

# Justice and the Family in a Transnational Perspective

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## Abstract

Contemporary theories of justice have only recently begun to take notice of international and global contexts and their implications. From a global perspective, it has also become necessary to revisit the old issue of family and justice – addressing, first and foremost, the current reality of “transnational” families. Such families challenge traditional models in order to meet their own, new subsistence needs.

Today, millions of women travel and migrate alone to find jobs in the ever-expanding market of the personal services and care sector. Family members may thus grow up and live in two or more different countries, fragmented, so to speak, and separated from one another most of the time. For these female migrant workers, new and old issues arise, as they endeavour to strike a balance between old family ties and the obligations imposed by new forms of employment.

Some of these issues are: gender equality, the tension between equality of opportunity, work, and family ties, the new character of old class, gender and ethnic inequalities, and so on. As the line between “rich” and “poor” countries is being re-drawn, both care labour commodification and its ethnic, gender and class distribution change accordingly, assuming new and unexpected forms, which we will try to analyse.

**Keywords:** Family and justice, Female migration, Globalization, Family reunion, Care labour

# 1 Introduction

Contemporary society holds a paradox: “the hyperliberal individual is not”, as Irène Théry writes, “a kind of free electron, but rather a convinced 'familist'” (Théry 2007: 150). Modern individualism pushes individuals to break traditional bonds but, as Tocqueville foresaw, does not induce them to live in atomistic solitude but, rather, to strengthen their bonds within the intimate circle of friends and family. Despite a great deal of catastrophic talk about the crisis of the family, in reality, there would appear to be a growing desire for family and a multiplication of its possible forms: from multi-parental and reconstituted families to homo-parental and mono-parental families, as well as families with adopted children and/or children obtained by means of new reproductive technologies. The family remains a central pillar of our societies, both for its redistributive functions of material and economic resources among the various family members and for its solidarity and care functions. Nevertheless, with rare exceptions, political theory has long neglected the issue of the relationship between justice and the family and continues to consider it a marginal subject.

According to John Rawls, the family raises a problem for the theory of justice, inasmuch as it fails to satisfy the fair opportunity principle. “[... T]he principle of fair opportunity”, Rawls (1971: 74) writes, “can be only imperfectly carried out, at least as long as the institution of the family exists”. The obstacle that the existence of the family poses to the realization of the principle of fair opportunity leads Rawls to ask a radical question: “Is the family to be abolished then?” (Rawls 1971: 511). The economic, social, cultural and class inequalities between families are such that unequal life chances between individuals born in different families are almost inevitable and completely dependent on luck. Rawls, quickly dismisses the idea, however – not because he believes that the family is a natural institution and thus an inevitable fact, but because it guarantees other fundamental and undisputed values (cf. Munoz-Dardé 1998). In *A Theory of Justice*, the importance of the family is associated with its role as a “school of moral education”; an institution essential to the moral development of children. If the goal of equal opportunity requires the replacement of the family with large public orphanages, such a solution would merely cause greater harm. For this reason, in Rawls's theory of justice, as in other liberal theories, the family is considered both an obstacle to equality of opportunity among individuals and a necessary condition for the creation of a more just society. Due to the particular emotional and affective relationship that links children to their parents, in fact, the family is the place where children acquire the basis of their own identity, self-confidence and sense of justice (cf. Brighouse, Swift 2008: 139). The existence of the family is thus seen as being in the best interest of the child and of society as a whole.

In the years since the publication of *A Theory of Justice*, gender theories have contributed to a broader understanding of the relationship between family and justice, exploring many different ramifications. They have stressed the fact that the issue of equality between families, as it affects individual opportunity, derives not only from familial context, but also from the status and legal recognition of different family models. When we speak of equality of opportunity between families, we cannot limit our considerations to the socio-economic conditions that divide them. There are, today, a variety of de facto family models, which often have little in common with the image of the straight couple with children who share the same genetic heritage. The inequality of legal status between different family models is also highly significant. In most Western democratic societies, heterosexual marriage still affords access to a privileged status, entailing special inheritance, social insurance and pension rights, a particular tax regime, the possibility of obtaining family reunification visas in case of migration of one of the two spouses, hospital and prison visitation rights reserved for spouses, etc. (Young 1997).

Gender theories have also raised the issue of justice within the family. Rawls' theory presupposes the existence of a just and democratic family, but never answers questions such as:

What is a just family? On the basis of what principles are the burdens and benefits of cooperation distributed among the various family members? And, especially, how is domestic labour divided within the family? Following John Stuart Mill, Rawls defines the family as a “school of moral sentiments”. Neither of the two authors asks himself, however, if the unequal distribution of care labour within the family may determine further inequalities in the labour market and the economic sphere in general, or in the public and political sphere; inequalities that may, in turn, contribute to the reproduction of intra-family inequalities, in a kind of vicious circle (Okin 1989). Underlining the role of the family in modern society, as a school of sympathy and equality, both Mill and Rawls realize the need to elevate its status, considering it not only a private institution but also an institution with social and political implications. From the point of view of gender equality, however, neither goes far enough in understanding all of the consequences that follow from the recognition of the public role of the family.

Thanks primarily to Susan Moller Okin and her *Justice, Gender and the Family*, published in the late 1980s, the issue of unequal distribution of domestic work within the family has become an area of concern in contemporary justice theories, and is considered one of the main obstacles to justice between the sexes. Other authors followed in Okin's footsteps. Care ethicists, such as Kittay (1999) and Tronto (1993), in particular, have worked on the issue of politicization of care, stressing its relevance as a “primary social good” (to use Rawls's terminology). According to these authors, the main objective of those who strive toward gender equality would appear to be reform of the welfare state inspired by the model of the “universal caregiver”, as conceived by Nancy Fraser (1997). In a post-industrial society, where the myth of the male breadwinner has been transcended and there is an increasing number of family models, the ideal of gender equality may be realized only by reforming the welfare state to recognise the fact that each individual may be, at one and the same time, both worker and carer, and to foster life/work reconciliation policies accordingly.

The redistribution of time between work and care-giving imagined by Nancy Fraser is, in some ways, comparable to André Gorz's ideas on the same subject. For Gorz, this is the only solution capable of contrasting a social model whereby the “development of personal services” presupposes a “growing state of social inequality, whereby one part of the population secures well-paid jobs for itself, while relegating another part to the role of servant”. “What we are seeing”, Gorz (1992: 173) wrote at the time, “is a South-Africanization of society, that is the realization of a colonial model within the metropole itself. We are also seeing what a German sociologist called 'housewifization', that is the transfer of the work traditionally done by the 'housewife' to an economically and socially marginalized mass” (*ibid.*).

In the re-emergence of the servant, Gorz saw a return of old colonial modes of governance in new forms. Western societies have not moved toward reform of the welfare state according to the universal caregiver model. Rather, neoliberal policies have universalized the adult earner family model, extending it to middle class women. Person-to- person services have been left to a labour market in which poor migrant women are the major labour force. Thus, there has been a redistribution of care work along lines of colour, ethnicity, gender and class. In Saskia Sassen's terms, what has happened is very close to the picture foreseen by Gorz. Sassen writes: “The expansion of the high-income workforce in conjunction with the emergence of new cultural forms has led to a process of high-income gentrification that rests, in the last analysis, on the availability of a vast supply of low-wage workers. This has reintroduced – to an extent not seen in a long time – the whole notion of the 'serving classes' in contemporary high-income households. The immigrant woman serving the white middle class professional woman has replaced the traditional image of the black female servant serving the white master” (Sassen 1998: 190).

In rich Western countries, gender equality is undergoing an externalization of traditional female care functions. Major income opportunities allow high-income classes to buy care

services on the market. Thus, inequalities between families grow further (Tronto 2002) and the invisibility of care work in the private domain is perpetuated (Williams 2011). The return of the servant within the family is a problem for the ideal of the democratic and liberal family as a “school of justice” (Tronto 2002). In *Spheres of Justice* (1983), Michael Walzer describes a family with live-in servants as “a little tyranny” – a point of view that can already be found during the Enlightenment, when the bourgeois middle class family was born: inside the sentimental family the servants were, in fact, seen as an element of disturbance for intimacy and a source of possible moral corruption for children.

Minors brought up by nannies from the Philippines, Puerto Rico or other faraway countries may be more open to diversity, or they may gradually form an idea of the world, whereby it is taken for granted that hard domestic and care work is distributed according to gender, class and ethnic lines. This is a troubling issue for liberals and for their vision of the family as *seedbed of democracy* (Tronto 2010).

This is not the only problem posed by the new global redistribution of care labour, however, from the point of view of justice. The widespread appearance, on the world scene, of migrant domestic workers, such as cleaners, live-in nannies, foreign baby sitters, “badante” or “Pflegerin” (Italian and German migrant “family assistant”, especially “elder-assistant”, respectively), forces us to rethink the entire issue of the relationship between family, justice and gender and race distribution of care work, in a global context. If the employment of migrant domestic workers may be seen as an attempt to surrogate missing and effective care-work reconciliation policies, it raises several problems in terms of gender equity – measured, for example, according to Fraser’s seven distinct normative principles: antipoverty, antidiscrimination, income equality, leisure-time equality, equality of respect, anti-marginalization and anti-androcentrism (Fraser 1997). Transnational care raises further, important, questions of justice, pertaining to the creation of an unequal distribution of care responsibilities across the world, i.e. between North and South, richer and poorer countries, and so forth. This is particularly the case if transnational care is considered in light of its background conditions, that is the ways in which unjust economic, social and cultural structures – both local and international – condition and, at the same time, enable the actions of women migrants (Eckenwiler 2009).

In the next section, I will describe the traditional gender norms and family expectations that invariably constrain migrant women’s choices, focusing on the way in which such norms and obligations condition the manner in which women’s “double presence” or “double burden” is experienced. The third section will provide an overview of the factors that have led to the emergence of a new family form: the transnational family. I will show how the poor countries of origin of migrant workers (usually female) gain from the existence of transnational families (sometimes even in a legalized fashion). I will also analyze the obstacles that migrants encounter when they try to reunite their families in the receiving countries – an often a tragic problem, due largely to increasingly restrictive migration policies introduced, for example, by European countries. In the fourth section, I will address the role of migration and care policies in shaping the demand for migrant care labour and, in the final section, I will outline possible solutions for the multiple set of problems raised by “care drain”.

## 2 Female Migration and Family Obligation

In a gender perspective, the strong presence of women in migratory processes (about half of the migrant population) has some ambiguous aspects. This contemporary phenomenon, undoubtedly attests to the agency of women, their strengthened role in society and the possibility of changing old customs and traditions. At the same time, however, we cannot ignore the web of obligations and ties within which migrant women act and make their choices. The migrant woman carries not only the burden of her own expectations but, often, also the

expectations of those she has left behind, as well as moral obligations that may be very difficult and psychologically costly to neglect. In the case of female migration, such expectations are still linked to a traditional image of the woman's role within the family and, thus, to patriarchal culture (Parreñas 2008). Proof of this can be found in the fact that the figure of the migrant woman is stigmatized by the mass media and popular opinion in sending as well as receiving societies, irrespective of the fundamental contribution of migrant women to the economies of both countries. In a recent study of migrant Ukrainian women in Italy, the author stresses the extent to which these women feel the pressure of public opinion. They sometimes try to hide behind the rhetoric of "maternal sacrifice" and rarely present their migratory choice as part of "a self-realization project". A recurring theme in the justifications offered by migrant women for their choice "downplays aspects pertaining to autonomy and represents migration as a necessary act" toward the migrant's children or elderly parents. Such rhetoric "seeks to counter the accusations of rebellion and betrayal levelled at migrant women in their sending countries" (Vianello 2009: 99).

Recent studies on female migration have focused not only on the kind of work migrant women do in rich Western countries and the reasons behind the demand and supply of female labour, but also on the relationships these women are able to maintain with those they have left behind: children, parents and sometimes husbands (cf. Parreñas 2005; Bonizzoni 2009). When women – generally mothers who leave their children behind – migrate, what happens to their families? Who takes care of the children? What do the children think of their migrant mothers? In many respects, this is a delicate subject, addressed in sociological literature with a certain delay, for a variety of reasons (Isaksen, Devi, Hochschild, 2008: 409). Migrant women are strongly motivated to succeed in their migratory project – often the product of a long and arduous process, born within the family and undertaken with the knowledge that the remittances it will provide will ensure the family's survival as well as the possibility of improving the family's living conditions and affording the children better health care and education. Migrant women try not to think about or live under the shadow of possible failure of their project. At the same time, they try to overcome the sense of guilt for having left behind their children and elderly parents. In Western countries, those who hire migrant women, and have a desperate need of their labour to care for their own frail and elderly, are not particularly interested in the family status of the care givers or whether they have children. In the end, both employers and migrant women employees tend to avoid the subject, as we often do with subjects that evoke suffering and feelings of guilt or unease.

Sociological research has treated the issue cautiously, for another, possibly more sensitive reason. Many researchers in this field adopt a gender perspective and are well aware of the instrumental use that could be made of an argument regarding children left behind by migrant mothers. As often happens when we speak of women who are also mothers, it is easy to fall prey to the temptation to sacrifice gender equity in the name of justice towards children. There is the risk of legitimizing control of the movement of women across borders, evident in the nationalistic rhetoric used by the same sending countries that survive due to the remittances that migrant women send home (generally with greater regularity and for longer periods of time than male migrants). Periodically, in countries such as Bangladesh, the Republic of the Philippines and Ukraine – to mention just three of the countries that have been most affected by this phenomenon – public debate heats up over the social damage caused by migrant women to the children they leave behind, in terms of teen pregnancy, school performance and deviant behaviour, and the need to stop the migration of mothers. Migrant women are thus exposed to criticism for being selfish and materialistic or immoral, while, at the same time, they may also be portrayed as national heroines. With this very inconsistent rhetoric, national cultures attempt to confine female migrants within a system of moral obligations and expectations that will ensure their continued ties to the sending country and compel them to continue taking care of

their family and children at a distance (Vianello 2009). As they assume a breadwinner role, migrant mothers do not give up mothering or care functions toward their children but are, rather, forced to reinvent them.

As Joan Tronto (1993) teaches us, care can be articulated in different phases: caring for, caring about, care giving and care receiving. In long-distance relationships care giving is impossible. The migrant mother or daughter continues to *care for* and *about* her loved ones, but lacks the physical closeness that hands-on care requires. This can also influence the way in which the care receivers react to the attention that is focused on them. Mothers try to fill the void left in their families by sending money, gifts, photos, letters, keeping in touch and communicating frequently, thanks to low cost phone calls provided by cheap international rates or Skype. These new communication technologies produce a space-time contraction that, in turn, gives rise to the experience of a sort of “distant closeness”. “Two opposite processes are constructed around remittances”, Vianello (2009: 41) writes. “The first is an inescapable loosening of traditional social bonds generated by the circulation of money. The second, is the ceaseless effort of migrant women to mitigate the first process through practices of earmarking, aimed at imbuing [remittances] with relational and emotional values so that [they] may become a catalyst of social bonds.”

Through remittances, gifts and frequent phone calls, most migrant women continue to perform their maternal functions at a distance, within transnational families, trying to maintain an emotional bond with their children. Nevertheless, the children sometimes come to nurse a grudge against their mothers. They are unable to elaborate feelings of abandonment at the time of their mother’s choice to migrate or during the long period, sometimes even ten-fifteen years, that migration may last. The material welfare guaranteed by remittances thus does not always generate the expected positive effects. Affective emptiness may leave a gap that cannot be filled in children. On the other hand, there is the danger that they may become dependent on money coming home, with no clear awareness of all of the suffering and hard work it entails.

Black feminism and postcolonial feminism have warned us against projecting white women’s experience on women belonging to other cultures and ethnicities. They have also warned us against the danger of seeing third world women always as victims. In particular, bell hooks has taught us that issues such as reconciling child care and work have never been experienced by black women in the same way that they have been experienced by white women. If, for white women, the home was a golden cage, preventing them from working and being active outside the private sphere, for black women, the issues of greatest concern were racism, poverty, lack of education and lack of work. Indeed, for black women, the domestic space has never been a cage. It has, on the contrary, been a space of freedom, a space of “resistance” (cf. hooks) and humanity, a space to be conquered every day with hours of alienating work done inside the master’s house, in the fields, laundries or factories. Maternity itself has never been lived by black women as an exclusive role. They have been forced to work to maintain their families, and to resort to help from their communities for child care, thereby engaging in a kind of “revolutionary parenting”, as compared to the possessive maternity model on which white feminism has focused its attention (cf. hooks 1984).

For migrant women working in our homes, who turn to “care chains” comprising an almost exclusively female network of family relationships (although this is somewhat of a simplification), it is not only the bourgeois nuclear family model that is unattainable. For these women it is the very possibility of having a family within the same geographical area of the country in which they work – to whom they might return in the evenings or, at the very least, on weekends or once a month – that may be unattainable. Indeed, such families are often divided and fragmented over two or more states. Do these women and their families, deprived of the possibility of living together and of feeling the warmth of physical closeness, live under unjust

conditions? To answer this question we need to understand the reasons behind the existence of transnational families and the migration of women.

### 3 Transnational Families

Why do migrant men and women today, increasingly tend to maintain ties with their sending countries and live transnational family relationships? The literature offers various answers to this question. An important role is certainly played by the shortening of distances, thanks to low-cost flights and to the fact that new technologies make it inexpensive and easier to communicate on a daily basis. We must also not underestimate the role of discrimination and the difficulties of integration that immigrants encounter in destination countries. A decisive factor, however, would seem to be a veritable state-led policy of transnationalism. Sending countries take advantage of existing family relationships and adopt precise strategies aimed at strengthening the migrant's ties with their country of origin and maintaining a continuous flow of remittances (Ho 2008). According to a 2006 World Bank economic valuation, global remittances in 2005 amounted to \$230 billion (73% more than in 2001). In 2007, they reached \$318 billion, of which 240 billion went to developing countries (Sassen 2008). In 2011, officially recorded remittances amounted to \$372 billion (cf. The World Bank: [Remittance Flows in 2011: An Update](#)).

Saskia Sassen hypothesizes the existence of a “systemic link” between the circumstances that give rise to “survival circuits”, through which profits and foreign currency are accumulated because of the exploitation of the most disadvantaged, especially women, and the economic conditions of the countries we continue to call developing countries but which are, according to Sassen, countries with stagnant economies or in recession. Sassen argues that migrant women today are part of “survival circuits” that involve families, communities and states importing and exporting female labour. We are thus witness to a real “*feminization of survival*” (Sassen 2000). It is in these states' interest to maintain the networks of obligations that link migrants and their families at home – even resorting at times, as we have seen, to a national rhetoric that insists on the maternal role of women and their duties toward the household. This same rhetoric, however, would not appear to render redistribution of care roles within the family and between genders any easier. Fathers usually do not assume mothering functions when the mother leaves and children feel abandoned. When migrant women leave their children behind, they are forced to entrust them to other women: their own elderly mothers, sisters, older daughters, or poorer women who will, in turn, delegate their own maternal functions, in a predominantly female care chain of solidarity.

The reality of transnational families is linked in a complex fashion to migratory policies, and thus to the interests, survival strategies and logic of profit of both sending and receiving countries. Two of the factors that contribute to the fragmentation of families over geographic space pertain to the immigration policies of receiving countries, which seem to find it convenient to maintain a certain level of illegal migration to employ in precarious jobs, while making family reunification difficult for migrants (Bonizzoni 2004). Legal entry into a rich, Western country and regular work permits are very hard to obtain, especially for those coming from certain continents, such as Africa or Asia. Immigration policies tend to be increasingly selective and exclusive. It is still considered the right of sovereign states to exercise complete control over who may enter, letting in only those they may consider useful, possessing skills and qualities of excellence they believe will contribute to their own economic growth. Nevertheless, the existence of porous borders seems conceived to ensure a constant presence of irregular immigrants – immigrants who remain trapped within the borders of the state once they have entered illegally, and who will easily fall prey to exploitative, underpaid, precarious work relationships, sometimes approaching conditions of “neo-slavery”. The uncertainty that migrants experience as a result of their illegal status also deprives them, de facto, of their

fundamental human rights and freedoms (Santoro 2010). This situation, according to some authors, perfectly meets the demands of a post-Fordist economy. The new global capitalism requires flexible and submissive workers of a kind that illegal migrants, both men and women, cannot avoid being (Sciurba 2008). Illegal migrant workers find themselves in a vulnerable situation, in which many different axes of oppression often intersect: gender, class, race, ethnicity and, not least, the condition of foreigner without documents (Johnson 2003).

A legal migrant woman who wishes to reunite her family in the destination country will often have to face up to the fact that family reunification is simply not an option for her, primarily due to the nature of her work, which tends to be live-in or very poorly paid. Thus, migrant women, who come to fill the care gap in rich countries and provide the reproductive labour necessary for the future existence of our societies, often cannot bring their own children and, even more often, their elderly parents, to live with them. The right to family life is a universal human right enshrined in many international documents: e.g. articles 12 and 16 of the Universal Declaration of Human Rights, the preamble of the United Nations Convention on the Rights of the Child and article 8 of the European Convention on Human Rights. Family reunification, however, does not directly follow from any of these international documents, as it is subordinated to specific requirements established by receiving states exercising their national sovereignty (Honohan 2008).

This is one of the areas in which there is clear and open tension between human rights and national sovereignty. Family reunification today is in fact more subordinated than ever to the right of the state to control the quality of migration flows, as reaffirmed by the EU 2003/86/CE directive of 23 September 2003. This makes the requirements that migrants must satisfy in order to reunite their families even more demanding. For example, it allows the state: 1) to set strict conditions for the reunification of “children older than twelve years and also the possibility of deportation of children older than fifteen”; 2) “to lengthen the period of legal residence required to apply for family reunification” and 3) to “deny the renewal of the family member’s residence permit when the legal migrant worker no longer satisfies the conditions required for the exercise of this specific right” (Surace 2007). According to Lori Nessel, this phenomenon is not limited to Europe. Even in the United States, where family migration has traditionally been considered a pillar of the migratory system, there are several signals indicating a will to weaken the right to family reunification, which is still the main legal channel of entry for migrants. These include increasingly selective migratory policies in terms of nationality, ethnicity, and high-skilled qualifications (Nessel 2007-2008). A tendency to control the number and types of immigration is reflected, *inter alia*, in the introduction in many European countries of citizenship tests with an important variant, in comparison to the American model of civic testing, in “that it promotes ‘citizen’ values and skills not only among applicants for citizenship but also for various earlier gates [or doorways] of membership, including those where migrants seek permanent settlement and territorial admission” (EUDO).

These tests seek to verify not only the migrant’s linguistic skills but, in some cases, also their commitment to a set of core liberal values, such as gender equality. Some states, such as France (Murphy 2006), Denmark and the Netherlands (Nessel 2007-2008), even require immigrants applying for permanent residence permits to sign an integration contract. Measures such as these seem to mark a clear step backwards on the part of some European countries, regarding not only multicultural policies, but also a conception of citizenship based on knowledge of the nation's constitutional principles (Orgad 2010). This will further impede family reunification and will force families to endure longer periods of separation, already extended well beyond the migrant’s initial expectation – even in countries such as Italy where legislation is not among the most restrictive. This is largely due to the complexity of the bureaucratic procedures required to demonstrate such things as the existence of family ties and degrees of kinship, adequacy of accommodation where the immigrant resides and intends to



lodge family members and, not least, certification of sufficient income. The length of the bureaucratic process and the slowness of the offices, often submerged by applications, are some of the reasons why it takes months and sometimes years before permission for family reunification is obtained. In the meantime, an immigrant may have to resubmit the application or part of the documentation, if it has expired. It is thus not surprising that many families decide to reunite by means of other, more informal channels, such as tourist visas. This results in de facto family reunifications that may render the lives of the reunited family, some of whose members remain without documents, even more precarious and difficult (Bonizzoni 2004: 131-134).

The difficulties that immigrant women must overcome in applying for family reunification, as described above, are actually greater than those experienced by men. The first fundamental obstacle is posed by the atypical work usually done by migrant women, such as round-the-clock family assistance, which may prevent migrant women from having autonomous accommodations or independent lives; or hourly domestic work, which very rarely affords sufficient income to meet the requirements for family reunification. For all the gender-neutral language employed, migratory and family reunion regimes often create situations of discrimination toward women, and appear strongly conditioned by the idea of the immigrant as *male breadwinner*.

It may be important for a single immigrant mother to bring her children, elderly parents or a sister with her, in order to help her with the every day organization and management of her life. Here too, family reunion policies are inadequate, in the sense that most European countries recognize only ties to spouses and children for the purposes of family reunification, while subjecting the entry of other relatives to further constraints and conditions and even greater administrative discretion. The family model that migratory policy envisages is thus culturally connoted and generally discriminates against gay couples and de facto couples (Surace 2007). On the basis of this model and in the current climate of security concerns, particularly with regard to migration, some states, including Italy, have used DNA testing to verify the existence of genetic family ties between parents and children, where suspicions have arisen – as if a family can be considered a mere biological entity (Taitz, Weekers, Mosca, 2002).

## 4 The Convergence Between Care and Migration Policy in Receiving Countries

Caring for sick, frail elderly and disabled people today, in our homes, are mostly migrant women from third world countries or the former Soviet Union and the former Eastern Block. Migrant women offer a low-cost solution to our care crisis. The expansion of the number of those in need of home-based care is caused by several factors, such as population ageing, advances in medicine resulting in longer life expectancy of people suffering from chronic and degenerative diseases, shorter hospital stays due to pressure to cut health-care costs, and a general tendency toward deinstitutionalization. At the same time, smaller family size which means fewer children to help care for aged parents, geographic mobility, the difficulty of managing family and work and the growing employment of women have made it harder than ever to find a family member who can provide unpaid care labour. These demographic and social changes are exacerbating the contemporary ‘care crisis’.

Data regarding demographic trends and population ageing in the West, in particular, are alarming. They speak for themselves about our need of a labour force in the care sector and how it will grow in the future: in 2006, approximately 500 million people were aged 65 or older; in 2030, according to projections, they will be about a billion, or one in every eight persons. “In 2050, the number of people aged 85 and older – those most at risk of needing long-term care – will increase by 350%” (Brown, Braun, 2008).

Demographic factors, as well as the shift from the “male-breadwinner” model to “the adult-worker” model, explain the care crunch in Western countries but, in and of themselves, fail to explain why European and other Western countries, have turned to the employment of migrant care workers to solve their care crisis. On the demand side it cannot merely be attributed to the lack of social welfare services in the long-term care sector. In the case of many European countries, we must also consider the shift, since the 1990s, from traditional services (or no services at all, as in Italy) to cash-for-care payments and, more generally, cultures of care that have shaped the demand for the care of children and older and disabled people (Williams 2011a, 2011b). As Fiona Williams explains:

The nature of care regimes in host countries clearly influences take up: where care provision is commodified and where care cultures favour home-based/surrogate care, reliance on low-paid end of the private market is more common (Williams 2011b: 22).

Migration policies are another important factor to be considered. In some cases, it is possible, in fact, to find a convergence between care and migration policies. In Italy, for example, the transition from a traditional family model to a “migrant-in-the-family” model of care (Bettio, Simonazzi, Villa 2006) can be explained by the dovetailing of these two policies: on the one hand, a subsidy for frail elderly people to enable them to purchase their own care; and, on the other hand, an inadequate entry channel for migration that guarantees a constant presence of irregular immigration, awaiting the regularisation of irregular domestic and other immigrant workers already living in Italy as overstayers.

## Conclusion

The actual system of care drain has given rise to reproductive inequalities, the full, long-term effects of which cannot yet be foreseen. Surveys conducted on Mexican boys and girls, children of migrants, show, for example, that they have a weak propensity to invest time and energies in their education. They have greater economic opportunity to attend good schools, due to their mothers’ remittances but, instead, think of a future of migration for themselves as well (Mckenzie 2005). Research conducted on children of Ukrainian migrant mothers also produced similar results (Tolstokorova 2009). Children feel abandoned and sometimes suffer psychological damage. Dana Gabriel Verbal remembers that “in Romania – the first care-provider country for Italian families – this phenomenon has received a lot of media attention following several suicides of children, normally aged 10-14 years old, who were left in the care of their grandparents and strongly felt the absence of their mothers. Romanian media and NGOs have begun to talk of 'de facto abandonment' while, in Ukraine – the second care-provider country – the media talk about 'social orphans'” (Verbal 2009).

Other negative effects include the depopulation of entire neighbourhoods and the resulting disappearance of the very dimension of conviviality and feelings of solidarity that have kept care chains alive until now. Care drain from third world countries or from states experiencing difficult political and economic transition processes, such as most Eastern Europe states, may thus result in a sort of erosion and degradation of the “*socio-emotional commons*” of the country, a deterioration in the society's “life-world” (as Hochschild calls it, following Habermas), thereby depriving it of the affective and emotional life essential to the flourishing of every culture. Further important effects of migration concern the reduced fertility rate of transnational families.

Care ethicists, such as Joan Tronto, call for the recognition of the care workers' contribution to the reproduction of rich Western countries, by according them the right to citizenship. There is no doubt that we need to reconsider the terms of just membership in society and to establish less arbitrary criteria for the granting, first of all, of residence and work permits and, then, the right to naturalization to those immigrants who wish to become citizens. Some migrants,

however, are indeed temporary and “often willing to accept conditions of work, housing, public education or health care far below the domestic standards the receiving society sets for its citizens” (Bauböck 2011). From this point of view, the most urgent reforms are, on the one hand, to give migrants the possibility to enter legally and obtain residence permits that would enable them to find regular employment and, on the other hand, to improve migrants’ rights (including family reunion).<sup>1</sup> No less important – especially if we consider that many care workers in Europe today are Romanians and Bulgarians who, since 2007, enjoy visa free access to the care labour market of other European countries – is the provision of incentives to regularize care and domestic workers, such as increasing public assistance in terms of cash payments.

In the short term, other policy solutions may be proposed. One could be “bringing in the father” (Gheaus 2011): introducing policies based on incentives to advance male participation in care in sending countries. Another solution could be supporting institutional care in the sending countries, funded in two possible ways: 1) by directing some of the taxes the sending countries “levers on remittances into childcare”; 2) by a “‘care drain tax’ from the countries that employ migrant care workers (Gheaus 2011).

In the long term, however, several justice issues remain unresolved.

The increasing poverty of third world countries and their growing dependence on remittances lead us to think that the reality of transnational families will last for quite some time, unless radical reforms are introduced by international bodies such the World Bank and the International Monetary Fund, in order to reduce the need for women to migrate.

Globalization today, presents two faces: a public face and a private one. Like the old distinction between public and private, the public face of globalization is “populated primarily by men at its top rungs decision-making”, while the private sphere is “sexualized, racialized and class-based” and is populated mainly by female migrant workers, who “perform intimate household services” (Chang and Ling 2000). Thanks to this new global division between public and private, care work is re-familiarized – still invisible and devalued, while old stereotypes regarding the natural caring abilities of women re-emerge. The “migrant-in-the family” model is questionable in terms of gender equity because, to the extent that it does a fair job in preventing poverty, it does not prevent the exploitation of women’s care labour, guarantee women equality of respect or income or combat the marginalization of women, and it certainly performs very poorly in terms of overcoming androcentrism (cf. Fraser 1997). The final, major issue, in terms of justice, is that of unequal distribution of care labour between rich and poor countries, as a consequence of the current “care drain”. Both the issue of gender equity and the issue of unequal global distribution of care labour demand imaginative solutions for the balancing of work and care, at a global level (cfr. Williams 2011b).

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<sup>1</sup> The effort to protect migrants’ human rights “has led to to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), which contains a comprehensive list of rights of both regular and irregular migrants and came into force in 2003”. As Bauböck (2011) underlines: “[...] no major receiving country of migrants has so far ratified the ICRMW”. In 2011, The General Conference of the International Labour Organization (ILO) adopted the *Convention Concerning Decent Work for Domestic Workers*.

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