since I will discuss domestic workers it is good to have this concept clear. I will use the definition of domestic workers that Vlieger (2011) provides us with. This definition is the following: *'live-ins who perform tasks in the private household, such as cleaning, cooking, childcare, and care for the elderly, in exchange for food, lodging and money'* (pp.45). In countries of destination these domestic workers are often seen as undesirable aliens. The 'unskilled' work is often performed by women from poor countries. Their nationality, race, gender and economic status make sure that they fall within the bottom stratum of the social hierarchy. Making them vulnerable to discrimination (Vlieger, 2011). The characteristics summed up above all apply to the situation of the Indonesian domestic workers in Saudi Arabia.

Still a lot of Indonesian women migrate to Saudi Arabia to work, to make money to provide for their family. The situation as it is in Saudi Arabia, in which the Indonesian domestic workers are very vulnerable to all kinds of abuse and exploitation, does not tend to change. Neither does the flow of Indonesian female labour migrants who are willing to work in Saudi Arabia. In this paper I will look at how this situation continues to exist. I will do this by looking at the situation in Saudi Arabia as well as the situation in Indonesia. Looking at the prevailing practices and ideas in these societies gives a

broad overview on what is actually going on around the subject of Indonesian domestic workers in Saudi Arabia. The main focus of this paper will be how the Indonesian female labour migration to Saudi Arabia is constructed and maintained, and why the situation, that exists around the Indonesian female labour migration to Saudi Arabia, does not change. Therefore I am going to analyze the legitimation processes that take place around the issue of Indonesian domestic workers in Saudi Arabia. Because I am interested in the fact that this situation does not change, I will analyze the legitimation processes from an actor oriented perspective. This because the actor oriented perspective gives us some insights in how a social actor is able or unable to change the situation in the direction of his/ her preference. I will analyze the legitimation processes that are present in Saudi Arabia to justify the situation that the Indonesian domestic workers are in. These legitimation processes contribute to the ability of particular social to maintain the situation, while at the same time, it also constrains other social actor who would like to change the situation. Legitimation processes can thus contribute to the continuation of a certain situation. How these legitimation processes contribute to the situation of the Indonesian domestic workers in Saudi Arabia is where I will focus on. In Saudi Arabia I will focus on the legitimation of the mistreatment of domestic workers and in Indonesia I will look at how the labour migration of women is legitimized. So which processes justify that women keep migrating to 'dangerous' countries like Saudi Arabia. The legitimation processes in Indonesia as well as the legitimation processes in Saudi Arabia contribute to the current situation.

Earlier work about Indonesian domestic workers in Saudi Arabia is limited. The Human right watch report '*As if I Am Not Human*' together with the book of Vlieger called '*Domestic workers in Saudi Arabia and the Emirates: a socio- legal study on conflict*' are the only literature on this subject that I could find. The Human Right Watch report is a description of the situation while the book of Vlieger is a socio- legal analysis of the vulnerable position that these domestic workers in Saudi Arabia are in. This paper contributes to this earlier work since it combines the situation in Saudi Arabia with what is going on in the country of origin of these domestic workers. In this paper the particular case of Indonesian domestic workers is taken up. Because I will look both at the country of origin and destination I believe that this will give us a deeper understanding of the vulnerable position that these Indonesian domestic workers are in.

The practices and ideas that exist in Indonesia around the existence of female labour migration also contribute to the occurrence of the vulnerable position that these women get into, and should therefore also be taken into account when analyzing their vulnerable position. Next to that I will look from a different perspective to the situation of Indonesian domestic workers in Saudi Arabia. I will analyze the legitimation processes from an actor oriented perspective, to explain why the situation does not change. This is an perspective that can explain the situation in such a way that contributes to earlier work. It gives an explanation to the seemingly unchanging vulnerable position that the female labour migrants from Indonesia, who work in Saudi Arabia as domestic workers, are in.

I will start with explaining my theoretical framework. In this theoretical framework the actor oriented approach and the legitimation process are elaborated on. After that a description of the situation is given. This description of the situation has two parts, the first part is aimed at the situation of the domestic workers in Saudi Arabia, and the second part describes the prevailing practices and ideas present in the Indonesian society concerning female labour migration. When the situation is described I will analyze the legitimation processes from an actor oriented perspective. In my conclusion I will identify the relation between the legitimation processes at stake in Saudi Arabia and the legitimation processes at stake in Indonesia. I will also identify some possible entree points for social change so that exploitation of these Indonesian women can be circumvented.

## THEORETICAL FRAMEWORK

### *ACTOR ORIENTED APPROACH*

#### **Introduction**

For the purpose of my analysis I will make use of the actor- oriented approach. Norman Long can be seen as the founder of this approach. For this reason the sources that I have used to define my theoretical framework are for a large part coming from him. First, this section will explain why I choose this approach, and secondly, with an overview of what this approach theoretically entails. The concepts that are important to understand the theoretical framework of this actor oriented approach will be explained. These concepts are: agency, knowlegability, and capability. Their meaning and implication for examining particular situations will be dealt with. Lastly, I will turn to a particular kind of analysis that has developed within the actor- oriented approach, namely the interface analysis.

#### **Why take the actor oriented approach?**

The actor- oriented approach, that Norman Long provides me with, is developed out of dissatisfaction of, the in that time present, explanations for development and social change. Structural sociologic theories do not adequately explain what causes social change. Modernization theory as well as dependency theory (both structural sociological approaches) do not take into account how a certain external intervention enters the life-world of the actors involved. These actors mediate and transform these external intervention within a certain structure. The different patterns that occur from these mediating and transforming practices is what the actor oriented approach tries to explain (Long, 1992). Long (1984) is convinced that a social actor possesses agency. This because social actors, which can be ordinary people, react in different ways to the same social circumstances. So current social changes should not be seen as disembodied from social action. Social change is namely an outcome of past and current social struggles. This is why Long feels the need to abandon a structural approach while looking at social change and turn to a more 'actor'- focused analysis. The focus turns to the relationship between the worlds of the local actors and the larger scale phenomena, with that, taken the different forms of human action and social consciousness into account, while looking

at social change (Long, 2001). So the bigger structure is not forgotten, the path of individual determinism is not taken (Long, 1992).

The actor- oriented approach provides us with an idea how to combine the external, bigger structures and internal, human agency. With this it combines two epistemological ideas. The interplay between these two explanations for development and social change is what gives this approach its strength. In the case of the Indonesian domestic workers in Saudi Arabia I will not limit myself to structural explanations of their situation. The economic and cultural structures do not give a complete image of the situation. To get this image more complete I will also look at the way that social actors deal with the current state of affairs and affect the situation of the Indonesian domestic workers in Saudi Arabia.

### **Interplay between the structure and the social actor**

The combination of looking at the influence of the broader social structures and the agency of a particular actor, leads to an interplay between these two. This is illustrated in a quotation of Long (2001, pp.24): *'Social structures are both constituted by human agency, and yet at the same time the very medium of this constitution. Every act of production is at the same time an act of reproduction: the structures that render an action possible are, in the performance of an action, reproduced. Even action which disrupts the social order... is mediated by structures which are reconstituted by action, albeit in a modified form'*. So while the agency of social actors is shaped by the structure in which it is embedded, these social structures in turn are constructed, changed and reproduced by the actions of social actors. We can see that the structure wherein social actors are embedded is an ongoing contestation over meanings and values. So we need to *'integrate the small-scale interactional settings with the larger institutional and social structures'* (Long, 1989, pp. 227). This is what Collins (2004) perceives to be the micro-translation of the principal concepts of macro- sociology. Macro- sociologic concepts only become meaningful when they are grounded in everyday social life. This is why we should start building an understanding of society from below. Macro- structures result in part of unintended consequences of social action. These acts then become *'the enabling and constraining conditions for social action itself'* (Giddens, 1987, cited from

Long, 1992, pp. 24), so action is embedded in a social structure (Long, 1992). In this way the actor oriented approach shows us that social change is a dynamical process, in which ordinary people are included in shaping this social change. But included, does not mean that they can make an ideal world for themselves. Marx (1962, according to Long) makes us aware of the fact that the circumstances that a social actor faces, are not of their own choosing. They are only able to make external factors social, so that these external factors are not external factors anymore, but transformed into the social actor itself in the form of its perceptions. The social actor, in turn, search for space to maneuver within the changing external structure. The interactions and strategies that develop from there have influence on the broader structure and thus can change the macro scale.

The dynamic, in this actor oriented approach, is found in the interplay between the larger structure and the social actor that shape society (Long, 1984). The focus of the actor oriented approach on structures as well as on social actors and their interplay provide me to see the situation of the Indonesian domestic workers in Saudi Arabia in a new perspective. The current state of affairs that has come into being because of cultural and economic structures interrelationship with the social actors involved. The interplay between the structures and the actors is continuously at work, making sure that the current state of affairs is reinforced or socially changed. As I will argue in my analysis the situation of the Indonesian domestic workers in Saudi Arabia does not really change but is reinforced. The interplay of the structural level and the level of the social actor sheds some light on how this situation is reinforced and is, therefore, included in my analysis.

### **The social actor and the notion of agency**

To get a more comprehensive view on what this actor oriented approach implies it is important to conceptualize the social actor. Social actors are seen as *'active participants who process information and strategize in their dealings with various local actors as well as with outside institutions and personnel'* (Long, 1992, pp. 21). But the social actor should not be seen as a synonym for an individual, it is a social construction. This social construction is constituted culturally and thus differs from place to place. The kind of control that actors can pursue towards one another differs along these different

cultural explanations of what it is that the concept of an actor entails (Long, 1992). I will come back to this social construction of the actor, to explain this more in depth later.

Having said this, we can turn to the core of the concept of the social actor which lies in the notion of human agency. The definition of agency given by Long, derived from Giddens (1984) is as follows: *'the capacity to process social experience and to devise ways of coping with life, even under the most extreme forms of coercion. Within the limits of information, uncertainty and the other constraints (e.g. physical, normative or politico-economic) that exist, social actors are 'knowledgeable' and 'capable'*" (Long, 1992, pp. 22-23). Social actors are thus perceived to be knowledgeable and capable, this implies that *'they attempt to solve problems, learn how to intervene in the flow of social events around them, and monitor continuously their actions, observing how others react to their behavior and taking note of various contingent circumstances.'* (Giddens, 1984, cited from Long, 1992, pp.23). This agency (and thus knowledgeability and capability) is noticed when we see different patterns of behaviour occur under seemingly homogenous circumstances.

But this emergence of different patterns does not emerge out of the fact that a social actor has the ability to choose. Agency is embodied in social relations, and can only be effective through those social relations. To establish change it is not enough to differ from the current state of affairs because other social actors need to adapt before a structural change can occur. So it could be stated that agency is depended on a network of actors that need to get involved in a 'project' of a social actor (Long, 2001). Effective agency is thus relational. When you have effective agency you are to make others accept a particular new way of doing/ thinking about something. This new 'project' should be translated by other social actors who can then use it for their own purposes. So effective agency, and thus power, is depended on the emergence of a network of actors who become enrolled around a 'project'. So it is important for social actors to win social struggles over social meaning so that their preferred way of looking at things will be commonly accepted. It is about who's reality prevails (Long, 1992). Power, therefore, could be derived from the ability to generate and manipulate networks of social relations. But even the highly subordinate positions have some kind of power. The

dependency that there exists on the subordinate (even though it could be small) makes sure that they can influence the activities of their superiors (Long, 2001).

Effective agency is a useful tool when trying to shed some light of the power of Indonesian domestic workers in Saudi Arabia. When these woman are working in Saudi Arabia they are often excluded from the outside world, do not have anyone to talk to. You can imagine that their effective agency is tremendously low, and thus also their power. The ideas, values, interests or goals that these women have, can thus not count on any acclamation from their direct environment. Their ability to change the current situation can therefore expected to be minimal. All the other social actors involved have their own amount of effective agency which indicates how much they can influence the situation. In order to change the situation of the Indonesian domestic workers in Saudi Arabia a particular amount of effective agency is required. This required effective agency does not seem to be met in this situation, which is an explanation for the fact that the situation does not really change.

### **Different possibilities for action**

Social structures that are able to constrain and enable social action come forward out of the agency that social actors have, to take action. Having agency to act entails the ability to make a choice between different courses of action. For an social actor to make a particular decision to act in a certain way, is dependent on 'discursive means'. Since no single society is built on one single discourse, it is always possible for a social actor to formulate their objectives and actions in a different way. The strategies that a social actor follows does not come out of the blue, they are derived from the available stock of discourses that the actor, to some degree, shares with other actors (Long, 1992). The different behaviour patterns that occur, come into being when social actors interact, negotiate and experience social struggle. The actor oriented approach recognizes the multiple realities and divers social practices of different actors and tries to get grip on these different social worlds. In an developmental perspective, we need to look at how actors manage and interpret new 'projects' in their life- worlds. This will lead to an understanding of how organizing, strategic and interpretative methods of actors shape the new aspect in their life- world. In doing this we do not lose sight on the bigger

structures that influence our behaviour patterns. This bigger structure actually allows the social actor to maneuver between different kinds of action. Social actors can make use of this room for maneuver by taking from every particular discourse what suits them best, which can lead to seemingly contradicting strategies.

This brings us back to the social construction of the actor. According to Long (1992), rationality is not *'a property of the individual, but is drawn from the stock of available discourses that form part of the cultural milieu of social practices. Referring again to the construction of agency it follows that conceptions of rationality, power and knowledge are also culturally variable, and cannot be separated from the social practices of actors.'* (Long, 2001, pp. 15). So to say the actor is limited by the culturally available discursive actions that they are enabled to, and thus is the actor social constructed. Because the social actor is a social construct, it is constructed differently by various cultures. Because of the different social constructions of the social actor, the different social actors create different coping strategies within the seemingly homogenous circumstances. So social actors can have different possibilities for action because 1) the different cultural understandings of the concept of the social actor, and 2) the different discourses available for rectifying certain actions of the social actor. It is the second possibility of how social actors can reach for different scoops of action that I will focus on. The social actors involved in the case of Indonesian domestic workers in Saudi Arabia also have these different *'discursive means'* on which they can base their actions. These social actors thus actively contribute to the situation of the Indonesian domestic workers in Saudi Arabia. They are thus important to take into account when analyzing the situation.

### **The interface**

Looking from this actor oriented perspective we see the interface as possible entree point for social change. Long defines a social interface as: *'a critical point of intersection or linkage between different social systems, fields or levels of social order where structural discontinuities, based upon differences of normative value and social interest, are most likely to be found'* (Long, 1989, pp.2). In these interactions, the involved social actors can change their goals, perceptions, interests and relationships. Studying

the interface implies looking at social actors with conflicting or diverging interests and values. By studying the interface we are able to see how the goals, perceptions, values, interests, and relationships of the actor, are reinforced or reshaped by the process (Long, 1992). So, an interface can shape social change. In which direction social change is stirred is dependent on the interface. Within the interface the social actors can come closer to each other or get in conflict. When polarization of both social actors take place (they get in conflict), this contributes to the reinforcement of the legitimation of each actors' knowledge or view on reality (Long, 1992).

An interface can also become interlocked, so that the current state of affairs becomes enforced. When an interface is interlocked, this means that by continued interaction the boundaries and shared expectations of the social actor are that well-articulated that the interface in itself becomes organized (Long, 1989). When I say that the interface is interlocked; it are the values interests and practices that are interlocked which result in an interaction between these social actors that stays the same.

Situations in which social actors with conflicting values and interest meet are definitely found in the case of Indonesian domestic workers in Saudi Arabia. You could, of course, think of the interactions between domestic workers and their bosses, but also the Saudi Arabian police and judges, the Saudi Arabic state, the Indonesian state, and recruitment agencies both Indonesian as Saudi Arabic are social actors that have different values and interest. It are the interactions between these social actors that are of importance when looking at social change. Do these actors get in conflict with one another or are they coming closer together? Or is their interaction interlocked? These questions are important when analyzing the situation of Indonesian domestic workers in Saudi Arabia. Since we can see that the current situation that these domestic workers are in does not really change, we can conclude that at the interface the actors do not come closer together. These interfaces are, in part, stuck because of the legitimation processes that take place at various levels. These legitimation processes, which are enforced by conflicts at the interface, enforce the current view and behaviour of the social actor itself.

As is told above, the legitimation process enforces the current view and behaviour of the social actors involved with the situation of the Indonesian domestic workers in Saudi Arabia. It is therefore that I will take a closer look at the concept of the legitimation process. This process makes sure that the current status quo is justified and thus contributes to the continuation of the situation. The situation can be perceived to be interlocked by the legitimation processes that take place. This is why the next subchapter will be devoted to the notion of the legitimation process.

## *LEGITIMATION PROCESS*

### **Introduction**

When illustrating the vulnerable position that the Indonesian domestic workers in Saudi Arabia are in, and do not seem to get out of, I would like to use the legitimation process which is able to entrench the vulnerable position of these women. To get the legitimation process clear I will first elaborate on how the concept of legitimacy relates to the legitimation process. Following I will take up the notion of subjectivity that is often included in the concept of legitimacy and the legitimation process. What is something that I will try to avoid. This because I am interested in the behaviour of the social actors involved which is partly dependent on what they perceive to be legitimate and not on what they 'should' see as legitimate. That is why I will focus on the perceived legitimacy. After having this clear, I will look at how the legitimation process works in practice, and with that include the interplay between the structural level and the level of the social actor as described in the actor oriented approach. Within this actor oriented approach I will try to include some psychological mechanisms as well. The working mechanisms of the legitimation process will be described following the example of the legitimation of the stratification of society. This is a widespread phenomenon on which various authors have focused when thinking about the legitimation process. After describing these mechanisms I will look at how these mechanisms can explain other legitimating processes. From there I can look at how these mechanisms influence the legitimation process in the situation of the Indonesian domestic workers in Saudi Arabia. Having this all said I will turn to the opposite process, namely delegitimation. When delegitimation the issue occurs social change comes into existence. Looking at

social change gives me the ability to identify where social change in the case of the Indonesian domestic workers in Saudi Arabia gets stuck.

## **Legitimacy**

To get the concept of the legitimation process clear, it is helpful to first understand the concept of legitimacy. The relationship between legitimacy and the legitimation process lays in the fact that legitimacy is the outcome of the legitimation process. In this paper I will regard something as legitimate when social actors perceive it as such. So when they believe that a certain practice is appropriate, proper and just I will ascribe legitimacy to that practice. I will look at legitimacy in this way because I am interested in the contribution of the legitimation process to the situation of the Indonesian domestic workers in Saudi Arabia. The contribution of the legitimation process can be found in its influence on how the behaviour of the social actor is shaped. But these legitimation processes are only able to shape (part) of the behaviour of the social actor when they are able to convince the social actor of a particular claim. That claim should be regarded as appropriate, proper and just before it has impact on the behaviour of the social actor. This behaviour contributes to the whether or not, and how a certain situation changes over time. So, in this paper it is about what people perceive to be legitimate. This is different from how many other authors write about legitimacy. Often there can be normativity found within the notion of legitimacy. An example of an author that looks at legitimacy from a normative perspective is Habermas (1973). Habermas is convinced of the fact that there is an objective distinction between what is right and what is wrong. This distinction is what he calls the truth, and can only be found by the rational validity of an actor.

For the purpose of my analysis whether or not legitimacy is derived and connected to this truth is not important. I want to illustrate why social actors act and accept certain actions and ways of thinking. They partly act out of what they perceive to be legitimate. What they perceive to be legitimate does not need to have a relation with reality. It is about whether or not a claim is believed. A claim that is widely believed does not have to be true (in reality). As long as a lie establishes perceived legitimacy and does not come out, the claim is seen as true and thus contributes to the acceptance of a

particular issue. It is only when this lie comes out, that the derived legitimacy can be questioned. And so the legitimation process that has taking place before can be delegitimized. This illustrates very well that legitimacy is a social construct that can be obtained by the legitimation process.

When looking at the case of the Indonesian domestic workers in Saudi Arabia, I am interested in why the current situation is the way it is. Therefore it is important to know the motivations to act of the social actors involved. The perceived legitimacy contributes to why people do what they do. So, that is what I will focus on in my analysis. The legitimation process is exactly what establishes this perceived legitimacy, and is therefore of great importance while looking at the situation of the Indonesian domestic workers in Saudi Arabia. This is not to say that we only act out of what we perceive to be legitimate. There are social actors that behave contrary to what they perceive legitimate. Something which is often the case by the Indonesian domestic workers in Saudi Arabia. Behaving contrary to what you perceive to be legitimate can be explained by the power differences that social actors have. The notion of effective agency plays a role in this process. How this works I will explain more in depth later.

### **The legitimation process at work**

How is perceived legitimacy established? With other words how does the legitimation process work? Looking from an actor oriented perspective legitimacy is developed in the interplay between the social actor and the larger structure. Mead is a sociologist that lays the emphasis on the larger structure. He states that the structure that determines what is regarded as legitimate and what not. He would say that legitimation can be seen as a process in which the larger structures of society get imposed on the social actor (Mead, 1964, according to Della Fave, 1980). Looking from the actor- oriented approach this is a top- down point of view. While this larger structure is not the only thing that should be taken into account when studying patterns of behaviour and social change in the situation of the Indonesian domestic workers in Saudi Arabia. So here I would like to add that we should not limit ourselves to the idea that the larger structure of society determines what is legitimate, and what not. The larger structure is influenced by social actors, so what social actors accept is not just

something that is indoctrinated upon them from the larger structure, but comes into existence out of the interplay between these larger structures and the social actors. So both structure and social actor interact with each other in complex ways in the legitimation process.

Both on the level of the structure as well as on the level of the social actor various practices are at work when looking at the legitimation process. These practices will be discussed by looking at the example of the legitimation of stratification within society. This because a lot of authors have looked at this phenomenon, while looking at legitimation. It is therefore that I will look at how they handled legitimation in this particular case, and how I can translate the mechanisms involved into the legitimation of the situation of the Indonesian domestic workers in Saudi Arabia. Della Fave (1980) is one of the authors that has looked at the legitimation of the stratification of society. He has looked at it from macro and micro sociological theories. This distinction between macro and micro will in this paper be similar to the structural level and level of the social actor. His explanation of why the stratification of society is perceived to be legitimate will be used to see how other legitimation processes work. To use his explanation I first need to translate the specific mechanisms that contribute to the legitimation of the stratification of society to mechanisms that can be applied to other legitimation processes. From there I can use these mechanisms for my analysis of the situation of the Indonesian domestic workers in Saudi Arabia.

### **Legitimation of stratification**

I will first very shortly introduce the notion of the stratification of societies. Thereafter I will elaborate on the mechanisms that play a role on the legitimation process of the stratification of societies. In societies all over the world a certain stratification is legitimated. So even though some people are better off, while others worse, this is seen as a legitimate practice, (often) even by the ones that are worse off. This does not mean that they are satisfied with their position but that they can offer 'good reasons' to explain the stratified social order in which they happen to be in a disadvantaged position (Della Fave, 1980). Sometimes they even accept their subordinate position. But why do they accept this position? Why do they perceive the

stratification to be legitimate? The explanation of this phenomenon can be found in the different legitimating mechanisms that play a role in the legitimation process. First the mechanisms at the structural level that contribute to the explanation of the legitimation of the stratification of society are introduced. From there I will look at how these mechanisms can play a role in other legitimation processes. After that I will turn to the mechanisms at the level of the social actor that play a role in the legitimation of the stratification of society. The contribution of these mechanisms to other legitimation processes will also be identified.

### *Structural level*

The structural mechanisms that contribute to the legitimation of the stratification of society can according to Della Fave(1980) be derived from three sociologist. The first sociologist that I will take into account is Marx (1959, according to Della Fave, 1980). He told us that the state of affairs where the people live in contributes to the fact that the rich and wealthy act in accordance to their position and so do the workers. This because their daily life enforces or undermines their confidence. This can make them either feel independent, powerful and valuable or the opposite: dependent, powerless, and of little value. So the larger structure that they are in, influences the image of the Self, binding their scope for action.

The second sociologist from which a structural explanation for the legitimation of the stratification of society could be derived is Mosca (1939, according to Della Fave, 1980). He stated that the few will rule the many. This is underpinned by his idea that whichever elite is in charge, they promulgate a political formula that emphasizes their superiority. The superiority that is claimed is related to the most essential functions of that society, with other words, they are perceived to be necessary for the survival and prosperity of the society as a whole. This political formula that the ruling elite practices also entails that the ruling elite consist of the ones that embody society's most cherished values.

The last sociologist from who a structural explanation for the legitimation of the stratification of society can be derived is Parson. He is a functionalist, and thus sees

society as an organic whole in which the parts are differentiated, and all have their own function. These functions are not perceived to be of the same value, so there exists a hierarchy of functions (Parson, 1949, according to Della Fave). These differentiated functional importance of the members of society are recognized by these members. From this it follows that the ones with the greatest functional importance receive the biggest rewards in the form of primary resources. Here stratification is based on the internalized norms of society (Della Fave, 1980).

What can we conclude from these three sociologists? That the situation as it is shapes thoughts about how things are supposed to be is closely related to the internalization of certain functions, and the advantages or disadvantages that come along with these functions/ position, that social actors have. The situation that a social actor is in is partly determined by the function/ position that one has in society. The imposed situation derived from the function that a social actor has in society thus contributes to the formation of claims of how things should be, so what should be regarded as legitimate. The function/ position of a social actor within society is closely related to the phenomenon of power. The function/ position that a social actor has in society namely contributes to the amount of power that a social actor possesses. Mosca emphasizes this notion of power. In his point of view the power that the ruling elite has makes them able to impose certain norms and values upon society. So the powerful social actors can impose norms and values upon the less powerful social actors involved. This ability provides them with the possibility to justify their own position. So that the stratification can be legitimized.

These structural mechanisms that legitimize the stratification of society are all deterministic. It is assumed that the norms and values that are imposed on the social actor are also internalized by this social actor. But is this that simple? As stated in the actor oriented approach the social actor has the ability to choose from different 'discursive means' present in society. These discursive means are relational. Discourses only have significance when they are shared by a group of social actors. Long (1992) states that a social actor '*always face some alternative ways of formulating their objectives, deploying specific modes of action and giving reasons for their behaviour*'. So

the structural determinism of the sociologist mentioned above do not provide us with an complete understanding of the legitimation processes from an actor oriented perspective. Although they do point out the structural mechanisms that do contribute to the legitimation process, they are formulated in a deterministic way which leaves no room for the agency of the social actor.

*The structural level translated to other claims of legitimacy*

What do these deterministic mechanisms at the structural level that establish the legitimation of stratification of society tell us about other legitimizing processes? From Marx we can derive the notion that we tend to see the current state of affairs as how it should be, which makes social change hard to establish. When this process leads to the fact that the current state of affairs is not questioned anymore, so taken for granted, this will even lead to an hegemonic claim of legitimacy. Hegemonic legitimacy is, because it is taken for granted, very hard to change. When hegemonic legitimacy occurs people do not think about what they do or accept, they just do or accept it. They do not question the reasons behind their actions (Comaroff and Comaroff, 1992). These practices are often called habits. These habits are the outcome of the claims that are internalized and are thus not questioned anymore. It is only when people start to question these actions that social change could occur.

Marx also tells us that people tend to see the status quo as how it should be. This leads us to the statement of Major (1994, according to Della Fave) who tells us that people '*tend to legitimate the status quo, even when it is disadvantageous to the self*' (pp.309). This is explained by Giddens (1979, according to Della Fave), he tells us that norms about what is right, are constructed within the social interactions of daily life. This learning process of normative principles goes in a practical, semiconscious way. So what we regard as normal is grounded in the practices that we see in our daily life. The normative principles are derived from there, which has its influence on what is accepted and what not, and thus what can be legitimized.

Mosca emphasizes that when people are in power, they show others that they are extremely important for their society and thus should be listened at. They are able to

show that they are this important because they are the ones who choose the setting in which they interact. They thus can chose the places where their beneficial characteristics come out well, and they can shield their shortcomings. Derived from Mosca's notion of the few that will rule the many, we can see that the powerful are able to impose norms and values upon the less powerful social actors, so that they are able to contribute to what people regard as normatively correct and reasonable (Tyler, 2006). Power is thus seen as an important factor that contributes to the establishment of perceived legitimacy.

From an actor oriented perspective the notion of power is closely related to effective agency. The effective agency, which is dependent '*upon the emergence of an network of actors who become partly enrolled in the project of some other social actor*' (Long, 1992, pp. 23) implies that a social actor is able to convince other social actors to participate in their claim. The effective agency of the ones that are in charge is bigger than the effective agency of other social actors and thus of more influence in the legitimation process of certain claims. The ones that are in power are able to convince other social actors to comply with their claim which makes the emergence of a network of social actors who become enrolled in their project more likely. That these powerful social actors are able to establish such a network is partly dependent on the contacts that they have with relatively distant social actors. It are these relatively distant social actors that are embedded within a different social network that can make sure that your claim gets acclamation in these other social networks as well. The contact that a social actor has with social actors from a different social network are what Granovetter (1973) calls weak ties. The strength of a tie/ contact is dependent on a '*combination of the amount of time, the emotional intensity, the intimacy, and the reciprocal services which characterize the tie*' (pp. 1361). Ties that fall within the 'weak' category are of great importance for the manipulation of (other) networks, next to that they are '*the channels through which ideas, influences, or information can reach socially distant populations*' (pp. 1372). These weak ties strengthen a social actors social position because they create contacts and opportunities for the social actor that possesses them. When a social actor has all these weak ties on which he/ she can fall back, and stir them in the direction of their (legitimizing) claim, the social actor possesses the power that can enable him/ her

to stay an authority or become one (Hearn, 2011). These weak ties are thus of great importance for the effective agency of a certain social actor.

The last interpretation, of Parson, who sees society as a hierarchical functional whole leads to the assumption that everyone has some sort of power. A functioning whole is not complete without its less important parts. The system is thus interdependent. Because of this interdependency of the system every social actor possesses at least some power. This power could be perceived as the agency which every social actor has. Agency is a relational concept. It can therefore only become effective through social relations (Long, 1992). To have noticeable influence on the situation a social actor thus requires effective agency. So the hierarchical functional whole of Parson as well as the notion of Mosca that the few will rule the many leads to the importance of effective agency for the establishment of perceived legitimacy.

So how will the structural mechanisms that contribute to the legitimation process be used in this paper? Since the norms about what is right and what is wrong are derived from the daily interactions that social actors have; what is perceived to be legitimate is closely related to the situation that the social actors are embedded in. This could even lead to hegemonic legitimacy. So the situation in which a social actor is embedded should be taken into account when looking at why something is perceived to be legitimate by a particular social actor. The practices and ways of thinking that a social actor is confronted with in his/ her daily interactions provide the social actor with the 'discursive means' to enable or constrain the scopes for action of the social actor.

The situation that a social actor finds him/herself in is partly determined by the function that he/ she possesses in the interdependent society. That this society is interdependent makes sure that every social actor has agency. But it is only when this agency becomes effective that a social actor can shape the society in a certain direction. The effective agency that a social actor possesses is connected with the function that he/ she embodies in society. So the effective agency which is connected with the function/position that a social actor embodies, is important when we look at why certain claims are perceived as legitimate and others not.

*The level of the social actor*

There are two psychological mechanisms that are able to explain the legitimation of the stratification of society. But since I use the actor oriented approach, and thus look at the interaction between the bigger structures and the social actor, it should be questioned whether or not these psychological mechanisms fall within the level of the social actor, or that an additional level should be added. This question raises some difficulties for me. The level of the social actor is all about having the agency to maneuver between the different possibilities available. The psychological mechanisms contribute to the making of decisions to choose for a certain option that is available, and not for another. Because these (psychological) mechanisms are influencing the choices that social actors make, you could argue that they fall within the level of the social actor. But because these mechanisms are psychological it could be argued that they belong to another type of analysis, and that it therefore should not be incorporated within the sociological level of the social actor. For the purpose of this analysis I will assume that these social psychological mechanisms do fall within the level of the social actor. So that I can include them in the explanation of the legitimation process in which they do play a role.

At the level of the social actor there is one psychological mechanism, which is substantiated by three psychological theories, that can explain the legitimation process of the stratification of society. One of the theories that substantiate the psychological mechanism is the equity theory. This theory is based on the notion that individuals have a wish for cognitive consistency (Walster, Berscheid and Walster, 1973). A main principle of this theory is that individuals have the moral notion that rewards should be proportional to investment. In this way the unequal distribution of resources is justified. But there is a question that remains, namely why are some people seen as contributing more? This question becomes harder to answer when a society gets bigger, since social actors than lack the ability to note what everyone does, and thus what someone might contribute. To find an answer to this question, we could turn to status attribution theory (Walker, Webster, Bianchi, 2011). This theory implies that the individual generalizes his attributions to a certain individual from what he knows. This leads to the assumption that the person's unknown status- relevant characteristics are consistent with the

status- relevant characteristics that are known. It should be noted, however, that the process as described above is not the same for big and small groups. In small groups it is much more difficult to frame an impressive image of one- self and maintain this image. With other words you cannot hide what your characteristics are. This explains why differences in contribution with inappropriate distribution of resources in small working groups leads to more trouble than the big difference within a complex society. The big differences are often taken for granted while the small differences lead to feelings of deprivation (Della Fave, 1980).

When we also look at Bem (1967), who tells us that we derive our judgments from what is appropriate, and thus consistent, from what the imagined 'objective outside observer' sees as rational. We can link equity and status- attribution theory to Mead's (1934, according to Della Fave, 1980) theory of the Self since the self is formed out of evaluations towards the generalized other. *'Self- evaluation is the individual's perception of the social value that others attribute to him/her'* (Della Fave, 1980, pp 962). This leads to the propositions that what is seen by a social actor as its appropriate share of primary resources is dependent on its self- evaluation, and the legitimation of a certain differentiation within society is strong when the distribution of primary resources is in congruence with the distribution of self- evaluations. When this congruence is widespread legitimation of stratification comes into being (Sutphin and Simpson, 2009). On the other hand, the more incongruent the distribution of primary resources is in relation to the self- evaluations the more likely it is for delegitimation of stratification it is to occur (Della Fave, 1980; Della Fave, 1986b). In the case of the Indonesian domestic workers you could think of the self- evaluation of the Indonesian domestic worker in Saudi Arabia that is in congruence or not with the revenue she gains. The higher her self- evaluation, the higher the pay/ appreciation that she expects. When she does not gain what she thinks that she deserves she does not regard her treatment as legitimate. But it is not only the self- evaluations that contribute to whether or not the legitimation of society is perceived as legitimate. It is also how a social actor looks at others, and whether this evaluation is in congruence with the position that that particular social actor embodies in society. These evaluations of others are constructed within the interaction with these others, or derived from what is known about these others with the aid of the status- attribution theory.

*The level of the social actor translated into other claims of legitimacy*

These mechanisms that take place on the level of the social actor to legitimize the stratification of society can also be translated to a more general mechanism of the legitimation process. When we take the theory of the Self of Mead (1934), we can argue that the perception of the social actor of the social value that others attribute to him/her can be at stake when other legitimating claims are made, and thus be of influence in the legitimation process by other claims made. In the situation of Indonesian domestic workers in Saudi Arabia, I would like to know why people behave in certain ways, and why this does not change. How social actors perceive themselves in relation to others, influences what they see as appropriate. Their perception of themselves lead to the legitimation of particular behaviour. This behaviour can be their own behaviour or the behaviour of others towards them. This is why it is important to take up the perception of the Self of the social actors involved when looking at the case of Indonesian domestic workers in Saudi Arabia. Next to that, it is not only important how one sees him/herself, whether or not a social actor perceives this claim as legitimate, but also how one looks at others that are affected by a particular claim. This views are influenced by how we see others in the light of equity and status attribution theory. Social actors construct their image of others out of the information that they have about them and belief that the other characteristics of this particular social actor are consistent with this information. This image of the other social actor influences whether or not we accept claims made by these social actors, or claims about these social actors. Therefore the image of others influences whether or not social actors see something as legitimate or not.

But this is not the only mechanism on the level of the social actor that has influence on the legitimation process. From the actor oriented approach, outlined before, we can see the agency of the social actor playing a role in what he/ she perceives to be legitimate. The relational concept of agency empowers the social actor with the ability to choose between the various 'discursive means' present in his/her network. That the social actor has multiple discourses on which a legitimating claim or behaviour can be made makes him/ her able to influence the broader structures in which he/ she is embedded. In this way the social actor is able to influence what is perceived to be legitimate. This mechanism is closely related to the first mechanism derived from the

structural level. This mechanism implied that the situation as it is influences the available discursive means present in society. From these discourses present the social actor can choose which discourse he/she wants to act on.

So there are two mechanisms at the level of the social actor that are taken into account when looking at what is perceived to be legitimate in the case of the Indonesian domestic workers in Saudi Arabia. The mechanisms are self- evaluations plus the evaluations of others, and agency that a social actor is able to use. The following questions can be derived from the two mechanisms that are taken into account: 1) Do people perceive the self- evaluations and the evaluations of others to be in congruence with the situation that they are in? 2) Are the discourses on which is acted perceived as the appropriate and just discourses on which the social actor bases his/ her notion of legitimacy? When these questions can be answered with a 'yes' the social actor perceived the situation as legitimate.

#### *The interaction of the structure and the social actor*

By looking at the mechanisms that occur at the structural level and the level of the social actor, I am trying to give a perspective on the legitimation process derived from the actor oriented approach. The actor oriented approach assumes that the structural level and the level of the social actor are interconnected. The current state of affairs is established out of the interplay between the level of the social actor and the level of the larger structure. It is therefore important to recognize how the structural level and the level of the social actor, when looking at the legitimation process, are interconnected as well. What we can see is that the larger structures are able to influence how people think that they are seen by others, and influence the way that they look at these other social actors. How these social actors deal with these larger structures is dependent on how they use their agency within the boundaries provided by the larger structure. Within this larger structure there are always different discourses present on which an actor can choose to accept a certain claim, or chooses not to do this. Although, at some times, legitimacy of a certain claim can be so deeply rooted that no one questions this claim anymore. As stated before, here, we can speak of hegemonic

legitimacy (Della Fave, 1986b; Comaroff and Comaroff, 1992). From which habitual behaviour is the consequence.

When there is no such thing as a hegemonic legitimacy on a certain claim, then the practices of the social actors, influenced by the larger structure, influence the prevailing structures at that same structural level. Because of the agency of social actors the legitimation process is not self-enforcing, and thus comes into being out of the interplay between the larger social structures and the possibilities of the social actors involved. When a social actor is effectively capable of using his agency, so make sure that there emerges a network of social actors around his/her legitimating claim, he/she is able to stir social change into a certain direction. And with that the social actor influences the larger structure. The interplay between these two levels can establish social change, it can change what is seen as legitimate and what not. It therefore can establish delegitimation. This process of delegitimation and social change is where I will elaborate on next.

### **Delegitimation and social change**

Delegitimation comes into existence when the social actors involved provoke counternorms on the current legitimated state of affairs. Social actors that comply with these counternorms find themselves at odds with the social actors that still enhance the legitimating norms. When the social actors that are dedicated to the counternorms can include the social actors that are dedicated to the current legitimation norms, delegitimation takes place (Della Fave, 1986a). In the context of delegitimation of the stratification of society, Della Fave argues that, for a social actor to be able to develop counternorms there needs to be a strong institutional base for these counternorms. A possibility, and what also has happened in reality, is that religious institutions have formed these counternorms. Religious institutions are able to impress people and can therefore make sure that they are an important source of legitimacy. These religious institutions were able to develop counternorms through their ability to create a network around their legitimating claims. This shows how this delegitimation is constructed out of the interplay between structure and social actor.

The available discourses that come into existence out of changes in the larger structure, which are enforced by the agency of social actors, make sure that the social actors can choose between them, and thus are able to delegitimize the current state of affairs. When the current claims are not supported by enough social actors to uphold the current state of affairs behavioural, social change will take place. Looking at delegitimation from an actor oriented perspective, the establishment of social change (in which the delegitimation process plays a big role) is dependent on the effective agency of the social actors involved. This effective agency makes sure whether or not a social actor can convince others to adopt its claims. When this claim delegitimizes the current state of affairs and gets enough support of other social actors it can eventually establish social change.

## **Conclusion**

In my analysis of Indonesian domestic workers in Saudi Arabia, I will look at the legitimation processes at stake as a bundle of mechanisms that justify the current situation. It will be about the legitimation processes that make sure that social actors perceive the situation as legitimate. I will thus focus on the perceived legitimacy in order to explain how these legitimation processes contributes to the situation of the Indonesian domestic workers in Saudi Arabia. How does the legitimation process contribute to the continuation of this situation? When the legitimation process is successful it makes sure that social actor perceives a certain situation as legitimate. What social actors perceive to be legitimate contributes to their behaviour. Because it contributes to the behaviour of the social actor it contributes to the continuation of the situation that the Indonesian domestic workers in Saudi Arabia are in.

But how does this legitimation process work? How come a certain situation is perceived to be legitimated and another is not? Whether or not something becomes legitimized depends on the interplay between the larger structures and the social actors. It is here that I take an actor oriented perspective towards the concept of the legitimation process. It is the interplay between the level of the larger structure and the level of the social actor that determine whether something is regarded as legitimate or

not. In the analysis of the situation of the Indonesian domestic workers in Saudi Arabia I will focus on the following mechanisms:

- I will look at how the situation that the social actor are in influences the formation of what they regard as legitimate. When the situation only has place of one particular discourse the notion of hegemonic legitimacy comes into existence. Hegemonic legitimacy makes sure that people act without thinking about it. The structure that a social actor is in is connected to the discourses that are present within the network of a social actor. These 'discursive means' that are present within the network of the social actor are able to enable or constrain a social actor in what he/ she is able to regard as legitimate. Here the interplay of the structural level and the level of the social actor determines what is seen as legitimate and what not.
- I will look at the effective agency that a social actor has. How well a social actor is able to involve other social actors into his (legitimizing) claim is of importance when we look at whether or not a particular situation is broadly accepted. It is only when a situation is recognized by a lot of social actors involved as legitimate that this situation is lived up by in society. This effective agency is relational and therefore dependent on several factors. Factors that play a role in determining someone's effective agency are: the weak ties a social actor possesses and the function/ position that a social actor has within society. These factors are related to each other.
- Next to that, I will also look at the self- evaluations and the evaluations that a social actor has of others. Status- attribution theory explains how evaluations of a social actor about other actors that are not really known are constructed. If the self- evaluations and the evaluations of others social actors are perceived to be in congruence with the situation that they particular social actor is in this situation is regarded as legitimate.

It is the interplay between the structure and the social actor that can change the current state of affairs by creating space for delegitimation. While there are delegitimizing claims present in certain (networks of) social actors around the situation of the Indonesian domestic workers in Saudi Arabia, these (networks of) social actors have not been effective to establish a major change within the situation that these women are in. The social actors that provoke the counternorms have not yet, been able to overthrow the current legitimating norms. The situation among the Indonesian domestic workers in Saudi Arabia continues to exist since the legitimation process is not successfully challenged. The mechanisms that contribute to the legitimation process are thus seem to establish their objectives, and therefore contribute to the fact that the situation that the Indonesian domestic workers continues to be vulnerable.

For shortness I will use the word legitimacy and perceived legitimacy for the same thing. So when I use the term legitimacy I mean perceived legitimacy.

## WHAT IS GOING ON?

To understand the dynamics that are currently present in Indonesia and Saudi Arabia with regard to the employment of Indonesian domestic workers in Saudi Arabia, it is helpful to look at what is going on within Saudi Arabia as well as what is going on in Indonesia, with these women. Why are they in such a vulnerable position that abuse can occur regularly? I will start by looking at the situation that these Indonesian domestic workers who work in Saudi Arabia are in. To look at this situation it is important to see how the context of the Saudi Arabian society influences the vulnerable position of these Indonesian domestic workers. Literature about domestic workers in Saudi Arabia is limited. There are two pieces of work that do provide us with an understanding of this situation. One is a book from Antoinette Vlieger called: *Domestic workers in Saudi Arabia and the Emirates: a socio-legal study on conflicts*. The second is a Human Rights Watch report named: *"As If I Am Not Human" Abuses against Asian Domestic Workers in Saudi Arabia*. These two texts provide the material whereupon I base the description of the situation in Saudi Arabia. When looking at the situation of Indonesian domestic workers in Saudi Arabia I will look at the norms that are at stake, the working of the Saudi Arabian legal system, feelings of otherness and the unfreedom that is experienced by domestic workers in Saudi Arabia. What is of particular importance for the Indonesian domestic worker in Saudi Arabia is that occultism is seen as a crime. So also occultism as it is dealt with in the Saudi Arabian society will be described. All of these factors contribute to the vulnerable position that domestic workers in Saudi Arabia are in. When the situation in Saudi Arabia is described, I will turn to the situation concerning female labour migration in Indonesia. This to get a complete image of the situation that the Indonesian domestic workers in Saudi Arabia are in. This situation is namely also shaped by the situation that these women are in in their country of origin.

*THE DOMESTIC WORKERS IN SAUDI ARABIA*

Within the Saudi Arabian society the domestic workers face different kinds of mistreatment. Complaints that are often heard from domestic workers are incredibly long working hours, no days off, no/ too little payment, physical abuse and not being able to leave the house. These forms of mistreatment were illustrated in the introduction with the terrible story of Nour Miyati (Human Rights Watch, 2008).

**Unfreedom**

That these women in Saudi Arabia are not able to leave the house enforces their vulnerable position. Because they are not free to leave the household they cannot escape the mistreatment that they face within the household. Domestic workers in Saudi-Arabia can face various impediments to leave the household of the employer. These barriers can be categorized as: legal, economical, physical and 'other'. The legal impediment faced by the domestic worker is the sponsorship system by which they are bound to their employer for the ability to leave the country. With economic impediments you can think of salary retention in which the domestic worker does not want to leave because of the salary she (actually already earned) would lose. Another economic barrier can be found in the debts that already existed before departure to Saudi Arabia. They need to pay back these debts, so that they cannot afford to lose their job. Next to that, they often have family back at home who depend on their salary. They do not want to let them down and thus resist various kind of abuses. Another economical problem occurs when they do leave the employer, the transaction costs of either getting a new employer or going back home to the country of origin are high. So high that these costs are often unaffordable for the domestic workers.

Then there are also physical impediments. Some employers just make sure that the domestic worker cannot leave the house by locking the doors. But the domestic worker can also be kept from leaving by keeping her in the dark of where she is, and/ or by keeping her identity papers. Lastly there are also impediments present in the category 'other'. Indonesian domestic workers themselves come from a patriarchal society which teaches them to fulfill their rights and duties that come along with the role

that they play in society. These rights and duties are not dependent on the rights and duties of another. So whether or not the employer acts according to his rights and duties should not be a factor that interferes with the rights and duties of the domestic worker. She is supposed to fulfill her duties no matter what. So when she is mistreated by her employer this does not mean that she can stop fulfilling her duties towards her employer.

Next to that the domestic worker is often indoctrinated with fear. She is threatened which makes sure that she is afraid of being disobedient. This threatening often is accompanied by violence, which is supposed to 'discipline' these domestic workers. Then there are also some fictive rules and contracts to which domestic workers attach value. They often feel that they are bounded by the contract to stay in the household (Human Rights Watch, 2008; Vlieger, 2011). All these impediments together make sure that the domestic workers can experience different levels of unfreedom. Being unable to leave the household puts these women in a vulnerable position.

### **The norms that are at stake**

Saudi Arabia is a country in which several factors contribute to the vulnerability of domestic workers. It is a country where rapid changes occur in the form of extraordinary economic changes. The standard of living in Saudi-Arabia has increased a lot in just a few decades. This because of the discovery of oil and the rising prices for that same barrel of oil. Rapid economic changes can make sure that legal pluralism comes into existence. Legal pluralism entails that there are various norms about one particular matter on which a social actor can rely to justify various forms of behaviour with (von Benda-Beckman, 2002). The norms that there exist in Saudi Arabia about how to deal with the domestic workers are numerous. There are different kinds of norms that influence the situation of the domestic workers. These kind of norms are: the customary norms, the Sharia norms, the contractual norms and the formal legal norms. Even within those categories different norms about the behaviour towards domestic worker that can be legitimized.

The rapid economic change contributes to legal pluralism. It changed labour relations involving domestic workers. These labour relations develop from a patriarchal

status model into an contractual model. This patriarchal status model implies that the domestic worker is considered to be part of the household. She needs to be loyal and obedient to the family, in return she gets protection and guidance within the new environment that she is in. Being part of a patriarchal family implies to fulfill a certain role. In the case of the domestic worker this role consists of fulfilling her specific tasks, while not considering how she is treated by the master. She thus needs to fulfill her role within the household no matter how bad she is treated by her employers. This role fulfilling state of affairs makes sure that the money that the domestic workers earn is not seen as a wage but as some sort of pocket money. The other customary normative model that occurs within the Saudi Arabian society is the contractual model. This model implies that *'the domestic worker and the employer are bound by what is stated in the contract, based on the fact that they have declared in freedom and knowledge that they want to be bound by it'* (Vlieger, 2011, pp. 63).

But what happens in reality cannot always be derived from these customary norms. When economic development occurs, a middle class is developed who are able to afford a domestic servant. This development makes sure that the hierarchical distance between domestic servants and the masters even increases, because the middle class employer wants a clear class distinction to show who is the boss. They want to show that they are the 'better'. In some cases this has lead to major distances in which the domestic servant is dehumanized. But there is no presence of the industrial type of dealing with domestic servants present in their discourse. So there is no normative model that is referred to for dealing with domestic servants as described in the industrial phase (Vlieger, 2011).

Apparently these norms are not always acted on. The industrial way of dealing with domestic workers can be seen as a transactional phase from the patriarchal status model towards the contractual model. But in Saudi Arabia this transaction is not completed yet. This makes sure that there can be referred to both models which leads to practices of strategic maneuvering between the different normativities that are present within both models. This strategic maneuvering makes sure that the more powerful actor (in this case the employer) has the ability to refer to the norms that suit him the

best. This thus contributes to the vulnerable position of the domestic worker in Saudi-Arabia.

I will now turn to the Sharia norms that influence the relationship between employer and domestic worker. The Sharia, which is derived from the Islam, is a collective of contested arguments which is continually changing. It changes because of existing contradictions, new ideas and institutions. In Saudi-Arabia the Sharia is a strong normative source. It could have either good or bad influences on the safety of the domestic worker. Whether it functions as a good or a bad normativity for the safety of the domestic worker depends on the situation and the person who has the power. The norms of the Sharia that are able to influence the relationship between employer and domestic worker are numerous. The first is the belief in a panoptic God. This implies that even when social control disappears in the domestic sphere God sees everything, so also the abuse of a domestic worker. This notion of the panoptic God can thus be used by the domestic worker as a defense mechanism. The second norm at stake is the one of justice, human rights, dignity, and equity as central concepts of the Islam. This should protect domestic workers as long as they are not seen as slaves, and according to the Islam domestic workers fall within the category of private workers and thus should not be seen as slaves. A third norm can be found is the fact that according to the Islam men and women are equal. But this notion of equality releases social resistance in Saudi-Arabia. This because the society of Saudi-Arabia is shaped in a patriarchal way, so women are seen as creatures that need to be protected, and are thus not equal to men. This is something that returns in Sharia courts. Female witnesses do only count as a half, this because they are seen as emotional persons, and emotions will blur their testimony. In those courts non-Muslim testimonies are not seen as trustworthy. But in the end the outcome of a process that is handled in such a Sharia court is in practice dependent on the personal preference of the judge. He can judge someone on the basis of little evidence, or do not judge someone while there is lots of evidence of his/her guilt. Often he judges someone on their position within society. This does make sure that domestic workers, when they even get access to such a court, are not able to win a process (Human Rights Watch, 2008; Vlieger, 2011). So although the Sharia norms provide the domestic worker with some tools to influence her relationship with her employer in a positive way, she will not be able to enforce their rights in court (Vlieger, 2011).

Thirdly, contractual norms can be used to refer to in the relation between domestic worker and employer. The problem is however that they often talk about different contracts. The recruitment agencies in Indonesia often do not provide the girls with important information, like information about what the work will entail, how much days/ hours a week they have to work, and if they are able to leave the house. They only promise the girls great salary, and great prospects (Vlieger, 2011). Domestic workers often state that recruitment agencies often lie to potential domestic workers and their families: *'they come and tell us.... Give us so much sweet talk.... You can have a good life and a very nice life overseas, good pay, television, video recorder...'* (Chin, 1997, pp. 362). When signing the contract, the women often do not read the contract (some are even not allowed to do so). Fraud and contract substitution are common practice with these contracts. When arriving at Saudi Arabia the domestic worker is given another contract, so contract substitution is taking place. The contracts given to them in Indonesia are not recognized as valid by the Saudi Arabian government.

In Saudi Arabia there are also recruitment agencies at work. Here the Saudi Arabian citizens come to, when they want a domestic worker. These agencies do not acknowledge that these girls signed a contract in their country of origin, and only refer to the substitute contract. These agencies encourage employers to restrict the domestic worker in her rights and freedoms. It is also often stated that the domestic worker does not have to be paid in the first two months. This is seen as her contribution to the cross-over. But in some cases it the employer is told that domestic worker only needs to be paid when she has finished her contract. The agencies in Saudi- Arabia have a three months trial rule. This rule allows employers to return their domestic worker within the first three months when they are not satisfied with her. The different stories that the domestic worker and the employer hear about the contracts make sure that conflict between the two can arise over the contractual norms since they both refer to different contracts, so a different set of agreements. Since the contract of the domestic worker is substituted by the one that the employer is informed of, the domestic worker does not have anything to rely on (Vlieger, 2011).

Lastly, there are the formal legal norms that are at stake while looking at the situation of the domestic worker. In Saudi- Arabia domestic workers are excluded from any form of labour regulation. The government of Saudi Arabia is not supposed to

interfere with domestic matters, because the domestic worker provides her services within this domestic sphere. Domestic workers fall within the category: *'process of reproduction, essential to the survival of the family and society, but does not directly lead to the process of accumulation and exchange'* (Vlieger, 2011, pp. 143). So domestic workers are considered to be non-workers and thus do not fall under labour regulations. They do not enjoy the protections that other workers do have, such as a day off once a week, limits on working hours and access to labour courts (Human Right Watch, 2008). What does apply to domestic workers is the sponsorship system. This system makes sure that foreign workers cannot enter Saudi Arabia without a guarantor. The contract with this guarantor could be ended by the guarantor at any time. When the contract is ended the domestic worker needs to leave the country. But it also works the other way around, the domestic worker can only leave the country when the contract is ended or with a signature of the guarantor. This system makes sure that the domestic worker is bounded to her employer, and is depended on him (Human Right Watch, 2008; Vlieger, 2011). So, taken this all into account, the formal legal rules in Saudi Arabia contribute to the vulnerable position of the domestic worker.

### **Acces to justice**

The economic development of Saudi Arabia through the oil that is present in the country does not only have normative influences on the relationship between domestic worker and employer. The revenue of the oil makes sure that the Saudi- Arabian government is independent from taxes, which makes sure that they become autonomous from their society. Which, in turn, makes sure that the whole legal system has its shortcomings. Often the law is unknown by Arabian citizens and officials, or not acted on by the people who are supposed to enforce the law. This makes sure that citizens can be arrested for something that is not even seen as a crime following the official state law. Next to that when citizens go to court it is not the one who is right who wins, but the one with the best *Wasta*. Your *'Wasta is determined by patriarchy, cronyism, and the power to corrupt or bribe'* (Vlieger, 2011, pp. 219). It basically consists of the people you know. This makes sure that it is not the rule of law but a hierarchy that establishes who wins a conflict and who does not. It is stated that the elite seems to be above the law entirely. The *Wasta's* that influence the outcome of a conflict also work in a conflict with domestic

workers. Since domestic workers are at the margin of society, their *Wasta* will never win it from their employer's, and thus domestic workers do not stand a chance in court.

So when the employer accuses their domestic worker of a certain crime these domestic workers are often charged guilty in court. This makes sure that assaults of any kind of crime can make sure that domestic workers are expelled. Sometimes these assaults come into existence out of financial considerations. Since evidence of a particular crime often is not necessary to get the domestic worker expelled, it is a cheap option to circumvent the payment of the ticket home (the government will take care of this now). Officially this ticket needs to be paid by the employer of the domestic worker when she has served her contract (Vlieger, 2011).

But the problems concerning receiving justice for domestic workers are even bigger. As stated above domestic workers in Saudi- Arabia are excluded from the labour laws which makes sure that they lack the access to labour offices that are there to settle disputes between employee and employer. So they need to turn to other mechanisms that can offer conflict resolution when they face problems with their employer. But these mechanisms are not able to compensate the exclusion of the labour laws. An example of such a mechanism that domestic workers can turn to is the police. But the police is often feared among domestic workers. They state that the police abuses them some more, and return them to their 'family' without even listening to their complaints. Another conflict resolution mechanism is found in the Saudi Arabian governor's office, the National Society for Human Rights or the Human Rights Commission. Some domestic workers write letters to them. They function as mediator, between domestic worker and employer, but are often prejudiced about domestic workers in a negative way. Another possibility would be for the domestic worker to turn to a Sharia court, but these courts often just refuse to look into cases concerning domestic workers. But even when a domestic worker does get access to a Sharia court, she would not stand a chance because the outcome of the process is often a matter of who has the best *Wasta*. There are more problems that the domestic workers face when they go to the Sharia court. In Saudi- Arabia women are not allowed to represent themselves. They need a *Mahram* (an unmarried male) to do this for them. Domestic workers often do not have access to such a *Mahram*. Furthermore the concept of *Khulwa* (gender segregation), is at work.

This means that women cannot be in one room with any man that is not her Mahram, which makes representation in court impossible.

This lack of access to justice makes sure that the domestic workers in case of abuse have only three possibilities: 1) the black market, where the work is dangerous, 2) the Saudi Arabian recruitment agencies, which are often cruel to them, and send them back or to a new family, and 3) the shelters of the Saudi- Arabian government, which look like prisons, where the domestic workers can stay until they are deported. This shows that domestic workers do not have access to mechanisms which can enforce their rights. The employer knows that the domestic worker does not have judicial redress, which makes sure that the employer is in the position to enforce his preferred outcome in any conflict that exists between domestic workers and employer. The lack of justice faced by domestic workers in Saudi Arabia thus enforces the vulnerable position of them (Vlieger, 2011).

### **Discourses on domestic workers present in the Saudi Arabian society**

The existence of the rentier state, with the Wahhabi elite as being the ruling elite, has also another way of making sure that the domestic workers are vulnerable. Wahhabism teaches to fear and dislike the other (the foreign). To teach this fear and dislike of others has as function, namely to prevent information from outside to come in, this information could possibly undermine their power. So they make sure that domestic workers are perceived as the other. This notion of otherness can further enhance the vulnerable position of the domestic worker.

The otherness that the Indonesian domestic workers experience because they are foreign is enforced by occultulism. Ocucutilism is culture related phenomenon from Indonesia which creates a lot of fear within Saudi Arabia. Within Saudi Arabia occultulism is therefore seen as a crime. Arabs see all kinds of magic as something bad which makes sure that it is not aloud. So the habit of Indonesian domestic workers of gathering their hair for good purposes (good luck, ability to return home) is seen as something bad and dangerous. Assaults of magic can make sure that the domestic worker is expelled from the country immediately (Vlieger, 2011).

But the form of otherness as described above, the domestic worker as the foreigner, is not the only form in which otherness is occurring in Saudi- Arabia. The domestic worker is also often perceived as the other women. She is the other woman in the household which often triggers jealousy of the wife. She is afraid that the domestic worker will steal her husband. In some cases this lead to wife's that are cruel to their domestic workers. Another form of otherness occurs because the simple fact that the domestic worker is a women, and thus different from her employer. This could lead to a variety of situations: 1) they could fall in love, 2) prostitution, in which the domestic worker gets paid to have sex with her employer, and 3) harassment, rape and sex slavery.

In Saudi Arabia the otherness that the domestic worker experiences because she is the other women in the household, and because she is a woman come into being in a more extreme way than somewhere else. This is because their society is ordered in such a way that men and women live separately (except in the household). This leads to the mystification of the notion of the women and creates sexual tension. Another aspect of the Saudi Arabian society that enforces these practices is the patriarchal order of society. This puts the blame of rape on the woman. It legitimizes violence against women as a form of necessary discipline (Vlieger, 2011). The creation of feelings of otherness towards the domestic workers thus have negative consequences for the situation that they are in.

## **Conclusion**

So taken this all into account, we can see that the domestic workers in Saudi Arabia are very vulnerable to different kinds of abuses. Saudi Arabia could be seen as a risk area where the domestic women are going to. When female labour migration to Saudi Arabia occurs, the woman is putting herself in a very vulnerable position to make money. The supply of Indonesian domestic workers towards Saudi Arabia is still of considerable amount. How this supply of domestic workers is dealt with in Indonesia is what the next sub- chapter elaborates on.

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## *FEMALE LABOUR MIGRATION IN INDONESIA*

### **Introduction**

In this sub- chapter I will give a brief overview of the prevailing practices and ideas in Indonesia concerning the phenomena of sending domestic workers abroad. I will start with an historical overview of how the Indonesian state has handled labour migration, in particular female labour migration. Because most female labour migrants are domestic workers, these state regulations concerning female labour migration are of particular importance when looking at Indonesian domestic workers in Saudi- Arabia (Lindquist, 2010). After this historical overview, I will discuss the prevailing practices in Indonesia around the labour migration. Including the recruitment practices and the way returning labour migrants are treated. Finally, there is some information provided about the current discourses on female labour migration.

### **Labour migration regulations**

Since 1980, the Indonesian transnational labour migration has been actively promoted by the Indonesian government. In the early 1980s the Indonesian government set up the State's Department of Manpower. This department actively promoted and facilitated the export of labour migrants. It sets up training programmes for domestic workers to improve the reputation of the Indonesian domestic workers transnationally. In 1984, the Centre of Overseas Employment was founded as a subunit of the State's department of Manpower. This subunit was renamed in 1994, and is since then called the Directorate of Overseas Manpower Services. This subunit was intended to increase overseas job opportunities, to generate a higher income for Indonesian transnational labourers, and to cultivate diplomatic ties between Indonesia and the major receiving countries. Since the late 1990s, the formal labour recruitment agencies has been licensed by the State's Department of Manpower, to arrange the labour migration process. Formal recruitment agencies have increased in number over the years. Next to them also the informal brokerage have multiplied. In 1999, the Indonesian Manpower Placement Coordinating body was formed. Their goal was to: *'raise the quality and safety of worker placement in order to enlarge work opportunities and increase the prosperity of workers, along with upgrading the marketing, preparation, and protection of workers'*

(Silvey, 2007, pp. 271). This Manpower Placement Coordinating body was founded during the economic downturn in Indonesia which, together with this economic downturn, established a steady increase of labour migration between 1998-2000. During this period, the government set up a crisis-era five-year national plan which aimed at more overseas contract work. This to increase the flow of foreign exchange. In 2002, the Indonesian government started with the development of new monitoring, policy and support initiatives with the aim to improve the protection of female labour migrants abroad. In 2004 the Indonesian government signed the UN Convention on Migrant Workers. It was promised that the convention was ratified by 2009. This promise was not lived up by (Suryakusuma, 2011), only very recently the UN Convention on Migrant Workers is ratified. The countries that signed this convention try to include all actors that can prevent violence and discrimination towards female workers. It aims to establish this by commanding the countries of origin as well as the transit- and destination countries, the relevant regional and international organizations, the private sector and the civil society to encourage an environment that prevents and addresses violence and discrimination against female workers (Jakarta Post, 2011a).

The Indonesian government has a programme called the Domestic Worker Roadmap, which is set up in 2007, and has to be established by 2017. According to this roadmap Indonesia wants to stop sending Indonesian woman abroad to work as domestic workers. This while, according to the National Authority for the Placement and Protection of Indonesian Overseas Workers, the women that work overseas are good for 90% of all the Indonesian labourers oversea. They provide Indonesia with a stable and continuous flow of foreign exchange (Hernández-Coss et al., 2008). To give an indication of how much these remittances contribute to the total GDP of Indonesia: in 2005 the total inflow of these remittances is estimated on 5.3 billion US dollars. The fact that women bring in a large part of these remittances is remarkable when you know that according to state- led programmes such as the Family Welfare Program, women are considered to be the secondary income generator of a family, enhancing the notion that women are not suppose to contribute to the financial income of the family. This stereotype contributes to the fact that women get paid lower wages for the same job than men within Indonesia. Looking at female labour migration towards Saudi Arabia in this perspective explains why women migrate to such a country. They will earn four or

even five times as much overseas than they would earn at home. It could be argued that, when these women are not given opportunities within Indonesia, they will continue to leave the country even when a ban on this labour migration is introduced. Although this income generating gap between what women will earn in Indonesia versus what they will earn in Saudi- Arabia exists, there are many reports of women being misled by recruitment agencies from both sending and receiving countries. Recruitment agencies promised them high salaries and better living condition abroad. These promises did not always occur in reality. The (exacerbation) of these promising prospects makes sure that Indonesian women continue to migrate to countries like Saudi Arabia (Hua, 2012).

It could be said that labour migration in Indonesia is increasingly bureaucratized. This bureaucratization comes into being because of reported abuses of migrants abroad, pressure of migrant right activists and the government's own interests in profiting from labour migrants (Silvey, 2007). The reported abuses and the pressure of activist also led to a moratorium on sending Indonesian labour migrants to Saudi Arabia, that was implemented in August 2011. It was stated that this moratorium would be at charge until Saudi- Arabia would treat domestic workers the same as formal workers (Jakarta Post, 2012b). The direct cause of this moratorium could be traced back to the execution of a Indonesian domestic worker that had killed her boss out of despair (The Telegraph, 2011). This moratorium seemed to have some effect when the Saudi Arabian Minister of Human resources came to visit Jakarta. During negotiations with the Indonesian Minister of Manpower and Transmigration it was stressed that both parties were committed to improve the protection of Indonesian domestic workers in Saudi Arabia. The commitment of both parties to the protection of Indonesian domestic workers was enough to establish the lifting of the moratorium. So after the meeting the moratorium was lifted (Sijabat, 2011).

When looking at all these developments there are two processes that we can identify. First we can see that the state is orienting from promotion towards protection of female labour migrants over time. Next to that there exists this contradiction between the economic ideology of the state which includes (poor) women in the international labour force, and the family ideology of the state that emphasizes the domestic role of the women that are important to build a nation on. Paraphrasing Silvey: the

continuation of sending women oversea reflects the construction of women by the state as valuable for their transnational labour capacities and the remittances that they bring home at least as much as the representation of the national honour (Silvey, 2004b).

### **Prevailing Practices: Recruitment & Terminal 3**

Now I will discuss what happens with the (potential) female labour migrants in Indonesia. These practices are divided in two main categories: 1) the recruitment process, so what happens to them before they go abroad, and 2) what happens to them when they return, more specifically, the practices that prevail at Terminal 3. I will now turn to the first category, the recruitment practices that prevail in Indonesia. The recruitment agencies are at the basis of recruitment practices. These agencies are seen as the place where local, national and global processes of transnational labour migration intersect most clearly. Looking at the history of these practices we see that recruitment practices are regulated by the state. This was especially the case in the New Order state (1965-1998), where labour recruitment agencies were heavily regulated and linked to systems of state-sponsored patronage. This made sure that a lot of labour migrants turned to illegal migration since this was cheaper, faster and easier. After the fall of Suharto in 1998, the labour recruitment market got deregulated which led to an increase in number of labour recruitment agencies available in Indonesia.

In the current state of affairs, recruitment agencies mediate flows of capital, facilitate the bureaucratic process and move the migrants themselves. Looking at how the labour recruitment market works shows us that it exists of a few main offices, located in Jakarta, and a lot of branches. Only the main offices have the right to send migrants abroad. The branches are the places where local recruiters (also called sponsors) take the potential migrant to. These informal recruiters sometimes have their own system of sub-recruiters which makes the whole recruitment process even more complex. That the sponsors are locally known creates a relation of trust between sponsor and potential labour migrant and her family. The sponsors often make sure that the potential domestic workers get the right papers (passport and a work visa). The documents that they need in order to acquire these papers are: birth certificate, family card and (for a women) a letter of permission from the husband or the father (Linguist, 2010). Next to that there is this legal rule that to be a domestic worker oversea women

have to be 21. When women/ girls have not reached this age sponsors sometimes falsify the papers of these women so that they are 21 on paper (Silvey, 2007). When arriving at the branches the women are interviewed and registered. The agency makes sure that they get a medical examination at a clinic. They also make sure that the transport is been taken care of and that they do not have to pay the exit tax. Taken all this into account, the recruitment agency really invests in their labour migrants. Before the immigrants leave they need to follow a government regulated training that prepare them for the work they will perform abroad. On top of that domestic workers receive a one- to three-month long training program (language, cooking, cleaning) by the agency. In practice this training consist of the women working (for free) at the recruitment agency (Human Rights Watch, 2008; Lindquist, 2010). To these recruitment agencies female migrants turn into valuable commodities that need to be controlled and protected because of the investment of time and money in them. The recruitment agencies make the first costs of providing the female labour migrant with all the necessities of going abroad. This investment will only return to them through the share of the wage that the domestic worker will make in the first half year of her stay (Linguist, 2010).

The formal way of applying for domestic work abroad is too complicated for most women with low- income, so they turn to middlemen/ brokers who arrange the domestic work for them. This puts the women in a vulnerable position, and increases the chances of misuse. When women avoid contact with the state's migration apparatus they enforce the state's lack of regulatory capacity. These women are often unaware of the fact that the brokerage practices and therefore their migration is illegal. The normalization of domestic work migration of the state and the lack of providing information about this issue through the state results in brokerage being common practice (Silvey, 2004a).

What happens with the Indonesian labour migrants when they return home is what is dealt with now. When the labour migrants return to Indonesia, they get a special treatment. Since august 31, 1999, terminal 3 at the airport of Jakarta is open. The terminal is located some 500 meters away from the regular airport terminals, and is established for the returning labour migrants to provide them with formal, state-regulated, safe and reasonably priced transport to their villages. Migrants that return

home often faced violence, corruption, and harassment during this trip. But with the establishment of this terminal, migrant right activists argue that the segregation of migrants only exacerbates the marginalization and abuse that the migrants have faced already during their stay abroad. While the Indonesian government sees the establishment of terminal as a possibility to monitor and regulate labour migrants and those who try to take advantage of them. But what exactly happens at Terminal 3? A situational analysis of Silvey (2007) provides us with the information to answer this question. On their way to terminal 3, the labour migrants are drilled by the police who tells them what to do, to make sure that the chance of exploitation within Indonesia, are minimized. This drilling is illustrated by the following cited practices:

*'Police: What will you do with your money?!!! I will put the money in the bank! Repeat!!!*

*Labour migrants: I will put the money in the bank!!'* (Slivey, 2007, pp. 272).

When the labour migrants arrive at terminal 3, there are six sections of monitors that they need to pass before they can return home. These six sections consist of: information and guidance, data, security, health, banking, and monitoring and evaluation. Whether or not the data is noted in a correct way does not seem to bother anyone. Civil servants often note something different from what the labour migrants told them on the forms. Explanations that they gave for this practice were: 1) a way to handle the boredom of the job, 2) they claimed that their bosses would not believe the figures if they reported what the migrants told them, and 3) some stated that they knew that the labour migrant was lying and therefore changed the data. But they were not the only ones that changed the data. The labour migrants also changed the data according to their interests, by answering the civil servants in such a way that they thought was beneficial for them. Derived from these disorganized practices of officials at terminal 3 shows the limited interests of the Indonesian state in providing protections and services to returning labour migrants (Silvey, 2007).

## Discourses present about female labour migration

When I look at the discourses that exists in Indonesia concerning domestic workers I can draw the conclusion that this discourse is an twofold one. Many people in Indonesia, even labour recruiters, claim that in Islamic terms female migration is Haram (forbidden). Still the trend of female labour migration is continuing. Factors that contribute to the continuation of this trend are manifold. Looking at the history of Indonesia, we see that during economic crises in the past women often became sources of labour. The step to labour migration in economic difficult times does, from this perspective, not seem to be a radical change. For divorced women labour migration can be a way to support their children and their parents, while for young women labour migration can sound appealing because of the opportunities that they see in it. Generally it can be stated that international migration has become some sort of rite the passage in Indonesia. It symbolizes Indonesia's national moral economy of migration (Lindquist, 2010). The state enforces this twofold discourse by the messages that they send to their population. The New Order state conceptualized the domestic sphere as a privileged arena *'on which the seeds of a modern, orderly, developed nation could be planted'* (Silvey, 2004b, pp. 147). It idealized the role of the women as caretaker of the home and family. And since it was stated that the Indonesian state could only be strong when it is built on strong families, it created a vision of the household that is linked to the production of a nation, in which the women plays an important role (Silvey, 2004b).

But economic internationalization does has its effect on gender roles. With the perspective of economic development, the state created a variety of educative programmes with the goal *'to socialize and encourage low- income women to play the roles of supportive mothers and wives in families and serve as contributors to national economic development'* (Silvey, 2004a, pp. 249). With this, the state incorporated the low- income women into the poorly protected transnational labour force, claiming them to be the heroes of national development (Silvey, 2004a). This ambiguous way of framing women in certain roles that seem to contradict each other has continued in the contemporary Indonesian state. As stated above, during periods of economic crises women were encouraged to find work abroad. At the same time the government has state- led programmes such as the Family Welfare Program in which women are

considered to be the secondary income generator, enhancing the notion that women are not supposed to be contributing to financial income of the family (Hua, 2012).

How do women perceive these different roles that are imposed on them by the government? The women themselves translate and mediate the state discourse and policy in everyday life. Their norms exceed the simplification of the given state ideologies. The dominant state discourse on gender roles (women as caretaker) can be seen in the way the women express their wish to work abroad. They present it as the way to support their family. The tension that the state creates by wanting the women to be dedicated to their families and at the same time wanting them to participate in developing the national economy, did not generate tension among the migrant women. They work around this ideological contradiction *'with humor and pleasure in consumption alongside their expressions of religious piety and domestic dutifulness'* (Silvey, 2006, pp. 34). The women occupy different positions simultaneously: global consumers, devoted mothers, victimized laborers, pious pilgrims and heroines of local and national economic development. They are being flexible with interpreting their roles, and therefore able to live with contradictions (Silvey, 2006).

## **Conclusion**

Taking this all into account we can see that female labour migration in Indonesia is common practice. The income of the country even depends for a large part on the remittances that these female labour migrants sent home. 'Heroes of modernity' is what they are called by the Indonesian government. The Indonesian society enables these women to migrate through recruitment agencies, legal or illegal. But within the Indonesian society this support of female labour migration also has an opposite point of view. There is this other discourse, brought out by the government, about women. This discourse implies that women are the caretakers of the family, and should therefore stay home to take care of her family. The women of Indonesia work around this contradiction in their own flexible way.

## ANALYSIS

In this section I will analyze the legitimation processes that can be found within the Saudi Arabian society concerning the treatment of Indonesian domestic workers. But I will not only focus on the legitimating processes in Saudi Arabia, I will also analyze the legitimation processes in Indonesia concerning female labour migration. This to give an complete image of the situation that these women are in. After analyzing the legitimation processes I will look at them from an actor oriented perspective to illustrate why the situation of these women continues to exist as it is. This analysis thus tries to answer the question why the situation that these women are in does not tend to change.

### *THE SITUATION IN SAUDI ARABIA*

The legitimation process that occurs in Saudi Arabia concerning the treatment of foreign domestic workers is analyzed by looking at the prevailing practices and perceptions that contribute to the vulnerable position of these women. The practices and perceptions that will be taken into account are: the stratification of society, the unfreedom that the domestic workers face, the Saudi Arabian norms at stake, access to justice, and the discourses about domestic workers present in the Saudi Arabian society. These are various practices within the Saudi Arabian society contribute to the vulnerable position that the Indonesian domestic workers are in. All these practices have their own mechanisms that justify that particular practice. All these practices together make sure that the vulnerable position that these women are in is legitimized.

First I will identify the mechanisms that contribute to the legitimation the practices that contribute to the fact that the situation of the Indonesian domestic workers in Saudi Arabia continues to be vulnerable. Thereafter, I will look at the legitimation process from an actor oriented perspective. This actor oriented perspective on the legitimation process in the Saudi Arabian society provide me with the ability to show why social change in this situation is hard to establish.

## **Stratification of society**

When the Indonesian domestic workers arrive in Saudi Arabia, their nationality, gender, race and economic status make them fall within the bottom stratum of the social hierarchy. The stratification of the Saudi Arabian society is thus unfavourable for them. But as we have seen the stratification of society is a phenomenon that is often perceived as legitimate, by both the better off as the worse off. The legitimation process of the stratification of society is influenced by both the structural level and the level of the social actor. At the structural level the social hierarchy is enforced by the fact that in the daily lives of the domestic workers the inferior position they embody is imposed upon them. This can make them feel dependent, powerless, and of little value. This contributes to the formation of the image of the Self of these domestic workers, in which they will see themselves as inferior to others. Although they are functional within the household they will see, and will be seen, as the ones with the less important function of society, or to keep it within the household, the less important function of the household. Because they are seen like this, and might even be seen as such by themselves, the inferior position of the Indonesian domestic worker is legitimized.

But we should not forget that the image of the Self of the domestic worker is not only formed by the situation that she is in at that very moment. The history of the domestic worker, and how others treated her at that time also contribute to her image of the Self. Next to that, when the domestic worker returns to Indonesia with money, the way of others look at her will change in positive way. So, that the Indonesian domestic worker has an inferior image of the Self is especially the case in the Saudi Arabian context. At the level of the social actor, the stratification of society, with the Indonesian domestic workers at the bottom layer, is maintained because the social actors involved do not change their mind about the fact that these women are supposed to be in this lowest stratum of the Saudi Arabian society. The underlying, semi- unconscious mechanisms that contribute to that; equity and status attribution theory, reinforce the inferior position of the Indonesian domestic worker. The image of the domestic worker, that exists in Saudi Arabia, is that she does not contribute much to the Saudi Arabian society, and thus should not expect too much rewards. This since the rewards should be proportional to investment according to the consistency theory. Because the domestic

worker lives within the household, the only status relevant characteristics that others outside the household have from her, is the fact that she is a domestic worker which immediately puts her in the lower strata of society.

But the huge difference that exist between domestic workers in Saudi Arabia and Saudi Arabian citizens is easier justified within this large complex society. Within the household this is a whole other story. The other characteristics of both domestic worker and employer are known, and are thus not constructed by the social actor's will for consistency. Therefore occasions could occur in which the big differences could be harder to justify, and thus these differences could be regarded as not legitimate. When the domestic worker faces dehumanization, which implies a big difference between employer and domestic worker, she often does not perceive these practices as just. Statements like 'I am human' raise. She does not perceive the action of her boss as legitimate, but unfortunately she does not have the power to his behaviour.

### **unfreedom**

The Indonesian domestic worker faces unfreedom when being in Saudi Arabia. The barriers that limit her scope for action can be categorized as: legal, economical, physical, or 'other'. The legal barrier that the domestic worker faces consists of the sponsorship system. This sponsorship system was established to protect the domestic workers, through this system they are bounded to someone that can look out for them in their new, unknown environment. But unfortunately in reality this sponsorship system has some side effects that make the domestic workers vulnerable. But with these good intentions it is easy to justify the system, making sure that it is accepted. This sponsorship system thus is a legitimized source that contributes to the vulnerable position that Indonesian domestic workers get into when working in Saudi Arabia.

That is why I immediately turn to the economical barriers that the domestic worker faces. There are different situations that could lead to this economic barrier. Some women do not receive their wages, but instead they receive something that is called pocket money. This pocket money often does not meet the standards of the wage that the domestic worker is promised. This practice is legitimized by the patriarchal

structure of the Saudi Arabian society. In this patriarchal structure everyone needs to fulfill a certain role, so a domestic worker needs to fulfill her particular role. Fulfilling this role does not imply making money, so her boss does not see the need of paying her a wage. Next to that the payments of the wages could entail some other surprises for the domestic worker. Some bosses do not pay their domestic worker the first two months. Others only pay her when she has fulfilled her contract. These practices are legitimated by the fact that in some contracts that the domestic worker signs, on arrival in Saudi Arabia, state that the first two months do not need to be paid, but is seen as the contribution of the domestic worker to the trip abroad. When the domestic worker gets paid when her contract is done, this is justified by saying that she does not need the money before.

Another impediment for the domestic worker to leave the house is physical. Physical impediments can occur in various forms: 1) the domestic worker is left in the dark about where she is, 2) she does not have her identity papers, or 3) she cannot leave the house because it is locked. These practices are regarded as legitimate since there is no need for the domestic worker to go outside. The job that she needs to fulfill is within the house, so there is where she should be. Lastly, there are the impediments categorized as 'other' that a domestic worker can face. Within this category there are three kinds of barriers. The first is based on the fear of being disobedient. The second barrier consist of the role- fulfilling discourse that the Indonesian domestic worker has internalized from the Indonesian patriarchal society. The last impediment that falls within this category is the found in the fact that some domestic workers feel that they are bounded by the contract that they have signed and thus cannot go home before this contract is finished even though they are mistreated.

All these impediments that the domestic worker faces when she wants to leave, when she is mistreated, makes it really hard for her to escape. It also makes it hard for the domestic worker to get into contact with other people. That she is unable to make such contacts makes sure that she cannot establish weak ties. These weak ties could have helped her getting out of the position that she is in since they are able to manipulate a certain network via the contacts that they have. So the unfreedom that the

domestic worker faces contributes to the fact that her effective agency is limited. The unfreedom that the domestic worker faces contributes to the fact that the effective agency of the domestic worker is limited since it constrains the ability of the domestic worker to establish weak ties.

### **The norms at stake**

So within the hierarchical structure of the Saudi Arabian society, the Indonesian domestic workers already become vulnerable. From this hierarchical structure there are several norms derived that influence the situation that the Indonesian domestic workers are in when working in Saudi Arabia. These norms are important in the legitimation process that is at stake when bosses of domestic workers justify their behaviour towards these women. Norms can be used to justify certain actions. As noted before, the norms that play a role in the situation of Indonesian domestic workers in Saudi Arabia are: customary norms, Sharia norms, contractual norms and formal legal norms. I will look at the function of each of these norms for the legitimation process in the precited sequence.

First I will look at the customary norms. The patriarchal status model and the contractual model, have their own ideas about how a domestic workers should act and how she should be treated by their bosses. So the structure provides the domestic workers as well as their bosses with the possibility to choose between these different discourses about how to deal with each other. It is here that the social actors, domestic workers and bosses, could use their agency to pick a model that suits them. Although domestic workers are able to pick a model, which they regard as how it should be, most of the time they do not have the power to decide which model or combination of models will be acted on. They do not have the capability to influence their bosses, making them accept the model that they prefer. The effective agency of the domestic workers here is limited, while the effective agency of their bosses is not, since they have the ability to impose a certain model on their domestic worker. That the effective agency of the domestic worker is limited thus is partly determined by the subordinate position in the Saudi Arabian society and within the household.

The Sharia norms that are at stake in the legitimation process of how to deal with domestic workers in Saudi Arabia are derived from the Islam. The Islam is 'the' religion in Saudi Arabia. The fact that the population believes in the Islam in Saudi Arabia is not a matter of debate, it is taken for granted. The Islam could therefore be seen as a hegemonic source from which legitimacy can be derived. It is an unquestioned source of legitimacy. But in Saudi Arabia the legitimation process that occurs around these Sharia norms is somewhat more complicated. The Sharia has multiple interpretations so that different discourses are derived from the same legitimate source, to operate at the level of the households. But although these different interpretations of the Sharia exist, some which could be beneficial for the domestic worker, the patriarchal structure of the Saudi Arabian society influences these Sharia norms in such a way that their outcome is unfavorable for the Indonesian domestic workers within Saudi Arabia. The notion that women need to be protected, and that they are not equal to men could be seen as an hegemonic notion. This is derived from the patriarchal structure, which is deeply rooted in the Saudi Arabian society. It is not something that can be questioned, the people in Saudi Arabia behave accordingly to this notion. The fact that women are seen as unequal to men results into limited effective agency for the domestic workers. Their claims will therefore be seen as less valuable than the claims of the employers. It is thus harder for the domestic worker to convince others of their claim, so that they can evoke social change. The fact that Indonesian domestic workers, are regarded as less than men also legitimizes the fact that these men 'rule' them. So the Sharia norms which are embedded in the patriarchal structure of the Saudi Arabian society contribute to the legitimation of the female subordinate position of the domestic worker.

The contractual norms are twofold in the case of the Indonesian domestic workers in Saudi Arabia. Both domestic worker and boss refer to other contracts which legitimize their own claims. Since both contracts are signed by the domestic worker, but only the one that the boss refers to is seen as valid in Saudi Arabia, also the contractual norms often favour the bosses. The contract that the Indonesian domestic workers signed first, is often not acknowledged by the recruitment agencies within Saudi Arabia. The denial of the contractual norms that the domestic workers refers at, to gain support for her claims, are thus easy set aside by the claim that these contracts, or what is in it, are not valid in Saudi Arabia. Therefore the contractual norms that the domestic

workers refer to are thus not legitimate since this contract is not seen as valid. The contractual norms that the boss refers to are on the other hand legitimized. They are accepted as the true conditions on which the domestic worker needs to be treated. This contradiction in what the social actors refer to as the norms that should be taken into account, leads to conflict at the level of the interface. The interface is a situation in which social actors with different ideas meet. When they interact the ideas of these social actors can result in mutual understanding or a conflict. When mutual understanding comes into being, social change can occur. But when a conflict rises this leads to the enforcement of one's own ideas. The different ideas of the domestic worker and the boss about the contracts clash. This makes sure that their own ideas are enforced.

The last norms that influence the situation of Indonesian domestic worker are the formal legal rules. They actually influence the situation because they do not exist in the form of labour regulations. Since the Indonesian domestic workers do not have any legal rule to fall back on when they have a dispute with their boss, legal support for domestic workers in Saudi Arabia in labour conflicts is thus not perceived as legitimate. The legal system in Saudi Arabia legitimizes the bad representation of the domestic workers in Saudi Arabia since they are not regarded as workers at all. Formal legal rules that do apply on the Indonesian domestic workers, like the sponsorship system, make it nearly impossible for the domestic workers to speak up for themselves. How this sponsorship system is justified is elaborated on before.

Because all these norms exist next to each other the employer has a lot of space to maneuver between all these norms. Providing him with the opportunity to justify all kinds of mistreatment towards the Indonesian domestic worker. So the fact that there exist all these different kind of norms that legitimizes various forms of behaviour towards the domestic worker she is trapped within a myriad of possibilities for her employer. The patriarchal model requires her employer to only provide her with some pocket money. So her entire wage is not paid. The contractual model and the contractual norms enable the employer to enforce the rules that are noted in the substituted contract. These rules are often not in compliance with the rules within the contract that the domestic worker signed in Indonesia. Next to that the Sharia norms within the

patriarchal structure of the Saudi Arabian society make sure that in practice are not able to win a process in court so that the employer can perceive this as a license to do whatever he wants since is not judged for it. This also stands for the legal norms involved. But these legal norms provide another dimension to it. The sponsorship system namely makes it possible for the employer to determine when the domestic worker can leave the country. Limiting the freedom of the domestic worker. So it are all these norms together that can establish the legitimation of the mistreatment of the Indonesian domestic workers in Saudi Arabia. But these norms are assisted by other practices that also contribute to the legitimation of the vulnerable position that the Indonesian domestic workers are in.

### **Access to justice**

Next to the norms that contribute to the vulnerable situation of Indonesian domestic workers there is the functioning of the Saudi Arabian legal system that is not in favour of the domestic workers as well. This legal system is developed out of an elite that is semi- autonomous. Their effective agency can be regarded as self- enforcing, which makes sure that they often do not need the support of the population. This effective agency has become this big because of the oil revenue that they gained, which provided them with a powerful (financial) source to involve others in their 'project'. I would like to add here, but this is everywhere the case when I talk about acceptance that this does not mean that everyone agrees. When I talk about a group of social actors, in this case the population, that accepts a certain claim the effective agency of all these people together does not challenge what it is that they accept. So, it could be that there are other ideas present, but that they are not heard, nor accepted to challenge or overthrow the claim that is accepted. So when there is enough effective agency in favour of the acceptance of the particular claim, this claim is regarded as legitimate.

The ruling elite of Saudi Arabia has this self- enforcing amount of effective agency, which requires them with the possibility to do what they like without approval of the population. They possess the so called weak ties that makes them able to manipulate the network. The network in this case consists of the entire Saudi Arabian population. The daily interaction, in which normative principals are learned enforces the

superior position of the elite. The perceived superiority of the Wahhabi elite, makes sure that they can impose norms and values upon the society. For the legal system in Saudi Arabia this has as a consequence that the elite does not take care of the formation of a well- functioning legal system. Citizens as well as officials do not know the official rules.

As a result of unknown rules the outcome of an process is often determined by someone's *Wasta*. The fact that your *Wasta* often is decisive in the outcome of a certain process is closely connected to the notion of effective agency. As long as you can make people believe in your claim, in whichever way that is accepted, you are the one that comes out in a favourable way. This often means that the higher your stand in the hierarchy, the better you are able to influence the legal system. The hierarchy in the Saudi Arabian, has thus its influence on the effective agency of the social actors involved. And as seen before, the Indonesian domestic workers are positioned at the bottom stratum of society which makes sure that their effective agency is limited. Also here the notion of effective agency is linked with the concept of weak ties. Here the domestic worker does not possess the contacts that can establish a favourable judgment while the employer does have these contacts. Because these judgments in court are based on the *Wasta's* of the persons involved are not challenged or cannot be challenged, it is accepted. This acceptance contributes to the legitimation of the vulnerable position that the Indonesian domestic worker is in.

### **Discourses about domestic workers present in the Saudi Arabian society**

The Wahhabi elite makes very clearly use of the fact that they can impose norms and values upon the Saudi Arabian population. They teach to fear the foreign, with that excluding possible information that could undermine their authority. Because this fear of the foreign is of direct appliance on the Indonesian domestic worker, the suspicion with which she is treated is legitimized. Because the Wahhabi elite teaches this fear of the foreign, it also limits the available discourses from which social actors can choose. All discourses derived from something foreign are not seen as legitimate sources for action.

Occultism which is part of the Indonesian culture, is such a practice that is foreign, and seen as something scary and dangerous. It is therefore illegal in Saudi Arabia. But the Indonesian domestic workers take this cultural practice with them. When the boss is confronted with these ideas the domestic worker can be expelled immediately. This confrontation of different ideas of different social actors could be seen as an interface. When the social actors with different ideas about occultism in Saudi Arabia meet, we see a conflict rising which makes sure that the perceptions of the social actors are enforced and the two do not come closer together, but drift further apart. This makes sure that mutual understanding does not occur and social change does not take place. Because the Saudi Arabian ideas of occultism are enforced, by conflicts at the interface and the internalized fear of the foreign, this legitimizes the fact that Indonesian domestic workers can be judged for occultism.

But it is not only this fear of the foreign that creates feelings of otherness. The otherness that is experienced by the Indonesian domestic worker when practicing her profession in Saudi Arabia comes into being through three factors, 1) because the popular acceptance that the foreign needs to be feared, 2) because she is the other women in the household, and 3) because she is a women. The first factor is legitimized since the Wahhabi elite was successful in internalizing these values of suspicion of the foreign, creating a source of legitimacy in which the claim of fear for the foreign is taken for granted. The second factor of otherness occurs within the private sphere of the household, so that as long as the women of the household can legitimate her behaviour towards the domestic worker towards herself and her direct family, she does not face any problems when treating the domestic worker badly. Possible legitimating claims for her abusive behaviour are that 1) she wants to protect her family from the influence of this women, or 2) that she wants to make sure that her husband stays faithful to her. The third factor that leads to feelings of otherness is the simple fact that the domestic worker is a woman, while her boss is a man. Within the patriarchal Saudi Arabian society, in which the life worlds of men and women are separated, this can lead to sexual tension. In this society the blame of rape will lay with the women. So when the boss has sex with his employee (willing or unwilling), he could always use the argument that she seduced him, so that it is not his fault. The act therefore does not face any consequences. When I analyze this situation with the idea of Marx in which he stated that the prevailing

practices form the ideas of how things should be, the lack of judgement of the mistreatment of domestic workers becomes the standard of how things should be. Because this practice prevails it can become the standard for how things should be. When the prevailing practices are seen as how it should be the practices are legitimized. But here I would like to add that we should not forget about the agency that the social actors have, prevailing practices can become delegitimized so that social change can occur.

### **Actor oriented perspective**

Before looking at the situation from an actor oriented perspective I will look at how the legitimating mechanisms together lead to the legitimation of the vulnerable position of the Indonesian domestic workers in Saudi Arabia. From there I can take an actor oriented perspective on the whole legitimation process.

The structure of the Saudi Arabian society provides the bosses of the domestic workers with various discourses on which they can legitimize certain behaviour towards domestic workers. The domestic workers on the other hand do not have a chance to delegitimize the abusive behaviour of their bosses. As well as the customary norms, the Sharia norms, the contractual norms, and the formal legal rules, make sure that the boss, because of his effective agency which is derived from the hierarchical structure of society, can pick which set of norms suits him best in a particular situation and derive justification of his actions from there.

The whole legal system that is present in Saudi Arabia protect the employers against possible charges from their domestic workers since people get judged on their *Wasta* and not on their offences. Furthermore there is this idea of fear for the foreign present that is unfavourable for the Indonesian domestic workers. This fear of the foreign is for the Indonesian domestic workers even more problematic than for domestic workers that have another country of origin. This because their practices of occultulism are forbidden.

The Saudi Arabian society is a patriarchal segregated society. This segregation of society plus the fact that the Indonesian domestic worker is a woman, can evoke sexual tension, which could lead to rape. The domestic worker in Saudi Arabia also faces a certain level of unfreedom, which is legitimized by several mechanisms explained above. These mechanisms all refer to structural factor of the Saudi Arabian society. The structural factors that are referred at are: 1) the hierarchical structure of the Saudi Arabian society, 2) the functioning of their legal system, 3) the patriarchal society, and 4) the contracts that the domestic workers need to sign when arriving in Saudi Arabia. These mechanisms also explain why the effective agency of the Indonesian domestic worker is limited, while the effective agency of her boss is not. Since it is the structure of the Saudi Arabian society establishes this difference in effective agency, it is not something that could easily be questioned by any social actor involved.

When looking from an actor oriented perspective I can see that the structure of the Saudi Arabian society enables abusive behaviour of bosses towards domestic workers. It could even be said that these practices are legitimated within the Saudi Arabia, since no one interferes, and thus implicitly accept the prevailing practices concerning the domestic workers in Saudi Arabia. The domestic workers are powerless in this structure. They are not able to change their situation because of a lack of effective agency. They do not have the weak ties necessary to change their situation for the better. The only option that they see is to run away, while this is often hard to establish. When they perform this kind of behaviour, this is delegitimized by the Saudi Arabian structure that they are in. That the domestic workers feel the need to run away because of the severe circumstances that they are in is often not acknowledged. Their boss, recruitment agency and officials put the blame of the mistreatment with the domestic worker, and do not do anything to change her situation. The domestic worker is here thus a prisoner of the Saudi Arabian larger legitimated structure.

*THE SITUATION IN INDONESIA*

In this subchapter I will look at the prevailing practices and perceptions that exist within Indonesia which establishes female labour migration to Saudi Arabia on a large scale. This although these women are regularly mistreated in Saudi Arabia occurs. I will analyze how the legitimation process leads to the acceptance of female labour migration. The practices and perceptions are legitimated by the mechanisms outlined in my theoretical framework. All these legitimated practices and perceptions together lead to the legitimation of female labour migration. The practices and perceptions that are looked in the analysis are: the policy of the state, the recruitment practices, the procedure for labour migrants when they return to Indonesia, and the prevailing discourses about female labour migration present in Indonesia. I will analyze the legitimation processes to show why the migration flow to 'dangerous' countries continues to exist. I will explain this by analyzing the legitimation processes from an actor oriented perspective. My final section will look at the legitimation processes at stake from an actor oriented perspective. This perspective enables me to show that the female labour migration from Indonesia to 'dangerous' countries continues to exist.

**Policy of the Indonesian state**

The Indonesian government is actively promoting female labour migration. The promotion of this phenomena can play a role in the legitimation of female labour migration, both from the side of the Indonesian government as from the side of the Indonesian society. The Indonesian government frames women that migrate to work abroad as 'heroes of modernity'. They provide the Indonesian society with money from abroad. Money that, since the bad economic position that the country is in, is very welcome. The remittances that the female labour migrants take home are seen as a contribution to the economy of Indonesia. These ideas can contribute to the legitimation of female labour migration. The ideas of the state that frame female labour migrants as 'heroes of modernity' can be noted in the discourse of the Indonesian society. That these ideas are present in the Indonesian discourse concerning female labour migration shows that the policy of the Indonesian state thus have had some impact on the discourses in society. The Indonesian government here contributes to the development of ideas that

can legitimize female labour migration. These legitimating ideas can both be used by the Indonesian government themselves as by the Indonesian society as a whole.

Especially during economic downturns, the Indonesian state encouraged women to work abroad. In those times the numbers of women that went to work abroad increased. Besides the claim that the state tries to enlarge the work opportunities for their labour migrants, they also claim to make an effort to improve the safety of the labour migrants abroad. This seems a reaction to stories of the media that describe the terrible situation labour migrants sometimes get entwined in. By telling that their government program is aimed at improving the situation that the labour migrants become entangled in, the government tries to justify their encouragement of labour migration towards the Indonesian society as well as towards the International society. Whether the bodies that are set up by the Indonesian government to increase the safety of labour migrants really improve the situation that the labour migrants get into, I will not elaborate on. As I have argued in my theoretical framework, a legitimating story does not have to be in accordance with what happens in reality. It is all about what people perceive to be legitimate and thus a claim that is made can be enough to establish this perceived legitimacy, as long as the people believe that particular claim.

What the Indonesian government did do, is sign the UN convention on migrant workers, and after a while they ratified this convention. But what did this establish when looking at the situation the Indonesian domestic workers can find themselves in, in Saudi Arabia? It actually does not change much. The countries that signed this convention try to establish a decrease in violence against migrant workers, by including all actors involved. So they also aim at transition and destination countries. Since Saudi Arabia did not sign the convention, it is of little influence on the situation that the Indonesian women who travel to Saudi Arabia get into. That the Indonesian government signed this convention could be seen as an act that contributes to the legitimation of the Indonesian state's support for labour migration towards the Indonesian society as well as to the international community. This because signing the contract could be explained as an act that shows that the Indonesian government really cares about their labour migrants.

In a response to a story in the media about an Indonesian domestic worker in Saudi Arabia the Indonesian government established a ban on labour migrants to Saudi Arabia. The story was about an Indonesian woman who was sentenced to death in Saudi Arabia for killing her employer. She killed her employer because she had become desperate after all the mistreatment that she had faced. After the news got out that this woman was executed, and there were even more Indonesian domestic workers at death row in Saudi Arabia, Indonesia established a moratorium on the Indonesian labour migration to Saudi Arabia. So for a couple of months, there were officially no Indonesian domestic workers that went off to Saudi Arabia via the official channels. After a few months this moratorium was lifted. When the Saudi Arabian minister of Human Resources came to visit Jakarta and spoke with the Indonesian minister of Manpower and Transmigration, they agreed on being committed to improve the protection of the Indonesian domestic workers. The Indonesian government claimed that this oral agreement was enough to lift the moratorium. The moratorium can be interpreted in such a way that it seems that the Indonesian state is really concerned about the labour migrants abroad. This interpretation contributes to the legitimation of the fact that they still send labour migrants abroad, since they really take an effort to improve their situation and try to make sure that nothing bad happens to them. They make a legitimizing claim towards the Indonesian society as well as to the international society. With these legitimizing claims, they try to establish acceptance of the current situation by other social actors.

The last issue of the policy of the Indonesian government that I will take into account is the fact that there exists a Domestic Worker Roadmap, in this roadmap the government states that they want to stop sending domestic workers abroad. With this the government implicitly acknowledges that sending women abroad to make money is not an ideal permanent solution for the economic difficulties that the country is dealing with. Nevertheless they do want to make use of this source of income right now, but at the long run they state that they wish to abandon these practices. By suggesting that they are working on another solution, they try to justify female labour migration right now towards the international society and maybe even towards themselves. It is framed as a temporary necessary condition to improve the economic situation that Indonesia is in. It thus is a legitimizing story to increase the acceptance of the Indonesian domestic

workers that are currently at work abroad, or are going to migrate to work abroad. How realistic the idea to stop sending domestic workers abroad is could be questioned. The households within the lower strata of society often depend on the remittances from labour migrants. The women that work abroad earn much less within Indonesia if they are even able to find a job.

### **Recruitment practices**

Both legal as illegal practices recruitment practices of female labour migration occur regularly within Indonesia. The fact that these recruitment practices both prevail in a legal and illegal setting implies that the acceptance of women going abroad does not only come from the state but is developed from below as well. Therefore I conclude that the migration of women to work abroad is commonly accepted within Indonesia. But these illegal practices do undermine the authority of the state, and with that delegitimize their authority on this particular matter. Because it is easier, faster and cheaper for women in Indonesia to obtain work abroad via the illegal recruitment practices, they regularly turn to those practices instead of the legal practices. Sometimes even without noticing that their migration is illegal. This lack of knowledge is a consequence of the bad information facilities that the government provide the women who wants to migrate for work with. This lack of information supply from the Indonesian government could be seen as acceptance of the illegal ways that make labour migration possible. This because they do not effectively try to make sure that the women migrate through their official channels, which provide these women with some protection abroad, at least on paper. It could therefore be said that the Indonesian government actually does not really care about how these women migrate to another country. As long as they bring remittance back to Indonesia and thereby increase the BNP of Indonesia, they are satisfied. The less expensive and easier illegal way of labour migration is because of the lack of information not recognized as such, and thus an accepted way to migrate.

At the recruitment agencies there are other legitimating claims at stake. The fact that they invest in the women that want to work abroad, leads to the fact that these agencies feel some sort of ownership over these women. This feeling leads to the legitimation of the fact that the women first work a few months at the agency without

payment. This practice is even further legitimized by the claim that this unpaid work is meant as training for the work that these women will perform abroad. These claims make sure that the unpaid labour is accepted by both parties (the recruitment agency and the potential female labour migrant). Here we can see the lack of effective agency of the women playing a role; they are totally dependent on the recruitment agencies to get their wish to come true. Their effective agency here is limited because 1) their lack of money, 2) their lack of knowledge about the whole process, and 3) their lack of contacts abroad to make the process of labour migration happen. The recruitment agency is the social actor that could make this wish come true. This leaves the recruitment agency in the position to demand these few months of unpaid labour. The recruitment agency find themselves in this powerful position thanks to the weak ties that they have with various social actors. These weak ties can make sure that they are able to make labour migration happen. These weak ties are a source of effective agency for the recruitment agencies.

### **Return procedures for labour migrants**

When the labour migrants return to Indonesia and arrive at Jakarta airport, they receive a special treatment. They have their own terminal where they need to report themselves on arrival. This terminal is established by the Indonesian government to provide the returning labour migrants with formal, state- regulated, safe and reasonably priced transport to their villages. The Indonesian state want to make sure that these labour migrants are not exploited when returning to Indonesia. So the founding of this terminal 3 by the state is justified by the good intention that the Indonesian government claims to have, protecting the returning labour migrants. With this claim, the establishment of this terminal for returning labour migrants is legitimized. But there is another way of thinking about this terminal 3 present in Indonesia. Human right activist see this terminal as an exacerbation of the marginalization and abuses that the labour migrants already have faced abroad. This because they are separated from the 'normal' people coming to Indonesia. There are two discourses present in the Indonesian society about terminal 3. But the one who has the supporters with the most effective agency all together, is the one that is lived up by. At the moment the discourse of the Indonesian state is the one that occurs since terminal 3 still functions the way the Indonesian

government wants it to do. Since terminal 3 is still at work, it represents a certain level of acceptance from the Indonesian population.

But what exactly happens at terminal 3? As written in my description of the situation, the prevailing practices at terminal 3 are kind of chaotic. For example, the details that are gathered from the labour migrants are not collected in a proper way, because data is often changed by the officials or by the returning migrants themselves. The fact that there is dealt in an unprofessional way with the data of the labour migrants gives the impression that the Indonesian government actually does not really care about the returning labour migrants. And thus terminal 3 can be seen as a construction of the government to claim that they care about the returning migrants, to contribute to the legitimation their strategy of sending Indonesians abroad to work. This legitimating claim is made towards the Indonesian society and the international society so that they accept the Indonesian policy.

### **Discourses on female labour migration**

There are two seemingly contradicting discourses present in the Indonesian society when it comes to female labour migration. One encouraging the women to work abroad, and one that sees women as caretakers of the family so that they should therefore stay at home. Both discourses are derived from the Indonesian state's policy. The discourses present in the Indonesian larger structure provides the potential female labour migrants with different scoops for action. Social actors involved with the phenomena of female labour migration refer to both discourses to justify their behaviour with, this although these discourses seem to contradict each other. The social actors can refer to the two different discourses at different times. The present structure in Indonesia thus enables these women to strategically maneuver between those discourses and pick whatever idea suits them best in certain circumstances. Both discourses are accepted, and thus both can be used to legitimize the behaviour of the women.

But it is important to note here that the 'heroes of modernity' come from the lower strata of the Indonesian society. It is in these strata that female labour migration is

legitimized. This legitimation occurs, for a large part, because of the economic situation that they are in. Female labour migration in the higher strata of the Indonesian society is not (economically) necessary and thus not seen as legitimate since there is no need for an additional income. This differentiation of what is seen as appropriate for which strata can be explained by the consistency theory. Labour migration is only seen as legitimate when the characteristics, that imply the need to migrate, are present within a social actor. Since the women in the lower strata are addressed by both seemingly contradicting discourses, it would seem necessary for these women to delegitimize one of the discourses to legitimize the other. You either pick one or the other. But this is not the case in Indonesia. Both discourses exist next to each other and the women use these seemingly contradicting discourses without any problems. They embody different positions at various times which can explain their different choice for different discourses at different times. The women strategically maneuver between these discourses, picking from both at various times, making sure that the structure in which both discourses are present is not changed. The social actors keep the balance between these discourses deriving their legitimating ideas from these two discourses in different situations. The balance between the two prevailing discourses stays intact and thus the structure that provides the Indonesian society with these discourses, stays intact as well. Resulting in a structure that is thus able to legitimize the female labour migration.

### **Actor oriented perspective**

I will first give an overview of the legitimating mechanisms that make sure that female labour migration is something that is seen as legitimate within Indonesia. From there I will look from an actor oriented perspective to the situation so that I can identify why the female labour migration to 'dangerous' countries continues to exist.

At the larger structural level we can see that the economic circumstances in Indonesia, are contributing to the legitimation of female labour migration. Since there is a need for money, and opportunities to make money within Indonesia are lacking, the option of labour migration seems attractive. The need for money *an sich* is already a way to legitimize the labour migration of women. The Indonesian state contributes to the legitimation of female labour migration by spreading the idea of the migrating women

as the 'heroes of modernity' that help the country (and household) economically through the remittances that they bring home. That the Indonesian state continues to spread these ideas, while there are many reports of female labour migrants that are mistreated abroad, is legitimized by the fact that they claim to protect these overseas Indonesian domestic workers. So the claims of the Indonesian state about the protection of these female labour migrants abroad is used to legitimize their encouragement of female labour migration. This claim is made towards the Indonesian society as well as to the international society.

This claim of protection is supported by various actions of the Indonesian state. They developed different governmental bodies that are working on the safety and prosperity of the Indonesian labour migrants. Next to that they signed the UN convention on labour migrants, enforced a moratorium on the export of labour migrants to Saudi Arabia, and established Terminal 3. They spread this image that shows that they take effort to protect the Indonesian female labour migrants, and this legitimizes the continuation of sending women abroad towards the Indonesian population, the international society, and also to themselves. But the Indonesian government has, in contrast to these practices, also another way of looking at women. The woman is also seen as the caretaker of the family and therefore should stay at home to take care of her family. The structure of the Indonesian society, where two different discourses on female labour migration exist next to each other, provides the social actors involved with room to maneuver between these two discourses.

There are two possible ways through which female labour migrants are able to migrate to work abroad: the legal and the illegal way. Since the two exist next to each other and are not effectively challenged, they both can be seen as accepted practices. The Indonesian government does not really seem to bother that these illegal channels of labour migration exist, since they poorly inform the potential labour migrants about the different channels of labour migration. Through these illegal practices of female labour migration, the Indonesian government is officially not responsible for these labour migrants anymore. So in a way they even benefit from these practices, although they do undermine their authority. So the Indonesian structure with regard to female labour

migration consists of a strong economic incentive to make money in another country. The state enforces this incentive by framing the women of Indonesia who work abroad to support their family and with that their country, as the 'heroes of modernity'. But at the same time they also bring out a more traditional way of looking at the women. The women is also seen as the caretaker of the family. She is therefore supposed to stay at home and take care of her family in a non- financial way. The man is there to make the money. These structural characteristics of the Indonesian society enable and constrain the social actors involved in their ability to make certain choices.

From an actor oriented perspective I can see that the women are able to legitimate their choice to migrate to work abroad or not by using the two discourses present in the Indonesian society concerning the issue of female labour migration. It seems completely up to the women whether she migrates or not. But of course, she is located within a family which can pressure her to migrate or not. Next to that, the financial situation that she/her family is in also contributes to the decision she will make. So we can clearly see here that the social actor is free to choose, but the situation that he/she is in is not of her own choosing. While the situation that she is in does contribute to her decision. So, in making the choice, whether to migrate for work or not, she is influenced by the structure of the Indonesian society which is enabling women by the two discourses about female labour migration present in the Indonesian society. But at the same time the structure of the Indonesian society constrains these women (in making a free choice) by the particular economic situation that they are in. The decisions that the Indonesian women make are for a large part dependent on the economic structural factors. These structural factors can clearly constrain the actions of the particular social actor. It could even be noted that the structural factors make sure that the poorer women in Indonesia only see one real option: labour migration. I can therefore conclude that these women are left with a choice which actually might not be a real matter of choice. This since the situation that they are in require them to work abroad. When the economic circumstances and the legitimating claims that follow from these circumstances do not change, these women are locked in a situation in which labour migration is legitimized.



## CONCLUSION

This paper deals with Indonesian domestic workers in Saudi Arabia, who regularly face multiple forms of mistreatment within Saudi Arabia. Still this migration flow of female labour migrants from Indonesia to Saudi Arabia continues. That these practices of mistreatment of domestic workers in Saudi Arabia and the migration flow of Indonesian labour migrants to 'dangerous' countries continues to exist, is the central subject of this paper. The state of affairs in both countries contribute to the continuation of these practices. I analyze how these practices contribute to the continuation of the phenomenon with the aid of the legitimation process as described in my theoretical framework. The legitimation process is analyzed from an actor oriented perspective. The conclusion that we can draw from this analysis is that the structural characteristics of both countries constrain the options of the social actors involved, which makes sure that the space for change is limited.

Within Saudi Arabia, the structure legitimizes the mistreatment of the domestic worker. It does so by providing the employer of the domestic worker with several norms on which his behaviour towards the domestic worker can be legitimized. The norms that are able to legitimize the mistreatment of the domestic worker by the employer in Saudi Arabia are the customary norms, the Sharia norms embedded in the Saudi Arabian patriarchal structure, the contractual norms, and the formal legal rules. The employer has the effective agency to strategically maneuver between these norms. He can pick whatever norm suits him best at the moment. The domestic worker is unable to impose her norms upon the employer; with other words her effective agency is limited. The effective agency of the domestic worker is limited through several factors. The first factor is the patriarchal hierarchical structure of the Saudi Arabian society. The second factor can be found in the functioning of the legal system in Saudi Arabia. In this legal system, processes are won by the one's with the best *Wasta*. Because of this the Indonesian domestic worker is unable to win such a case. This legal system can be seen as protecting the employer against possible charges. The structure of the Saudi Arabian society thus enables abusive behaviour of employers towards domestic workers. It could even be stated that these abusive practices are legitimated since there is no jurisdiction, the prevailing abusive practices are thus implicitly accepted. The third factor is the

hierarchy of Saudi Arabia. The domestic worker is found at the bottom stratum of this society. That she falls within this lowest stratum has negative consequences for her ability to find a way out, when she is mistreated. The fourth factor is the segregation of the Saudi Arabian society. The segregation limits her possible scopes for action since she is a woman and thus excluded from the public life. The segregation together with the unfreedom that the Indonesian domestic worker faces, makes sure that she does not have many contacts within Saudi Arabia. She does not possess weak ties that she can use to manipulate her surroundings. So it could be stated that within the Saudi Arabian structure the domestic worker is powerless. She does not have the power to change the situation that she is in. She can be seen as a prisoner of the Saudi Arabian legitimated structure.

Within Indonesia, the structural level of the Indonesian society provides the Indonesian population with two discourses about female labour migration, that can both legitimize the fact that women migrate to work abroad as well as the fact that women stay home to take care of their family. The economic situation that especially the lower strata of the Indonesian society are in, is an oppressive structural characteristic that influences the decision that these women make with regard to labour migration. The fact that there is a whole system set up by the government as well as by the illegal sector that enable these women to migrate abroad, shows the acceptance of the phenomena of female labour migration. That this, for these women, dangerous phenomena is legitimated on a broad scale makes sure that a lot of these women will continue to work abroad followed by all the bad consequences for the women themselves. The Indonesian structure thus enables women from the lower strata to work abroad. But next to that there is this discourse of the female caretaker present in the Indonesian society that is in contradiction with female labour migration. So the choice of the women whether they want to migrate to work abroad or not are legitimated. So although it could be stated that these women have a choice to migrate or not, the (economic) situation that they find themselves in does push them towards the decision to migrate to work abroad. The economic situation that they are in thus influences their decision. This while this situation is not of their own choosing. Therefore we can see that these women are locked in a situation where labour migration seems to be the only solution.

How are these situations related to each other? The fact that female labour migration of the poorer women within Indonesia towards 'dangerous' countries like Saudi Arabia is legitimated, makes sure that the flow of female labour migrants to Saudi Arabia continues to exist. As long as this female labour migration flow from Indonesia (but also from other countries) continues to exist there is no need for the Saudi Arabian society to change their attitude towards the domestic workers. Although a large part of the population of Saudi Arabia depends on these women to work within the household, the importance to treat them well is not felt when there are enough candidates that are willing to do the job. The continuous flow of labour migrants to Saudi Arabia thus contributes to the vulnerable position that the Indonesian domestic workers are in, in Saudi Arabia.

So both the situation in Saudi Arabia as well as the situation in Indonesia contribute to the fact that the phenomena of the female labour migration from Indonesia to Saudi Arabia continues. Social change in this situation is hard to establish since the structure of these countries does not provide much space for change. The structural characteristics in Saudi Arabia that influence the situation of the domestic workers in a negative way, are currently legitimized. The legitimation of these structural characteristics needs to be challenged, so that the situation of the domestic workers can be improved. Challenging these structural characteristics is not easy, these characteristics are deeply grounded within the principles of the Saudi Arabian society. The sponsorship system, for example, is rooted within the principles of the patriarchal segregated society and legitimized by the claim that the guarantor guides and protects the domestic worker in her new unknown environment. That this sponsorship system also has negative side effects for the Indonesian domestic worker is taken for granted. Through this system she cannot leave the country without permission of the guarantor, which often is her employer. Such a system cannot easily be changed. But changing the sponsorship system is not the only measure that could be made to improve the situation of the domestic workers by. Other options are: 1) a reform of the workings of the whole legal system, so that the domestic worker stand a change in winning her case, or 2) the

inclusion of domestic workers in the labour laws of Saudi Arabia, which than can settle disputes between the domestic worker and her employer, or 3) recognize the contracts signed by the domestic workers in their country of origin, so that contract substitution can be circumvented, or 4) delegitimize the fear of the foreign that is taught by the ruling elite, so that the Saudi Arabian population will look at these foreign workers in a more tolerant way. All these possibilities can improve the situation that the domestic worker is in, but how these measures can be established is a difficult question.

In Indonesia the biggest constraint for the female labour migrants is the economic structure. This economic structure forces women from the lower strata to make certain choices. From my point of view, the legitimation processes in Indonesia are especially derived from the fact that the labour migration of women is a solution for the economic circumstances that Indonesia and the households from the lower strata are in. It is thus this economic structure that needs to be changed to make sure that female labour migration to 'dangerous' countries does not occur anymore. As long as there are no chances for these women within Indonesia, women will continue to migrate for work. To create space for change, the economic situation in Indonesia should therefore be changed.

## DISCUSSION

The analysis that I made in this paper contains one theoretical issue, which I am not sure about. This issue will be elaborated on below.

I made the choice to use the actor oriented approach, this because I am interested in the reasons why the situation of the Indonesian labour migrants that migrate to Saudi Arabia to work there as domestic workers does not change. The actor oriented approach gave an explanation of how social change can occur, namely through the interplay between the structure and the social actor. By looking at this interplay between the structure and the social actor, it takes macro- as well as micro sociological processes into account. But when I analyzed the legitimation processes from this perspective, the psychological processes at stake were not easy to categorize within the actor oriented approach. These psychological processes play a role within the legitimation processes that are at stake, and can therefore not be left out. For the purpose of the analysis of Indonesian domestic workers in Saudi Arabia I included the psychological processes within the level of the social actor. But can these psychological processes be located within the actor oriented approach? It could also be argued that these psychological processes do not fit in a sociological process and therefore should have been left out. Because I wanted the underlying mechanisms of the legitimation process as complete as possible I did choose to include them.

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