

16 Diminished Civil Citizenship of Female Migrant Domestic Workers in Saudi Arabia and the United Arab Emirates

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Abstract

This chapter discusses the positions of domestic workers and their employers in Saudi Arabia and the United Arab Emirates in relation to different conceptions of citizenship. Scholars studying domestic workers commonly use concepts of citizenship to situate the vulnerable position of domestic workers. This chapter elaborates on existing theory in specifying the connection between the concepts of access to justice, citizenship, and legal liminality. Specifically, this chapter shows how the theory of diminished citizenship, developed to analyse the position of domestic workers elsewhere, also applies to domestic workers in Saudi Arabia and the Emirates. Interviews and fieldwork show that in the case of a conflict, these workers have no proper access to justice; this results in severely diminished civil citizenship and is related to the fact that domestic workers are both migrants and women. This chapter then examines to what extent the position of the *employers* can be conceptualized within the same citizenship framework. The results suggest that the position of the employers cannot be framed using the same conceptions of citizenship. A more detailed look at Saudi and Emirati societies reveals new concepts, but also shows there may be an interconnection between the various concepts of citizenship. The study finally opens the discussion on possible connections between civil citizenship, social citizenship, and the position of women. As such, this chapter is relevant not only for the more than two million domestic workers in these two countries but also for reaching a better understanding of the importance of full citizenship for women worldwide.

Keywords: Access to justice, civil citizenship, domestic workers, gender, legal liminality, migrant workers, Saudi Arabia, social citizenship, United Arab Emirates.

16.1 Introduction

This chapter discusses the positions of more than two million female, migrant, live-in domestic workers² in Saudi Arabia and the United Arab Emirates (the Emirates) who suffer from a lack of access to justice. Female domestic workers are live-ins who perform tasks in private households, such as cleaning, cooking,

childcare, and care for the elderly, in exchange for food, lodging, and money. In earlier historical periods, there was often a life cycle of domestic work: girls who worked as domestic workers during their younger years would hire one after marriage. Upon the introduction of the minimum wage in western Europe, domestic workers became too expensive for the average household. Furthermore, other jobs became available for women, and therefore paid domestic work almost vanished from many European countries. In the 1970s, several scholars predicted the demise of paid domestic work (Moors 2003), but developments during the decades that followed have proven them wrong; in both the northern and the southern hemispheres, the number of those engaged in paid domestic work has grown rapidly, causing a feminization of the migrant labour force. Whereas in the 1970s women formed approximately fifteen per cent of the

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- 2 Male domestic workers are notably rare and Saudi or Emirati domestic workers have not been found and according to interviewees no longer exist; see below.

migrant labour force, in the mid-1990s they constituted the majority of migrant workers in several countries—almost sixty per cent in the Philippines and approximately eighty per cent in Sri Lanka and Indonesia (Vlieger 2012: 45–49).

Similarly to migrants on the Arabian peninsula in general, domestic workers have migrated to Saudi Arabia and the Emirates in large numbers only since the 1970s (Silvey 2006: 23). On average, there is one domestic worker for each household in Saudi Arabia, making a total of between 1.4 and 2 million. The United Arab Emirates report a higher rate of at least one domestic worker for every citizen (Strobl 2009: 167), with estimates ranging from two to five hundred thousand (Ali 2010: 95, among others). The women concerned come mainly from the Philippines, Indonesia, Nepal, India, Somalia, Ethiopia, and Morocco. Embassies from these labour-sending countries in both Saudi Arabia and the Emirates report that abuses against domestic workers account for the vast majority of the complaints they receive (Human Rights Watch 2008a: 2). The number of runaways is considerable. Staff at embassies that were interviewed reported that there were many urgent requests for help on a daily basis. Most safe houses are filled beyond their capacity. For instance, the Jeddah deportation centre houses 8,000 people in a facility designed for 5,500 (Human Rights Watch 2008a: 104). Tens of thousands of workers run away each year because of claimed serious breaches of their rights. However, most domestic workers who claim infringement of their rights do not run away, as they are generally well aware of the fact that in conflict, they have almost no one (or no place) to turn to for the protection of their rights. A Filipina domestic worker employed in Riyadh, for instance, stated:

Really they are good to me. If I say I need rest, they give me rest.

Asked if they were not good to her, if she had some problem with her employer, where she would go, she replied:

Madam, I cannot go anywhere, I am not allowed to go outside. I cannot go to the embassy. I will just cry in my room and pray.³

This short excerpt illustrates the empirical facts that form the basis of this chapter. These findings are derived from an extended study of all the factors that in-

fluence the conflicts between female, migrant, live-in domestic workers and their employers in Saudi Arabia and the United Arab Emirates from the perspective of the sociology of law with many aspects of legal anthropology included and applied. Sociology of law (or legal sociology) is the systematic, empirical study of law and conflicts as a set of social practices. As such, it draws on the whole range of methods and theories generally associated with sociological research (Clark 2007: 1413). Legal anthropology scholars study legal systems, law, and law-like social phenomena, and take as fundamental that law cannot be meaningfully understood apart from the wider culture and society. Scholars in this area share a commitment to intensive and rigorous field methodologies requiring extensive involvement in the communities under study (Clark 2007: 68).

The results of this extended study of the factors that influence the conflicts between female, migrant, live-in domestic workers and their employers in these two countries showed, among other things, that if a domestic worker is lucky, her employer is good to her; if she is not so lucky, she has nowhere to go. Even under the best of circumstances, a domestic worker in Saudi Arabia or the Emirates may be treated well, but she has no rights – she may have some rights on paper, but without any possibility of realizing them, she has no rights in practice (Vlieger 2012).

An often-used framework of analysis for the position of domestic workers is provided by Bosniak (2006),⁴ who frames the vulnerable position of domestic workers in terms of diminished citizenship. This chapter elaborates on her work, hoping to offer a contribution to our understanding of the importance of citizenship for domestic workers in these two countries in particular and women worldwide in general. Other theories and perspectives on these two million domestic workers were covered in an earlier work, including the minimal influence of both Sharia law (Vlieger 2012: 85–102) and the Western human rights discourse (Vlieger 2012: 144–174), and the habit of not regarding their jobs as work because they are performed in the private sphere of the house (104–105, 141, 203–205). This chapter focuses on concepts of citizenship.

3 Interview by the author with a Filipina domestic worker (2008); name, place, and details allowing cross-reference withheld for security reasons.

4 This work does not elaborate a particular hypothesis, but gathers together the knowledge that Bosniak has accumulated over the years on the citizenship of migrants in general and of domestic workers in particular.

This chapter first elaborates on the theory of Bosniak in specifying the connection between the concepts of access to justice, civil citizenship, and legal liminality. Specifically, this chapter shows how the theory, developed to analyse the position of domestic workers elsewhere, also applies to domestic workers in Saudi Arabia and the Emirates. Thereafter, the chapter advances the analysis by posing the question of to what extent the position of the *employers* can be framed in these same concepts. The results suggest that the position of the employers cannot be framed in the same concepts, which opens new perspectives on what citizenship is and on how different concepts of citizenship may be interrelated. This approach leads to a better understanding of the importance of full citizenship for women worldwide.

16.2 The Conflicts That Domestic Workers Face

Domestic workers in the two countries concerned are nearly all female and are currently, according to all interviewees, exclusively migrants. These workers generally live in their employer's private household, where they perform several tasks, such as cleaning, cooking, childcare, and care for the elderly, in exchange for food, lodging, and money (usually approximately US\$200 per month). The conflicts that domestic workers in Saudi Arabia and the Emirates regularly face are numerous and diverse. These conflicts can be divided into three types (Vlieger 2012: 16–19). First, there is often disagreement from the outset of employment about the norms that have been agreed to. Both parties agree to work conditions set out by a recruitment agency, and presume that the other party agrees to the same conditions, although this is often not the case. This first type of conflicts concerns salary, specific tasks, days of work per week (usually seven), hours of work per day (the average is seventeen),⁵ whether a domestic worker has a right to salary payments during the first three months, whether payments should be made monthly or at the end of the two-year contract, or even if she is supposed to work as a domestic worker (she may have initially agreed to become a waitress or nurse). Furthermore, domestic workers often disagree with their employer

from the start of their employment when they are not allowed to leave the house on their own, if at all.

In a second type of conflict, domestic workers and employers disagree on behaviour or on a preferred outcome without clear, preliminary ideas about applicable norms. For example, in one documented conflict as to whether a domestic worker had the right to join her employer's family on a trip to Mecca, the parties did not seem to have had clear norms at the start of the conflict but merely a goal or preferred outcome. In a third type of conflict, both parties agree on norms at first, but one party nevertheless acts in a way contrary to these norms. Such conflicts concern alleged theft, child abuse, consensual sexual relations with a male employer either with or without payment, and physical, psychological, or sexual violence, including but not limited to rape and murder.⁶

The common factor in all of these conflicts is that they are generally not dealt with outside the households in a conflict resolution forum (in both countries norm enforcement is generally limited; see the section on the citizenship of employers below). These conflicts are only dealt with in such forums in cases where (i) a domestic worker is the accused party and (ii) the employer wants her removed from his household. These cases concern conflicts in which a domestic worker is, for example, accused of having a boyfriend, of stealing, of abusive behaviour, or of acts of occultism. In such instances, and usually without evidence, the domestic workers are either sentenced or instantly deported. In all other conflicts, domestic workers generally remain within the household, where the employers are able to enforce their own norms and preferred outcomes.

16.3 Data and Research Methods

The data forming the background of this chapter on citizenship are derived from research using grounded theory methods (Charmaz 2006: 2–3). A combination of qualitative and quantitative methods was applied during fieldwork throughout 2008 and 2009 in Saudi Arabia and the Emirates and in two countries of origin, Indonesia and the Philippines.⁷ In the early stages of the research, Human Rights Watch published a report on the position of domestic workers in four

5 This is hard to believe for many Westerners, but during Ramadan even this average rises, causing even more domestic workers to run away simply because they are exhausted.

6 The frequency of the different conflicts could not be established; see below under data and research methods for the problems of carrying out qualitative research in dictatorships.

countries, the Kingdom of Saudi Arabia, the United Arab Emirates, Kuwait, and Lebanon, which led to a focus on these four countries (Human Rights Watch 2007). The research was thereafter restricted to Saudi Arabia and the Emirates because, due to time and financial restrictions, it was not possible to study all four countries described in the report. The two selected countries were chosen because Saudi Arabia and the Emirates are considered to be, respectively, the most conservative and the most open countries in the Gulf region. Saudi Arabia is difficult to enter due to strict visa regulations, so the world has comparatively little information about the country. In Saudi Arabia, women have to cover themselves entirely and are segregated from the larger parts of public life. They are not allowed to enter most government buildings and are separated from men in restaurants. Furthermore, women are not allowed to drive and are not allowed to travel or study without the permission of a male relative. They are treated legally as minors and still run the risk, among others, of being convicted for practising magic or of being imprisoned in their families' houses for life for talking to men. Alcohol, music, and fun in general are strictly prohibited, and such punishments as flogging and beheading still occur. Dubai, on the other hand, is an international hub with a large tourist industry. In Dubai, tourists openly walk around in bikinis, drink alcohol, and visit sex workers. While most Emirati women wear the traditional *abaya*, they can currently work in all sectors of the economy, and they can become lawyers and judges. Therefore, while the countries were neighbours, the differences at first sight seemed stark, and this raised the question of whether that would influence the position of domestic workers. Indonesia and the Philippines were later added as research locations because a comparatively large proportion of the domestic workers comes from these two countries. Furthermore, persons from these two countries of origin were more easily researched because their embassies had safe houses that cooperated extensively in this study.⁸

The data in this chapter was gathered primarily through seventy-three interviews with domestic workers. These interviews were half-open interviews, con-

ducted door-to-door, in safe houses run by embassies and in the countries of origin, at the airport upon returning home, via employers and taxi-drivers, and in several waiting rooms for the processing of papers. Other interviews were held with thirty-three employers regarding the subject of domestic workers and with fifteen Saudi and Emirati women regarding the legal system. Additional interviews were held with thirty-two government officials, nine lawyers, six persons from international governmental organizations, seventeen persons from *non-governmental organizations* (NGOs), twenty-six diplomats, eleven lower-strata male migrant workers, seven agency owners, two Saudi experts on domestic violence, four nurses, and three judges.

Questionnaires were used at different locations and were completed by both departing and returning domestic workers. Domestic workers in Manila and Jakarta who were about to leave for employment in Saudi Arabia or the Emirates completed one hundred and sixty questionnaires; they were contacted during different, pre-departure orientation courses. One hundred questionnaires were completed by domestic workers who had been employed in Saudi Arabia and the Emirates and who were contacted (i) at their embassies in Saudi Arabia; (ii) at the airport upon their return to Manila and Jakarta; (iii) at government- or NGO-run safe houses in Dubai, Manila, and Jakarta; (iv) in offices where domestic workers arrange for their paperwork upon contract renewal; and (v) in the houses of their employers.

The data drawn upon for this chapter mainly concern the question of where, in the event of a conflict, domestic workers have turned or would turn to for help, as illustrated above. Questions asked included whether and why they would or would not turn to the police, the embassies, or the Saudi or Emirati governments. Government officials, diplomats, NGO members, and lawyers were interviewed regarding available conflict resolution mechanisms for migrant domestic workers. Because several domestic workers mentioned that they had asked taxi drivers for help, taxi drivers were asked where they would take a person who was seeking assistance. Almost all of the locations mentioned by interviewees were visited, such as labour offices, police stations, law offices, shelters, embassies, and the Governor's Office in Riyadh. Several locations had different functions from those officially stated, while other locations simply did not exist at that time. If a conflict resolution mechanism did exist, attempts were made to determine the number of cases concerning domestic workers handled there and

7 Almost four months in the United Arab Emirates and three months in the Kingdom of Saudi Arabia, four weeks in Manila, and three weeks in Jakarta in the years 2008 and 2009.

8 These safe houses opened their doors, answered questions, and even provided interpreters when necessary.

what their typical outcomes were. At some locations, where previous visits or interviews had raised suspicions about the actual availability of conflict resolution mechanisms, attempts were made to file a case on behalf of a (hypothetical) domestic worker. The discussion on the citizenship of Saudi and Emirati employers is based both on the answers provided to questions regarding the actual functioning of their legal systems in numerous types of conflicts, such as car crashes and divorce cases, and on the relevant literature on this topic.

The problems of finding and gathering quantitative data were considerable. Auwal (2010: 89) writes:

Political realities in this region limit the ability of individuals and groups to collect and publish solid 'scientific' data on labour issues. With broad quantitative data unavailable, qualitative inquiry and anecdotal analyses provide the best opportunity to develop an understanding of how migrant labourers are treated or victimized in this region (Auwal 2010).

In this study, the main hurdles that I faced were the inaccessibility of certain types of domestic workers and the unwillingness of most employers to be interviewed. These problems could not be solved within the given time frame and budget. Thus, the questionnaires were used largely in a qualitative way, and most results have been restricted in their presentation to broad categories, such as *many* and *some*.

Sampling bias occurred due to language issues and location problems. For example, Filipina domestic workers who were interviewed had run away from their employers and gathered in safe houses, but for many other nationalities, such an option was not available. Furthermore, domestic workers who were content with their employers, even though they were not allowed to leave the house, were often inaccessible or unwilling to talk for fear of losing employment. Again, in analysing the data, caution was applied by continuously questioning the consistency of the results, asking whether the results may have been different for other groups, and if so, why this might have been the case. Researcher bias, the sensitivity of the topic, and the highly protected privacy of the average Saudi or Emirati household severely limited the possibilities of participatory observation within the households. Furthermore, researcher bias was created by the fact that I, as a woman, had certain access to places where males could not enter, while there were many other places where only males could enter (research methods in Vlieger 2012: 21–27).

16.4 Literature on Migrant Domestic Work

Domestic work is a topic that has received increasing scholarly attention from economists, sociologists, anthropologists, and demographers (Santos 2005: 9). The last two decades have witnessed an impressive growth in the academic literature relating to women, human rights and development, economic migration, trade, migration and globalization, transnationalism, immigration and racism, and the politics of care-giving (Moors 2003). The studies on domestic work by Colen 1990, Constable 1997, Parreñas 2001, and Lindio-McGovern 2003, have theorized citizenship as a new marker of inequality connected to the national, class, and racial politics that organize domestic work (Hondagneu-Sotelo 2001). The peculiarities of paid domestic work in what can be regarded as a relatively new form of 'global apartheid' (Richmond 1994) have led to the dependency of domestic workers as the result of diminished citizenship, which is related to the lack of sufficient legislative protection against exploitative working conditions. This diminished citizenship, along with race and class, generates an additional axis of inequality (Bakan/Stasiulis 1995a, 1995b; Parreñas 2001; Chang 2000).

Citizenship as a prerequisite for the effectiveness of rights has been a topic of discussion since 1951, when Arendt first published on the problem of individuals who are not members of a political community (persons but not citizens) and therefore are not granted access to the legal system (Arendt 1951). Walzer further added that community members distribute power to one another and avoid, if possible, sharing it with anyone else (Walzer 1983). According to the German philosopher Hamacher, citizenship grants a *privi-legium*, a right to have rights (Hamacher 2004). However, the existing literature does not clarify how diminished citizenship could be more of a constraint or different for domestic workers in Saudi Arabia and the Emirates than in, for instance, Canada, as researched by Bakan and Stasiulis (1995a, 1995b). Therefore, the dilemma of assessing how citizenship was specifically related to the position of domestic workers in the two countries studied became a specific research question.

Many scholars writing on the citizenship of domestic workers apply Bosniak's theory, which is the reason why it was used for this study as well. As Bosniak rightly concludes, a distinction must be made between different types of citizenship (Bosniak 2006). Bosniak distinguishes three types of citizenship, which

are helpful in an analysis of domestic workers' positions. In the formative periods of most democratic countries, no mention was made of the fact that the right to vote would be limited to men, as this was assumed. Women were not supposed to take part in public decision-making, which can be referred to as *political* citizenship. Throughout many periods of pre-modern history, women often lacked the opportunity to work outside their own house and to gain financial independence, which can be referred to as *economic* citizenship (Bosniak 2007: 38). Furthermore, in most countries, women are not supposed to defend their own rights. Male relatives are supposed to defend women's rights, while women (like children) are not supposed to have an individual right to request and receive governmental protection of their rights. This right to legal protection provided by a government can be referred to as *civil* citizenship. As will be shown, in both Saudi Arabia and the Emirates domestic workers suffer from diminished civil citizenship. Before we turn to that, the next section will first provide a short introduction to the legal systems of both countries studied in order to provide proper context.

16.5 The Two Legal Systems

16.5.1 The Emirates

An important body of law in the Emirates is Islamic law or Sharia, applied mainly in personal status issues and criminal cases. However, the applicability of this body of law creates confusion, as it is unclear to what extent its rules apply to non-Muslims as well. For instance, the rule that drinking alcohol is not allowed is generally expected not to be applicable to non-Muslims, as alcohol is served in practically all restaurants and bars in Dubai. However, anyone who comes into contact with the police, for instance, upon filing a complaint against a local for molestation, as one interviewee did, can face charges for alcohol abuse. Furthermore, Sharia is not a codified body of law, which makes it difficult to determine what the exact contents of the Emirati version of this body of law are and what one's rights and duties are.

Next to Sharia, there are increasing numbers of law codes oriented towards Swiss, English, and French law.⁹ These laws include the Emirati labour

law, which explicitly excludes domestic workers from its protection (Emirati Labour Law article 3, sub-section 3). Instruments of the International Labour Organization are also generally not applied to domestic workers. Interviewees from the government stated that this difference is related to the fact that domestic workers are not considered to be workers, as they work in the private sphere of the household. While the government attempts to implement certain laws, it is not always equally capable of or interested in doing so. Certain laws, according to government interviewees, are not intended to be implemented. They are only meant as a hint of what is considered proper behaviour.¹⁰ Other laws are intended to attract direct foreign investments by giving the (false?) impression of a system demonstrating the rule of law.¹¹

While attempts to establish a proper functioning legal system are evident, not all courts and not all judges reach the standards of the inhabitants of the Emirates. The general opinion is that there is no rule of law and that the system functions instead on *wasta* or connections, as discussed later in this chapter.

Most of the Emirates have joined the federal system, with the courts being organized into two main divisions, specifically, civil and criminal, and generally divided into three stages of litigation. Dubai and Ras al-Khaimah initially organized their courts into two stages, but later Dubai expanded this by establishing the Dubai Court of Cassation.¹² In Dubai, the Emirates labour law is applied by special labour courts, which are to be consulted only after an attempt at mediation by the Ministry of Labour has failed.¹³ Until quite recently the judges in the different courts were mainly foreigners. For the application of Sharia, scholars mainly from Sudan, Egypt, and Pakistan were invited into the country. For the application of Western-oriented laws, retired Western judges have been and still are being invited.¹⁴ All of these judges, however, fall under the regulations of the sponsorship or visa system, which, according to interviewees from embas-

9 See for the English version of most important laws at: <<http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweuae.htm>> (accessed in 2009).

10 For instance, a governmental interviewee stated that during the first years of the law concerned, the obligation to wear seat belts while driving was only intended to promote, not to enforce the law.

11 Stated by government critics and by government officials in informal interviews.

12 See at: <http://gulf-law.com/uae_judicial.html> (accessed in 2009).

13 This was explained by an interviewee from the Ministry of Labour.

14 This was the explanation provided by several interviewees.

sies and NGOs, undermines their independence, as they are constantly under threat of deportation. Currently, more Emiratis are being appointed as judges, although they are generally young and inexperienced. The first female judges have also recently been appointed.

16.5.2 Saudi Arabia

In most Muslim countries the workings of Sharia are currently limited to status and family and inheritance law, to which banking and penal law are added in some countries. For centuries, governments have been allowed to write secular laws concerning public administration, taxes and, less regularly, penal law. Opposition to secular laws arose in the fourteenth century from Ibn Taimiya, who stated that politics should be conducted entirely according to the Sharia. Ibn Taimiya's work has had a great influence in Saudi Arabia, especially within the Hanbali school of law (Zubaida 2005: 93). In the eighteenth century, al-Wahhab built on these teachings, so starting the movement of Wahhabism. This movement is closely related to Salafism, the radical ideology of resistance as formulated by Sayyid Qutb, whose Egyptian followers were welcomed in Saudi Arabia.

The essence of both Wahhabism and Salafism is that governments should be subject entirely to the principles of Islam—which severely restricts both their executive and legislative powers. These movements can therefore only properly be understood as movements against the establishment. This characteristic is particularly true within the Kingdom of Saudi Arabia, where the Saud family is eager to gain legislative and judiciary power and where the religious leaders oppose the growing power of the Saudis by reference to the teachings of the conservative scholars mentioned above. The religious leaders have a considerable influence on public opinion through their teachings, both in the mosques and on television. However, they are losing power to the royal family of the Saudis, who are creating more and more statutory laws (Abukhalil 2004: 86).

Apart from the work of the Mutawwa, often referred to as the religious police, the implementation of law in Saudi Arabia is notably poor. Furthermore, while most judges are Saudis and therefore do not fall under the sponsorship system, many lawyers are foreign and therefore cannot operate independently. Interviewees in Saudi Arabia were in agreement on this point with interviewees in the Emirates. They stated, among other things, that foreign lawyers generally

provide advisory services only for contract, banking, and corporate law.

There is not much additional information available on the laws and courts in Saudi Arabia, either in their theoretical or actual functioning. In part, this lack of information is due to the fact that members of the legal-religious elite are generally not keen on granting individuals the right to interview them or to provide access to courts and other legal institutions. Several laws referred to by interviewees, such as a law that forbids employers to take away an employee's passport, could not be found, and their existence is questionable. Nevertheless, there is a Saudi labour law that, like its Emirati counterpart, explicitly excludes domestic workers from its protection (Saudi Labour Law article 7 sub-section 2). The Saudi government has written a draft law concerning the position of domestic workers, but it has been pending for years. Nor are instruments of the *International Labour Organization* (ILO) generally not applied to domestic workers in Saudi Arabia. Thus, while the position of workers in general and domestic workers in particular is not strong from a legal perspective, it is even worse from a sociolegal perspective, as the implementation of laws is generally poor (Vlieger 2012: 31–43).

16.6 Access to Justice by Domestic Workers

The concept of access to justice here refers to more than what is usually meant in Western law schools. Access to justice in the West is commonly perceived as the availability of free legal aid (Clark 2007: 13–14). According to Llewellyn and Hoebel (Clark 2007: 241–244), access to justice means the availability of any type of dispute resolution procedure for conflicts, including negotiation, mediation, arbitration, and adjudication. Therefore, these broader categories have been examined along with the extent to which domestic workers could actually realize what they perceived as their rights through these forums.

In the Emirates, as stated, domestic workers are excluded from the labour law, and so they have no access to the attached labour courts. Unlike the labour courts in Saudi Arabia, the labour courts in the Emirates do not make any exceptions to that rule: no interviewed diplomat had been able to file a case for a domestic worker at a labour court. During a conflict, domestic workers were officially supposed to turn to the mediation offices falling under the Ministry of the Interior because domestic workers are regu-

lated under the sponsorship or visa regulation system, and they are not considered to be the responsibility of the Ministry of Labour.

In Dubai, however, this mediation office of the Ministry of the Interior turned out not to exist. Although it officially did exist as of 2008, the Ministry of the Interior's reception desk had no knowledge of this office or its function. The media department of the Ministry mentioned the existence of a human rights department, but other interviewees stated that this department did not address the issues of domestic workers. According to several interviewed diplomats, the mediation office had indeed been established by 2009, although nobody to date had successfully filed a complaint on behalf of a domestic worker.

In Abu Dhabi, a mediation office at the immigration office did indeed exist, and it functioned fairly well according to interviewed diplomats. This finding notwithstanding, not one of the domestic workers who was either interviewed or who completed a questionnaire for this study was aware of the existence of this office. Diplomats in the Emirates also reported that they occasionally took cases to the Sharia court or the attached reconciliation committee if a rule of religious law had been broken. However, the diplomats all complained about the extremely remote chance of winning a case.

Domestic workers in Saudi Arabia are also officially not allowed to turn to the labour offices, but in exceptional circumstances these labour offices do sometimes accept cases of domestic workers. The Human Rights Commission stated in its *Universal Periodic Review* of 2009 that in Saudi Arabia domestic workers officially do have the right to go to the labour offices.¹⁵ However, the labour office in Riyadh was unaware of this report. This office claimed not to accept cases from domestic workers and explicitly stated that women, including me, were not even allowed to be there.

With no access to the labour offices, some domestic workers write letters to the Governor's Office, the National Society for Human Rights, or the Human Rights Commission.¹⁶ As all three entities function as a sort of ombudsman, these institutions may officially

take action by contacting the employer to ask for unpaid salary, passports, exit visas, or plane tickets. When interviewed about this matter, the Governor's Office (or Imara) reacted with hostility to the presence of non-Saudi visitors. This reaction could possibly be because the office preferred written requests, but another interviewed diplomat denied the possibility of foreigners' writing letters to the Governor's Office.

At the Human Rights Commission, a governmental body that officially claimed to handle many cases concerning domestic workers, several officials made such statements during interviews as "Domestic workers don't have problems, they are problems", and "Indonesian domestic workers are prostitutes, all of them." These officials were neither able nor willing to show evidence of cases in which they had actually settled a conflict. The National Society for Human Rights, an institution working directly under the King, was the only other institution where there was a degree of indication that occasional actions were taken on behalf of domestic workers.¹⁷

Another possibility for migrant workers in Saudi Arabia would be to refer complaints to the Sharia courts. Because domestic workers were not allowed to go to the labour offices, based on the argument that they were part of the family, it would make sense to refer to the court that applied family law. However, Sharia judges, according to interviewed diplomats, generally refused to look into cases concerning domestic workers. Both the courts and the Ministry of Justice were approached for interviews but declined the requests.

It is worth mentioning that the lack of recourse for migrant domestic workers to make a complaint is contrary to Article 47 of the Saudi Basic Governance Act that states the right to bring action in a court of law is guaranteed equally among citizens and residents. The lack of recourse is also contrary to Article 12 of the Arab Declaration of Human Rights, which demands that each member state, including both Saudi Arabia and the Emirates, guarantees the right of every person to bring an action in a court of law. Most interviewed Saudis openly agreed that their le-

15 See at: <http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/SA/A_HRC_WG6_4_SAU_I_E.PDF section 38> (accessed in 2009).

16 All three are governmental institutions, although the National Society for Human Rights seems to be slightly more independent.

17 Several newspaper articles report that these actions occur, although no domestic worker, diplomat, or lawyer was able to confirm this finding. Such confirmation is necessary because the lack of press freedom and inadequate education of journalists makes Saudi newspapers unreliable sources.

gal system had severe shortcomings with ramifications extending beyond domestic workers.

Thus, it can be concluded that access to justice for domestic workers is severely limited, and as such, these workers suffer from extremely limited access to justice, connected to the following three issues: the issue of *khulwa*, or gender segregation, the requirement of women to be accompanied by their *mahram*, and problems specifically associated with the sponsorship system.

16.6.1 Khulwa

While the concept of *khulwa* has officially been abolished in the Emirates, it still has influence. In Saudi Arabia, a woman is officially not allowed to be alone in one place with a man who is not her father, brother, son, or husband (her *mahrams*). This rule leads to the exclusion of women from the larger parts of public life. As many public buildings are restricted to men, women do not have many places to go outside their own house and the houses of direct relatives. Some policemen and many judges in Saudi Arabia simply refuse to communicate with women. This situation is worsened by the fact that women in this country are not allowed to drive. They are officially not allowed to share a car, such as a taxi, with somebody who is not a *mahram*, and there is hardly any public transport in Saudi Arabia. Therefore, the lives of women remain largely restricted to the house, although because of the presence of domestic workers, many women have little to do there. Domestic workers, who are not used to seclusion, explained that their employers forced them into following this same rule by several means, including by closing all doors and windows, by not providing any information on the location of the house in relation to other locations, and by making domestic workers fear the outside world.

16.6.2 Women and their Mahram

Women in Saudi Arabia are not permitted to mingle with men who are not their *mahram*, that is, their husband or close male relative. Women are therefore not permitted to have contact with the police, mediators, or judges by themselves, but are to be represented by one of their *mahrams*. While this patriarchal rule is not connected to Islam and officially is no longer applied in the Emirates, it is still reported to be in effect. For domestic workers, this practice is even more complicated because as migrants they do not

have any *mahram* around. While the male members of the household in which they are employed usually refer to domestic workers as family, the male employers do not consider themselves to be *mahram* and, as such, they neither feel capable of nor responsible for legally representing their domestic workers. In the rare cases that domestic workers' conflicts are handled through official conflict resolution mechanisms, they are represented by diplomats from their own countries. The women, however, must take shelter in the overcrowded embassy before such representation is possible, and certain embassies either do not have such shelters or lack the knowledge of how to file these types of legal complaints. For instance, one labour attaché interviewed was not even aware of the existence of a labour law or labour court.

16.6.3 Sponsorship System

The main obstruction to access to justice by any migrant worker is the sponsorship system. These visa regulations tie the residence of domestic workers, and any other migrant, directly to their employers. The workers cannot change employers, and upon cancellation of the labour agreement for whatever reason, the visa is cancelled. Without protection against arbitrary dismissal, employers can have their migrant domestic workers deported at will. As soon as an employer reports to the authorities that his domestic worker needs to go home, the government arranges the deportation without asking questions.¹⁸ Additionally, as soon as a domestic worker leaves the house or premises of the employer without permission, she is considered to have terminated the labour agreement. As such, her visa is no longer valid, and she is considered to be a criminal. In these respects, the sponsorship system makes it almost impossible for migrant domestic workers to file complaints against employers (Vlieger 2012: 179–210).

16.7 Civil Citizenship of Domestic Workers

According to Bosniak's definition of citizenship, political citizenship encompasses the rights to take part in public decision-making, while economic citizenship is the right or opportunity to work outside one's own

¹⁸ According to most interviewees and other fieldwork data, the only exceptions are cases concerning extremely severe abuse of the domestic worker or murder.

household to gain financial independence, and civil citizenship is the right to legal protection of one's rights by a government. Political citizenship is the type of citizenship that most Saudis and Emiratis do not want domestic workers to gain, and it is this type of citizenship that Saudi and Emirati interviewees seem to have in mind when they say that the visa regulations or sponsorship system cannot be changed because of the number of migrant workers (over ninety per cent in the Emirates; in Dubai, the indigenous population has been reduced to less than five per cent). This form of citizenship, however, has not been requested by any of the interviewed domestic workers. The same applies for migrant workers in the United Arab Emirates in general (Davidson 2008: 190). Economic citizenship is not the issue here, either. Some scholars argue that in most countries women can only join the political community and gain full citizenship by hiring a domestic worker (Bosniak 2006: 15). In other words, economic citizenship, or the opportunity to gain an income through decent work outside one's own household, and political citizenship, or the right of women to join in public decision-making, is gained at the expense of citizenship for domestic workers. This finding is only true concerning the political citizenship of domestic workers as they are paid labourers and thus economic citizens but are bound to the private sphere and are thereby excluded from public decision-making. Thus, their economic citizenship is not diminished, while political citizenship is not what domestic workers seek. What they lack is civil citizenship, which is the right to actual legal protection by a government.

Domestic workers lack this civil citizenship, according to Bosniak, on two grounds. Bosniak makes a distinction between (i) those who lack citizenship based on their bureaucratic status or their lack of membership in a community and (ii) those who lack citizenship based on their lack of membership in the *public* community (Bosniak 2006). The first addresses those illegal migrants who officially have no right to reside in a country. In many countries, illegal migrants either have no rights or cannot enforce them, whereas in other countries, they have limited rights. The second includes those members of the community who have diminished membership in the *public* community, including women and all others whose lives are largely contained within the private sphere of the household, such as children and domestic workers (Bosniak: 2006). The previous section demonstrates that both in Saudi Arabia and in the Emirates, these two factors—the lack of membership in a community,

and the lack of membership in the *public* community—greatly diminish domestic workers' civil citizenship. First, because migrants work and reside under the sponsorship or visa regulations, they do not and never will belong to the Saudi or Emirati state. These migrants lack membership in the community. This is the type of diminished citizenship to which Arendt referred. During World War II, stateless refugees (or *indésirables*) received no protection whatsoever from any state. The second factor shaping diminished civil citizenship, the lack of membership in the *public* community, is a status that domestic workers in Saudi Arabia and the Emirates share with many women worldwide. In the Emirates and especially in Saudi Arabia, women in general suffer from diminished citizenship as they are supposed to be legally presented by males who may be the ones they are in conflict with.

Thus, the reason that domestic workers in Saudi Arabia and the Emirates suffer from a lack of enforceable rights is that the two factors appointed by Bosniak as diminishing civil citizenship, visa regulations and the seclusion of women, are particularly acute in these countries. The result is severely diminished civil citizenship, which materializes as a near-complete lack of access to justice. Diminished civil citizenship and the related lack of access to justice is referred to by others as legal liminality or liminal legality (see for instance Menjívar 2006). These concepts are all used to analyse the position of undocumented workers in Europe and the United States of America. In the Middle East, due to the visa regulations referred to as the sponsorship system, the literature largely applies to documented workers as well. The diminished civil citizenship of domestic workers is connected with the larger political structures shaped by the exploitation of oil (Vlieger 2012: 211–230). Based on this connection, social transformation can be expected to take place in the Emirates earlier than in Saudi Arabia, as the Emirates are running out of oil.

16.8 Citizenship and Saudi and Emirati Employers

The previous section argued that domestic workers suffer from diminished civil citizenship, which is caused by the fact that they are both women and migrants. Bosniak's theory, developed for domestic workers in Europe, applies on the Arabian peninsula as well. This finding, in itself, is not surprising. Nevertheless, comparing the situation in Saudi Arabia and the Emirates with issues in Europe is problematic in

the light of postcolonial theory, postmodernism, and legal culturalism. Postcolonial theory concerns an (often Marxist) literary theory, mainly from Said, Spivak, and Bhabha, that focuses on the legacy of colonialism and the question of how knowledge about the world is generated under specific relationships between the (ex-)colonizers and the (ex-)colonized (Ashcroft/Griffiths/Tiffin 1998; Krishna 2009). Postcolonial theorists state that one should recognize the uniqueness of each culture's development. In this way, postcolonial theory resembles postmodernism, which states that there is no objective basis for knowledge (or at least not a knowable one). From this perspective, theories are merely human constructs that are never value-free, and therefore, postmodernism emphasizes diversity and relativism. The legal version of this line of thinking is legal culturalism, of which Legrand is the most important proponent. Hesselink explains Legrand's position that legal systems cannot be analysed outside of their historical and cultural context, and therefore comparisons in law are only possible by searching for differences (Hesselink 2004: 32–36).

Indeed, while Bosniak's theory can fruitfully be applied to domestic workers, it cannot be applied to the position of Saudi or Emirati employers, as the differences are vast. For instance, Halfmann (1998) states that citizenship offers inclusion into the political system, but Saudi and Emirati citizens in general suffer from a lack of political citizenship as they cannot participate in any public decision-taking. Second, as stated above, the female citizens in both of these countries suffer from diminished economic citizenship. While in the Emirates access to the labour market for women is not officially restricted, it is in Saudi Arabia. Saudi women are in general only allowed to work in the segregated sectors of education and health care, or in their family company. As such, their economic citizenship is severely diminished. Furthermore, unemployment among citizens is a problem in both countries, and pushes women further out of the labour market. As for civil citizenship, this is heavily diminished for nationals as well, not because they as citizens have no rights on paper, but because in practice the government does not properly protect these rights. Several interviewed employers and government officials made such statements as "Why is the whole world so upset about these domestic workers? Nobody has rights in this country."

In Saudi Arabia, civil citizenship of women is severely restricted through the concept of the *mahram*, which states that a woman must be represented by a husband or a close male relative. As her life is largely

restricted to the private sphere of the house, her *mahrams* are most often the ones with whom she will have a conflict, thus making the realization of rights problematic. Women claim to often lose conflicts based on their gender if they try to ask for protection of their rights. A Saudi female interviewee stated: "It all really depends on who is the judge. Some are very strict in the religion: they are always on the men's side." Extensive problems may arise. For instance, one interviewee explained that:

My wife's sister has been trying for six years now to get a divorce because her husband is sleeping with the maids all the time. However, they don't allow her to get a divorce. He plays the smart guy in court, educated, well-dressed, and then they refuse her the divorce. She supports the children on her own now, doesn't get alimony or anything and doesn't get a divorce either.

A female interviewee who filed for divorce lost custody of her four-year-old child, something which occurs regularly in Saudi Arabia (Sasson 2004: 276–277), even though Sharia states that in a divorce, children must stay with their mother until at least the age of seven and, according to other interpretations of Sharia, even longer. Some argue that this is a right to custody; others that it is a right to take care (Schacht 1964: 167). When this interviewee appealed to a higher court for proper application of the Sharia, she was told to go home and stop bothering them: "You already have a court ruling, deal with it."

For men also, the realization of rights is problematic, as neither country has anything resembling the concept of the rule of law. All Saudi and most Emirati interviewees stated that in general, rule implementation or realization of rights is highly problematic, and rules are often simply unknown. The Saudi government, in particular, seems not inclined to clarify rules. The government distributes an English translation of the Labour Law, but concerning the rule that employers are not allowed to take away domestic workers' passports, the Saudi Deputy Minister of Labour, for instance, stated: "If the law is not imposed, it is not the fault of the Ministry" and "It's not our responsibility to make sure that the employers know". In response to the suggestion that they set up a website with all Saudi laws in Arabic and English, an interviewee at the Saudi Human Rights Commission stated, "No, if we tell them all immediately about all the rights they have, it will be a disaster". Other well-known rules are simply not applied. Many migrants are sentenced to punishments of 3,000 or even 10,000 lashes for *zina*, or extramarital sex, even though Sharia prescribes a maximum of 100 lashes.

This same crime requires four witnesses, which judges rarely ask for in the case of migrants. Examples are so common that the non-application of Sharia seems to be the rule instead of the exception.

Interviewees almost all stated that the legal system functions around the concept of *wasta*, a system that is not based on rules that apply equally to everyone. Yet there is a hierarchy involved in the issue of who usually wins in a conflict. This hierarchy is shaped by how much power the concerned parties have. Their power, in turn, depends on connections, or *wasta*. *Wasta* is determined by patriarchy, tribalism, cronyism, and the power to corrupt or bribe (Vlieger 2012: 211–230). According to almost all interviewees, the party that wins a case or conflict is usually the more powerful one. In both countries, but especially in Saudi Arabia, several interviewees complained about the fact that the elite seemed to be above the law entirely. An interviewee stated, for example: “My uncle was a contractor here. He was doing very well, until he got a contract with a prince. He had all these sub-contractors and when the prince didn’t pay him, nobody helped him: no judge, nobody. So he went bankrupt.” Other interviewees made more general statements, such as “If you have a company and some prince decides he wants to have half the shares, there is nothing you can do to stop him.” Well-connected non-royalty can also get away with many crimes, interviewees stated. One interviewee summarized the situation: “If they like you, there are no rules. If they don’t like you, there is nothing but rules.”

Because of the poor functioning of the legal system, including the absence of the rule of law, it can be concluded that employers, or at least those employers who are lower in the societal hierarchy, suffer from diminished civil citizenship (Vlieger 2012: 211–230). If civil citizenship concerns governmental protection of rights and the actual realization of rights depend on *wasta*, then only those with a decent level of *wasta* can be said to have civil citizenship. However, if Saudi and Emirati citizenship in general is not meant to include civil, political, or economic citizenship, then what does it mean? Unfortunately, little has been written on the question of what citizenship entails for the citizens of the Arabian peninsula. The gathering of data in support of such theories faces the same problems as the gathering of qualitative data on migrant workers, as discussed above.¹⁹

Based on the data from this research, I propose an analysis of citizenship in Saudi Arabia and the Emirates using three other concepts of citizenship: residency citizenship, welfare citizenship, and social citizenship,

of which the first two are proposed here for analysis, while the third concept is more often used, among others, by Bosniak herself (2007).

First and foremost, having Saudi or Emirati citizenship means having residency citizenship. Unlike all of the migrant workers, Saudi or Emirati citizens do not live under the constant threat of instant deportation. Second, Saudi and Emirati citizenship generally comes with the right to partake in the welfare of the country. Whereas in Europe, this right to welfare is directly connected to the duty to contribute to society in the form of taxes, in these two Gulf countries, this connection is not the case. The third concept that describes Saudi and Emirati citizenship is used in the European context as well. Social citizenship refers to the social ties that individuals are either born with or develop. To complicate matters, many sociologists tie this phenomenon to the concept of social capital and preserve the term social citizenship for what is defined in this study as welfare citizenship. The concept of social citizenship as used by Walsum and in this chapter is associated with self-fulfilment, social interaction, and civil movement (Walsum 2007: 3). While there is very little civil movement in either Saudi Arabia or the Emirates, citizens do have social ties. These are either those with which they have been born (tribal and familial ties) or the ones that they develop over the course of their lives (friends and work ties). Interestingly, these social ties are what largely define an individual’s *wasta*. *Wasta* is the combination of tribalism, cronyism, and corruption, while social ties or social citizenship are largely defined by tribal ties and cronies.

16.9 Connections Between Social and Civil Citizenship

Neither Saudi nor Emirati citizens, at least not the ones without *wasta*, have civil citizenship as defined by Bosniak. The government does not generally protect their rights. Rather, these citizens usually defend their position through the use of their connections through *wasta*. However, as *wasta* is closely related to the concept of social citizenship, this finding seems

19 There is no freedom of opinion in general, and for scientists in particular. Basically, a choice needs to be made between political acquiescence and a rather problematic career. Scientists from outside the Arabian peninsula run the risk of being blacklisted, meaning they will not be able to return to the countries in which they have specialized.

to reveal a relationship between social and civil citizenship. If it is *wasta* that compensates for the lack of the rule of law, it seems that social citizenship compensates for diminished civil citizenship. As such, there seems to be a connection between the two concepts of social and civil citizenship, based on the current functioning (according to interviewees) of their legal systems.

This possible connection between social and civil citizenship is all the more interesting in the light of the two groups that, according to Bosniak, suffer from diminished civil citizenship: (i) those who lack citizenship based on their bureaucratic status or their lack of membership in a community, and (ii) those who lack citizenship based on a lack of membership in the *public* community (Bosniak 2006). Those who lack civil citizenship because they lack membership in the community are often the ones who have not been born in the community (*jus soli*) and those who have no blood ties to the community (*jus sanguini*). These individuals are thus the ones who have not been born with a network of social ties in the community. In Saudi and Emirati society, this means that one is born without any familial or tribal ties. As such, these people have less *wasta* and less social citizenship, while, according to Bosniak, they also form a category lacking civil citizenship.

The second group that, according to Bosniak, suffers from diminished civil citizenship are those individuals whose lives are largely restricted to the private sphere of the household. The effect of this restriction in movement is a less developed network of social ties, other than familial and tribal ties. As Walsum argues, involvement in the reproductive or private sphere provides little or no credentials for integration into social citizenship such that women who are heavily committed to responsibilities in the private sphere receive, at best, marginal support from the welfare state (Walsum 2007: 3). In Saudi Arabia and the Emirates, this condition means that both men and women are born with tribal ties and, as such, can defend their position through these ties. However, men, unlike women, also become part of the public community in which they develop new ties and new connections. As a result, men's further developed social network opens possibilities for making better use of cronyism. Women, both nationals and migrant domestic workers, develop fewer of these ties throughout their lives. This leads to a second interesting connection. First, because of diminished civil citizenship through the lack of a government that actively protects an individual's rights, Emirati and Saudi citizens protect their

positions through social citizenship (a connection based on current functioning). Secondly, the two groups that, according to Bosniak, have diminished civil citizenship in practice are exactly the same as the groups that in principle have fewer options with regard to a growing network of social ties and to developing social citizenship (a connection based on Bosniak's theory).

Also, there is a third clue to a connection between the concepts of civil and social citizenship. Several interviewees stated that before industrialization, which was no more than half a century ago in these two countries, communities were small, and social control was sufficient as the normative enforcement mechanism (Vlieger 2012: 211–230). However, social control functions only if individuals have connections with persons who are willing to stand up against infringement of their position. In other words, interviewees stated that in the old days the legal system largely functioned around social citizenship. Again, there is an observable connection between the two concepts: while social citizenship diminished due to industrialization and the connected trend towards urbanization, according to interviewees civil citizenship, or protection of rights by a governmental body, became necessary (a connection based on the historical development of the legal systems).

Based on these three connections, it seems that civil citizenship is intended to compensate for a lack of social citizenship. Social citizenship, if defined as one's network of connections, or one's *wasta*, defines one's power, and that is what renders government protection unnecessary. Because migrants and women have a less developed network of social connections, as they have less access to the community or less access to the public community, they are more in need of a protective government: they are the ones in need of civil citizenship and of the rule of law.

16.10 Conclusions

Domestic workers are excluded from the Saudi and Emirati labour laws, and they correspondingly have no official access to the labour courts that are designated to address conflicts between employers and employees. As the data show, there are no other conflict resolution mechanisms to compensate for this exclusion. Therefore, domestic workers' access to justice is extremely limited. Bosniak discusses three concepts of citizenship: political citizenship, economic citizenship, and civil citizenship (Bosniak 2006). Because of their

limited access to justice, domestic workers in Saudi Arabia and the Emirates suffer from diminished civil citizenship. This situation is caused by the fact that the workers are both women and migrants. In Saudi Arabia especially, women are secluded to the private sphere of the household. Additionally, because of the sponsorship system or visa regulations in the two countries, migrant domestic workers cannot realize their rights. As such, the workers' diminished civil citizenship is comparable to the position of undocumented workers in the West, which is referred to as liminal legality or legal liminality.

While Bosniak's theory applies closely to the position of domestic workers in Saudi Arabia and the Emirates, her concepts of political, economic, and civil citizenship are less suitable for describing the position of the Saudi and Emirati employers. These employers hold a not entirely unrestricted but similar residency citizenship: a right to reside. The employers also hold a certain welfare citizenship, although it is different from the Western concept. This citizenship is a right to partake in the welfare of the country, regardless of one's contribution to this welfare, although critics of the two regimes state that this right depends on the acquiescence of citizens. Furthermore, this welfare citizenship certainly would not have existed in this form without oil revenues.

Citizenship as discussed by Arendt (Arendt 1951) and Hamacher's concept of a *privi-legium* (Hamacher 2004), the right to have rights, refer to access to the legal system or civil citizenship. As the data in this research show, this concept is not universal. Walzer stated that community members distribute power to one another and avoid, if possible, sharing it with anyone else (Walzer 1983). Such sharing indeed applies in the two countries studied. Saudi and Emirati citizens are not inclined to share their residency citizenship or welfare citizenship with outsiders.

The concept of social citizenship concerns the actual social ties developed by members of the community. This concept is regularly referred to as social capital and applies equally to the Saudi and Emirati employers. In fact, social citizenship seems to be the only citizenship concept that applies equally, next to the concept of residency citizenship. Hence, the general concept of citizenship, or membership in a community, in countries that lack both welfare and a system of the rule of law, may not encompass more than the right to reside, plus the actual social ties one develops.

Furthermore, the concepts of social citizenship and civil citizenship seem to be interrelated in three

distinct ways. The data of this research suggest the following connections. First, in Saudi Arabia and the Emirates, where a rule of law exists on paper but not in practice, citizens protect their position through *wasta*, or connections. Where there is no proper civil citizenship provided by the government, people use social citizenship to protect their positions. Second, while Bosniak argues that it is those who are excluded from the community (migrants) and those who are excluded from the public community (women and children) who suffer from diminished civil citizenship, it is also migrants, women and children who, in general, have fewer connections and less social citizenship. Finally, according to interviewees, social control was largely enough to enforce norms in the past. However, now that people in the Arabian peninsula have moved from villages to cities, government organizations have become necessary for the enforcement of norms. In other words, the effectiveness of social citizenship has diminished due to industrialization, which has made civil citizenship necessary.

However, the two governments have not properly developed the rule of law, and by extension civil citizenship, and this leads to destructive effects for those with the least social citizenship. Therefore, because migrants and women have less social citizenship, as they have less access to the community and less access to the public community respectively, they are most in need of a protective government: they are the ones in need of civil citizenship and of the rule of law. Inversely, as migrants and women suffer from diminished civil citizenship, they are the ones most in need of social citizenship.

In the two countries researched, a large number of domestic workers have taken on the largest share of household tasks. In this light, the concept of *khulwa*, or seclusion of women to the private sphere of the house, makes no sense. However, in a country without the rule of law, which is particularly the case in Saudi Arabia, where women lack civil citizenship, social citizenship could compensate for that seclusion by offering other means of protection. Therefore, in those instances where Saudi or Emirati women have little to do at home, it is the connection between the concepts of civil citizenship and social citizenship that actually explains the strong adherence of men to the concept of *khulwa*, of seclusion of women to the private sphere of the house, for it will prevent women—domestic workers and wives and daughters alike—from developing any protection against the men in the house.

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