

The Kafāla System: Gender and Migration in Contemporary Lebanon

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With an estimated 250,000 migrant domestic workers (MDW), migrant women perform household chores normally assigned to Lebanese women in their own households. Since labor laws do not apply to MDWs, MDW from the Global South in particular are affected by exploitative regulations under the Kafāla system. Due to gender-specific aspects of migration and asylum and gendered and

racialized labor division, they inevitably become a focus of public interest. This paper conducts an overview of Lebanese gendered and racialized labor laws under Kafāla based on a materialist theory, analyzing a range of local NGOs that address MDW's rights.

Keywords: Lebanon, Labor Law, Slavery, Kafala, Migration, Gender

“Najwa and Raymond Tawk Tortured, Starved, and Left Ethiopian Teenager for Dead” (This is Lebanon)

Such headlines on the working conditions of young female migrant domestic workers (MDWs) in Lebanon are frequently featured in national and international media. According to various media reports, migrant organizations and statistics obtained from the Lebanese intelligence agency, an average of two DWs die every week (Su, “Slave Labour?”). In most cases, the circumstances of their deaths remain unexplained; this is often due to the refusal of Lebanese host families to provide information. The case of the young Filipino worker Halima made national and international headlines. Her hosts, the Lebanese politician and women's rights advocate Ibtissam Saade and her family, locked her up for 10 years and only through the help and public pressure of various women's and migrant's rights organizations was she able to return home (This is Lebanon “Halima”).

Research on MDWs focuses on topics like the racialization of MDWs and the relational aspects of the employment.¹ Complex social issues, in which a variety of economic, political and social aspects come into play, must also be comprehensively examined. The legal component plays a central role, but so do the percep-

tion of and discourse on social aspects of living together, such as migration, work, and women's rights. To understand the circumstances of people living under and strongly influenced by the Kafāla, the legal perspective is not the only relevant one; so are civil society associations promoting certain rights and concessions. In this context, migrant self-organizations and the way they campaign, their objectives, and their scope play a central role. To analyze the Kafāla system in Lebanon, a review of existing self-organizations will be used in addition to a review of the legal aspects; however, this paper does not provide qualitative data collected in personal interviews, but rather a sound foundation of contemporary literature and concept analysis, with a potential for further qualitative research. This paper focuses on legal aspects and the work of organizations like This is Lebanon (TIL), KAFA, and Anti-Racism Movement (ARM). The theory and method, based on post-colonial and materialist approaches to migration and self-organization, provide the framework for this paper.

Theoretical Framework and Methodology

This article builds on the theoretical, conceptual, and methodological approaches of historical materialism and post-colonial theory. Historical materialism is a theoret-

ical approach and research method that seeks the causes of societal change in the mode of production, i.e., the system of labor usage and the production of goods. This ranges from observations of the epoch-specific emergence of economic systems and their transition into each other, to observations on the ownership and domination of the means of production and the control of labor and labor regulations in pre-industrial societies and industrialized as well as contemporary capitalist orders. A materialist analysis, thus, is one that primarily looks into socio-economic preconditions, social struggle and prevailing circumstances when analyzing certain aspects of social life (Kannankulam 200, Robinson 27).

Thus, based on socio-economic contexts, social heritage and classes matter when looking at historical developments and modern *globalization*. *Class* can be seen as identity as well as a social relationship; however, Marx interpreted class as the latter rather than as a specific nascent social rank, assuming all social relations are based on a socio-economic foundation such as capitalism, in which the capitalist class can not exist, let alone survive, without the proletariat and vice versa.² Further, the socio-economic aspect of analysis is intertwined with a solid framework of post-colonial premises. Lebanon is a

post-colonial state; in accordance with Wallerstein's materialist conceptualization of the division of the persisting world order between capitalist core centers, the semi-periphery, and the periphery, Lebanon is categorized as the latter (Wallerstein 49); the continuities of former colonial patterns and rule still persist in many respects. In themselves and in academic scholarship, the terms post-coloniality and post-colonial thought address political, economic, and social structures, especially aspects of colonial legacies and continuities between the *Global North* and the *Global South*. Identifying and thus deconstructing these is a basic element of post-colonial theory (Dhawan; do Mar Castro Varela 15).

The post-colonial theorists Nikita Dhawan and María do Mar Castro Varela outline the transformation of the term *post-colonial* itself since its use and scholarship in the 1970s. At that time, it focused on the situation of former colonies, although a decade later it addressed all colonized regions and communities and their history of colonization up to the present, including the recognition of the histories and traditions of colonized regions before their conquest. In this article, post-colonial consciousness plays a central role when looking at Lebanon as a post-colonial state, still influenced by former colonial

ideas and social orders (Dhawan and do Mar Castro Varela 15). Lebanon's formal independence as a nation-state followed a 23-year rule by the French Mandate, which was one part of the historic violent Western European conquest and rule over various regions worldwide. Consequently, this article's analysis of legal and social aspects of migration in Lebanon is based on the premise of (post-) colonial continuity in a post-colonial state.

Nevertheless, post-colonialism and its philosophical concept are disputed in academia and in activism. Aspects of the practicability of post-colonialism for current and targeted anti-colonial struggles and protest movements with a clear aim to achieve a concrete different and new anti-colonial societal structure are being questioned (Dhawan, do mar Castro Varela 339-341). However, the valid question of post-colonialism's usefulness as a historical and analytical tool to describe societal orders, leaving aside practically solving them generally or in Lebanon, cannot be answered in the framework of this paper (Dhawan, do mar Castro Varela 286-288).

However, a materialist analysis of society also considers various categories that exist under (pre-) capitalist orders, including remuneration, labor, and people's material conditions. Those categories -

not to be mistaken as identity - famously include *women vs. men* in a binary gender code, *white vs. non-white*, *citizen vs. non-citizen*, and many more.^{3,4}

Materialist perspectives on the role of the modern (nation) state, which enforces different social, political, and legal accesses and *rights* on its own citizens and on non-citizens, thus enabling greater and unprotected exploitation of non-citizens and often racialized people by the local ruling and political class, but also by the local and citizen workforce (Zeiler 10, Kannankulam 50), as is also thoroughly exemplified by the colonial European border, migration, and labor regime (Kasperek 170, Kannankulam, Georgi 49, Buckel 88, Rodriguez Gutierrez 19). In the current world order, migration regulations and the protection of (work) migrants differ under international, national, and often regional law and jurisdiction. The following chapter examines the legal perspectives of migrant domestic workers in Lebanon under special consideration of the migration and labor nexus provided by Kafala.

Legal Perspectives and the Status of Migrant Domestic Workers

Domestic work is not defined by Lebanese national law, but the International Standard Classification of Occupations (ISCO) by the International Labour Organization

(ILO) recognizes domestic work under two classifications, including housekeepers, personal care workers, DWs, and other related helpers in commercial spaces, private households, and other establishments (ILO 29-30). A study from 2011 reported that around 65% of MDWs have experienced a situation of exploitation such as forced labor, servitude, or slavery during their time in Lebanon (Hamill 5). Legally, the terms forced labor, servitude, slavery, and practices similar to slavery are different, but they have similarities and are often conflated. Each involves a different type of exploitation or control.⁵ The ILO Convention on Forced or Compulsory Labour outlines several criteria indicating forced labor, such as restriction of movement and/or confinement to a limited area, the retention of official identity documents, the withholding or nonpayment of wages, debt bondage or bonded labor, and last, threats of denunciation to the authorities (11-14). As international treaty law does not offer an explicit definition of the term servitude; the UNODC (United Nations Office on Drugs and Crime) Model Law defines it as a labor condition from which a person cannot escape.⁶ The Slavery Convention and the Supplementary Convention on the Abolition of Slavery define slavery as "the status or condition of a person over whom

any or all of the powers attaching to the right of ownership are exercised” (16).⁷ Slavery is the term with the fuzziest definition regarding these types of exploitation, leaving a wide scope for interpretation. Debt bondage, serfdom, servile marriage, and child servitude are regarded as practices similar to slavery under the Supplementary Convention on the Abolition of Slavery. Some legal experts regard all these forms of labor as modern-day slavery, whereas others don't. From a legal perspective, there are no clear boundaries (16).

Lebanon has ratified a number of international conventions through which human rights principles have been introduced into Lebanese law. Furthermore, in the '90s after the civil war, the Universal Declaration of Human Rights was included in the preamble of the Lebanese Constitution. Article 2 of the Code of Civil Procedure states that international conventions supersede ordinary law based on the principle of the “hierarchy of rules” (Leaders 5-6). Even though not all international conventions address workers' rights and labor in particular, most of the international treaties provide social protection that affects workers' rights indirectly. The Constitution, including the Declaration of Human Rights, ensures the right to security, equality, freedom from slavery and

forced labor, safe and fair working hours, adequate standards of living, etc. Furthermore, international treaties⁸ like ICCPR, ICESCR, ICERD, and the Convention against Torture (CAT) cover the right to safe working and living conditions and freedom of movement, banning torture and inhumane treatment. The International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) enshrines in Article 11 the right to work, maternity leave, and equality in working hours and payment. And finally, Lebanon ratified a protocol to prevent, suppress, and punish trafficking in persons, especially women and children (Leaders 6-8). Besides ratifying international conventions, Lebanon joined the ILO in 1948 and has ratified several ILO conventions.⁹ Most international labor conventions apply to DWs as well (ILO 20). Even though Lebanon did not ratify all the ILO conventions, it still has to respect the fundamental rights that are stated in them as long as they are a member of the ILO (Leaders 8). In 1976, the ILO established the Regional Office for Arab States¹⁰ in Beirut, where you can file complaints with the organization, which can conduct investigations and make final recommendations (Leaders 8). It should be taken into consideration that the ILO is an organization within a broader global cap-

italist system that, though trying to make the conditions for workers more bearable, still does not tackle the problem of exploitation at its roots, as it does not consider capitalist structures and employers to be part of the problem that makes exploitation inevitable.

The Lebanese labor law was enacted in 1946 and most recently amended in 2000 (Lebanese Ministry of Labour “Lebanese Labour Law”). Article 7 of the Lebanese labor law explicitly excludes DWs not only from its protection, but also from guarantees like minimum wage, annual leave, number of working hours, etc.¹¹ (Leaders 10). Furthermore, the labor law lacks special regulations for refugees, economic migrants, and other non-Lebanese persons, with the exception of Palestinian refugees, who are registered with the Ministry of the Interior. Under the Foreigners Law, every person who does not hold Lebanese citizenship is considered a foreigner. DWs are subject to a special legal system called Kafāla. Most regulations are passed by the Directorate of General Security in accordance with the requirements of the Ministry of Labour (Hamill 25), because Lebanese law lacks any comprehensive regulation¹² on these matters (Leaders 32, 36). The majority of MDWs in Lebanon are from Africa or Asia, and since one quarter of the Lebanese population employs a

MDW, which is seen as a sign of status and class, they play a central role in the population's self-perception. According to Nisreen Kaj, an important aspect of the Lebanese collective identity is self-perception as a white nation¹³ and the othering of MDWs who are mostly non-white. This makes citizenship and the identification with the Lebanese state more important than another basis of identification (Ringrose and Stubberud 408-410). In his paper, Ray Jureidini states that the hierarchy of female WDMs throughout West Asia is reflected by their salaries, with Filipino women being paid the highest, Ethiopian women in between, and Sri Lankan women the lowest – agents and employers claim this is based on the workers' education, skills, language, and physical attractiveness (Jureidini 145).

According to the labor law, neither a migrant nor a non-migrant domestic worker can form a trade union (Human Rights Watch). In some cases, there are exceptions for foreigners who have a work permit and meet certain requirements, but this does not apply to MDWs. This matter is considered to be a violation of the ICCPR ratified in 1972, whose article 22 states that everyone has the right to form and join a trade union for the protection of their interests (Human Rights Watch). Also, requiring Lebanese citizenship to

form a trade union makes it impossible for stateless persons to establish or join one (Leaders 11-12). DWs frequently report excessive working hours and delayed or withheld payment of wages. Regarding domestic work and therefore the abuse of a woman by another woman as an individual problem shifts responsibility from the state to the private households (Ringrose and Stubberud 410). But the vulnerability of MDWs is linked to several structural factors, such as the Kafāla system itself, the recruitment process, and the lack of legal protection. The Kafāla fosters conditions under which MDWs can become subject to trafficking, exploitation, and abuse. Their immigration status is linked to a single employer, who under the Kafāla can legally prevent the MDW from leaving the house, even for years. A 2010 Human Rights Watch report revealed that in over 100 cases employers did not face a single legal consequence for locking workers inside homes, confiscating their passports, or denying them food (Ringrose and Stubberud 407). The Kafāla prevents MDWs from seeking help without jeopardizing their legal immigration status. During the recruitment process, MDWs often may be deceived or not informed about the working conditions, hours, wages, contract duration, restrictions on freedom of movement and communica-

tions, and limited access to legal help. In addition, the Lebanese government issues work and entry visas to workers from countries that have a deployment ban against Lebanon. In this case, the recruitment often involves illicit routes and bribes. The Lebanese government drafted a law on DWs, which is not in force, and the establishment of an emergency hotline in the Ministry of Labour. The proposed draft still lacks legal protection, because it is possible, for example, to restrict the MDWs' movement (Hamill 5-6). Since 2009, MDWs sign a unified compulsory standard labor employment contract issued by the Ministry of Labour, which, however, is available only in Arabic and does not guarantee the DWs' rights to keep their passports (Leaders 32, 36). As basic rights, the contract restricts the working hours to a maximum of 10 hours a day with at least 8 consecutive hours of rest at night. The worker is entitled to paid sick leave, 6 days of annual leave, and the right to receive phone calls. The employer has to purchase health insurance for the worker and cover the costs of a monthly phone call to the worker's parents. The salary has to be paid at the end of each month with receipts that are signed by both parties (Amnesty International). The contract can be terminated by either the worker or the employer, with two sets of

grounds that leave wide scope for interpretation. According to article 14, the worker can terminate the contract if the employer fails to pay wages for three consecutive months, if the worker has to work in another capacity without her or his consent, or if the worker is being assaulted, abused, harassed, or sexually assaulted by one of the occupants of the houses. However, this applies only if the worker can provide proof, for example with medical or police reports. This makes unproven assault, refusal of legal leave, or refusal of access to appropriate sustenance and accommodation insufficient grounds to terminate the contract. On the other side, article 13 states that the employer can terminate the contract if the worker commits an *error* or *negligence* or violates Lebanese law. These terms leave wide scope for interpretation, because they are unspecific, which gives the stronger party, the employer, more opportunity to act in an arbitrary manner. The Directorate of General Security prohibits migrant DWs from changing their sponsorship without prior approval from the relevant authorities, without specifying which authorities decide this matter. In addition, foreign workers can transfer their sponsorship only twice during their employment period (Leaders 36). Summarizing, the lack of protection for DWs under the labor

law leaves them vulnerable with almost no legal safeguards and a high risk of being subject to abuse and exploitation.

Analysis

Civil society organizations provide a platform for mass mobilization and influencing public opinion, thus creating pressure on local politics and law. Following a thorough investigation of the legal aspects of Kafāla as applied specifically in Lebanon and information from various self-organizations, an overall analysis informed by a materialistic approach illuminates the living and working situations of women under Kafāla in Lebanese society. The mostly migrant-led self-organizations Kafa Violence and Exploitation, TIL, and ARM are examined based on these concrete criteria: 1.) Range/Outreach, 2.) Objectives, 3.) Forms of Representation.

Kafa - Enough Violence and Exploitation

Kafa, represented online in English and Arabic along with a help line, was established in 2005 and seeks to eliminate all forms of gender-based violence. The organization defines itself as a feminist, secular, non-profit, and non-governmental civil society organization. Its aim is to create a society that is based on gender equality and is free of social, economic, and legal patriarchal structures.

Advocating legal reforms, influencing public opinion, conducting research and trainings, and providing social, legal, and psychological support for victims of violence, it takes various approaches to change current social structures. It focuses on three areas: family violence, exploitation, and the trafficking of women, especially MDWs and sex workers. In cooperation with the Civil Society Knowledge Center and Lebanon Support, Kafa maps cases of MDWs' deaths. The map collects cases and information and aims to stress the ties between the Kafāla system and the high rates of abuse and deaths of MDWs (Civil Society Center).

Starting with outreach, Kafa has great national and international influence through its international campaigns. Offered in fluent English and Arabic, campaigns are mainly conducted online and made public. Thus, the power of social media is used, which becomes particularly relevant for social associations, protests, and entire movements. As the campaigns focus on different aspects of social life and thus different forms of oppression, divided among *Domestic Violence*, *Domestic Workers*, *Personal Status*, *Sexual Violence*, and *Women in Prostitution*,¹⁴ it is worthwhile to take a closer look at these forms of oppression and exploitation that are particularly relevant for women. In addi-

tion to a special telephone hotline, there is also a nationwide campaign to protect people from domestic violence. News and statements about ongoing campaigns are updated in this context. In addition, a sub-category, *Personal Status*, has been established, which deals with questions and challenges about women's personal affairs that are regularly dealt with in the respective religious courts in accordance with women's religious affiliation and within which women often experience discrimination. Other campaigns are dedicated to the topic of sexualized violence, such as harassment, assault, and rape. The forms in which KAFA has represented DWs include launching a campaign targeting Lebanese employers. KAFA publishes booklets clarifying legal contexts, accompanied by certain demands for changes. Further, it provides annual reports, studies of domestic violence in Lebanon, and studies of the power relationship between employers and employees. A large part of KAFA's work consists of campaigning, publishing cases especially on social media, in videos, and in reports, with the aim of spreading and generating social pressure. In addition, a support center is also provided where, according to KAFA, women and children in particular can receive help and advice, regardless of their religion and nationality. This is linked

to the support hotline, which can be reached by telephone (KAFA). Through its social media platforms, KAFA reaches around 145,183 people on Facebook and has over 4,515,000 views on YouTube.

KAFA uses three main strategies: an individual approach, in which it provides help in specific situations; second, addressing private employers; and third a broader approach focusing on legal, state, and social structures. As important as the first and second approaches are, they are only short-term or one-off solutions. With its third approach, KAFA recognizes that exploitative working conditions are not an individual, but a systematic problem, in which legal structures and social and economic patterns foster the conditions for exploitative and abusive working relationships; KAFA seeks to shift the problem and the responsibility from private households to the state.

This is Lebanon

TIL emerged in 2017 and is run by a coalition of former DWs and activists. Since 2019, TIL has been a non-profit organization in registered Canada under the name Domestic Workers Unite. In 2014, the founders Dipendra Uprety and Priya Subedi, who were former migrant workers in Lebanon, immigrated to Canada, but continue helping MDWs in Lebanon. TIL is

the first organization to publish the names of the abusers, thus making the cases public, which influences public opinion and puts pressure on politicians and state institutions to act against the abusers. The organization provides legal support, translations, rescues, and medical referrals and emergency protective support, making the abolition of the Kafāla system and reformation of the labor law its main aim. TIL is not only familiar with the problems and obstacles DWs face in Lebanon, it also has direct access due to its language skills. TIL's aim is to empower DWs by informing them of their rights and to provide them access to information and legal and medical support. The website started by exposing abuses and grew into a platform for abused DWs. TIL's publicity work includes campaigns, testimonies, and activist actions to mobilize and publicize specific cases. In addition, community work, networking, and the groundwork done by volunteers are making further progress. In the past, TIL has been frequently treated in the media. Like the other two organizations, TIL depends on donations.

As with KAFA, a major cornerstone of TIL's work is campaigning and raising awareness of cases in which DWs experience forms of violence and exploitation. The organization goes one step further and publishes not only the actual facts and

experiences of the young women, but also the Lebanese employers' real names and contact details –telephone or mobile numbers, email addresses, and Facebook or Instagram profiles – thereby causing public embarrassment of and public pressure on employers but also politics. In addition, various opportunities for collaboration and donations are provided to support the work of the organization. Its social media platforms (Facebook: 79,090; Instagram: 4,581; Twitter: 2,603 subscribers) give its information and campaigns a wide reach. When contacted by a DW, the organization contacts the employer and asks them to pay the DW's salary, or in cases of forced labor, asks to release the DW and send them home, if requested. Most cases are resolved peacefully, but in cases of refusal to pay the salaries or cases of torture, sexual violence, slavery, or slavery-like conditions, the abusers are exposed on social media. Each case is addressed by a different approach, for example naming and shaming abusers in public so that local authorities step in. Halima's high-profile case is one of many that show the extent of exploitation and the intersection of several aspects of discrimination against women as migrants and workers. That her *host mother* and thus her employer coerced Halima, physically abused her, and threatened her with

physical violence and murder, but is herself a well-known women's rights politician and activist, reveals, on the one hand, the discrimination interfaces that women in Halima's position experience and, on the other, the double-edged role that other women can play in this context: women's rights activists and emancipation fighters, on the one hand, oppressors, on the other, emphasizing the discrepancy between class interests (migrant worker vs. employer) and sharing a similar societal identity (being a *woman*). As many testimonies show, *host mothers* in particular are involved in the abuse and exploitation of women workers, which describes the phenomenon of female misogyny, i.e., hatred and rejection of women by other women. As in Halima's case, it becomes vividly clear how labor responsibilities in capitalist orders shift to differently racialized and feminized bodies differing from context to context, but do not fundamentally change.

Anti-Racism Movement (ARM)

The ARM was formed in 2010 by a group of Lebanese feminist activists and migrant workers in response to a racist incident at a private beach resort in Beirut, where ARM activists filmed the management's acts of discrimination and segregation. ARM's aim is to fight racist discrimination

and abuse in Lebanon on a social and institutional level through awareness raising and advocacy. ARM focuses on MDWs, but also works with migrant workers in general, Sudanese refugees, governmental ministries, media institutions, schools, universities, and civil society/international/intergovernmental organizations. It views its work as a political engagement and, as it mentions in the annual report, adopts feminist ethics without specifying them any further (ARM "Annual Report" 7). Since 2012, ARM has been a registered non-governmental organization with a growing platform (Facebook: 18,771; Instagram: 805; Twitter: 717 subscribers). By 2016, ARM had established three Migrant Community Centers (MCCs) and a Sunday Educational Space in three major cities. The MCCs aim to create a safe space for migrant workers, where they can meet and learn new skills and have access to information, which is provided in English and Arabic. The focus is not only on the living and working conditions of DWs, but also on the issue of and various facets of racism in general. The MCCs contribute to building a strong migrant civil society, with a focus on women as leaders. The offered programs include languages, computer, rights education, and advocacy training classes, as well as cultural exchange events and social gatherings.

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The MCCs are run by general coordinators and migrant community leaders and are supported by members of the ARM. Its work has a broader range than that of the other two organizations, focusing on various effects of racism in everyday life, including migration, gender-, and labor-specific aspects. Here too, an important part of its work and representation is documented by testimonies from other community members and people seeking help. Campaigns, measures, interviews, and reports are summarized in the annual report and are freely accessible (ARM).

All three organizations provide important and much-needed work, but also tackle problems that should be the state's responsibility. Within a capitalist-structured world, where (neo-)liberal supporters call for the restriction of the state's grip on the economy, civil society organizations are essential for providing a safe space and platform to voice the interests of civil society, influencing public opinion, and creating political pressure.

Conclusion

Based on the knowledge about and insights into these organizations, the range of their issues and the different forms of their support, and an in-depth examination of the legal aspects of Kafāla

regulations in Lebanon, it can be concluded that research on existing forms of Kafāla is complex. In addition to the obvious work-specific aspects, which the organizations and individuals concerned refer to as slavery, there are also concrete aspects of migration and self-organization or protest, as well as feminist approaches. A look at the work and working conditions of DWs, who are predominantly female and represent a large work force of 250,000 in a country of about 6 million, but who are hardly legally protected, exposes the restrictive and interlocking migration and labor law regimes (here: regulations). Domestic work, which is allotted to persons who are regularly positioned or read as women and thus represent so-called feminized work, is not paid for by the majority of people worldwide and thus also not in Lebanon. To achieve more social justice for their conditions, another definition of work is relevant that recognizes household labor as work. However, since this is not regular paid work, it is not only not remunerated, it also receives little or no social recognition. From a materialist approach, it thus becomes clear that, due to the class relations in which they live, people are divided into social strata that, on the one hand represent docking for identity and identity formation, but, on the other hand, also

represent their relationship to and dependence on society. On this basis, feminized bodies in binary-coded social gender relations are considered crucial for production aims but are put, in parallel, into created categories of *women* (binary gender context) or *migrant* or *non-white* to justify lower remuneration. On the other hand, they are seen as responsible for reproduction, educating offspring, and caring for the household. Although this is a relevant building block for the survival and formation of social orders and the cornerstone for the material survival of families and entire generations, this feminized work is neither paid nor socially recognized, as if it were not *real* labor. Thus, the shift of this work and thus responsibility in Lebanese society from Lebanese women to non-white immigrant women, who are sometimes brought illegally into the country for the sole purpose of domestic work, is not only proof of the close link between labor regimes and migration regimes, where migration is regulated by labor and labor regulations depending on status, nationality and class affiliation. It also reveals the exploitive character of feminized work in patriarchal social structures, which, even as proclaimed work and labor from abroad, does not receive fair recognition and remuneration. Labor responsibilities in capitalist orders only shift, but do not

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fundamentally change. Moreover, many women's careers are based on the exploitation of other women's labor, as is revealed in the cases of domestic workers. The discrimination, oppression, and exploitation of women by other women in the name of feminism and women's rights goes beyond the question of gender identity to a class question in which the maintenance of certain class relations and the privileges of certain social groups of people are the main concern. Civil society organizations such as TIL, KAFA, and ARM thus open up the possibility of self-organization and the reclaiming of agency, especially where women and workers are denied it and these organizations provide a platform for their voice. Their thematic focus and linguistic as well as local reach and accessibility are a form not only of representation, but also of self-organization, strengthening of the community, and reclaiming the ability to act.

Notes

¹ See Jureidini, Ray, and Nayla Moukarbel. "Female Sri Lankan Domestic Workers in Lebanon: A Case of 'Contract Slavery'?" *Journal of Ethnic and Migration Studies*, vol. 30, no. 4, 2004, pp. 582-607. Ali Beydoun, Khaled. "The Trafficking of Ethiopian Domestic Workers into Lebanon: Navigating through a Novel Passage of the International Maid Trade." *Berkeley Journal of International Law*, vol. 24, no. 3, 2006.

Jureidini, Ray. "An Exploratory Study of Psychoanalytic and Social Factors in the Abuse of Migrant Domestic Workers by Female Employers in Lebanon." *Kafa (enough) Violence & Exploitation*, 2011, www.civilsociety-centre.org/sites/default/files/resources/mdw-abuse-female-employers.pdf.
Denman, Kate. "The Constrained Capabilities of Overseas Domestic Workers in Lebanon." *Migrant Rights Organization*, 2012, www.migrant-rights.org/wp-content/uploads/Constrained-capabilities-of-ODW-in-Lebanon_K-Denman_2012.pdf.
Pande, Amrita. "Intimate Counter Spaces of Migrant

Domestic Workers in Lebanon." *Migration Review*, vol. 52, no. 3, 2018.
--. "The Paper that You Have in Your Hand is My Freedom.!: Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon." *International Migration Review*, vol. 47, no. 2, 2013, p. 414-441.
Abu Jaoudeh, Samantha E. *Migrant Domestic Workers in Lebanon: In between the Kafala System and Abuse*. University of Osnabrück, 2017.

² Marx's broader analysis of the modes of production and the role of the global working class, which he called the proletariat, is found in *Marx und Engels Gesammelte Werke. Das Kapital* was a groundbreaking, thorough analysis of production modes and the exploitation of the proletariat by the ruling class, which is often to be equated with the political ruling class (MEW Volume 13). According to it, humans are, broadly speaking, divided into two classes, the exploited and the exploiters, and all social and political power relations depend on socio-economic relations. Thus, the individual class background – along with other factors – has a huge impact on people's lives: access to education, material living conditions, and health issues. However, class dominates all social relations and, as Marx pointed out, society is continuously shaped by class struggle in various forms. He argues that within these class relations all value is produced by the labor and exploitation of the proletariat – the most extreme form of which exploitation is slavery – and these structures prevail through various mechanisms, particularly the state itself (Zeiler 8).

³ The applied terms *white* or *non-white* are used as contemporary concepts within a certain context and time. Thus, white does not intend to highlight the exact skin color of a person, but rather the (inherited or given) access to certain needed and desired resources in society. It summarizes legal, political, and material conditions and resources that provide a certain living standard and thus privileges for a certain group of people who are mostly of European and therefore white descent. Racialization of people can thus include their religion, value/cultural perceptions, phenotype, and class belonging (and many more, depending on the time and context).

⁴ In contemporary Marxist and non-Marxist theories and concepts, *class* is sometimes defined as an identity and the individual perception of a person within society. The important point in this is not to insist on classical Marxist definitions and interpretation, but to differentiate between *class* being perceived and promoted as (often individualistic) identity or as social relations and power relations, shaping society and social orders in total. With the premise that class is a social relation in which humans – and nature, for that matter – are exploited to various degrees by other humans, the understanding of labor as a means of survival by selling one's labor for a wage is relevant. Thus, this paper addresses the interconnection between selling labor, migration, and specifically migration-related labor and labor struggles, with a focus on gender-specific exploitation and violence.

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→ ⁵ Slavery and servitude are connected to outright ownership or bondage, whereas forced labor may be most of the time a temporary position or situation (Hamill 13-14).

⁶ “Servitude shall mean the labour conditions or the obligations to work or to render services from which the person in question cannot escape and which he or she cannot change” (UNODC Model Law 36). This definition is rooted in the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights, but neither provides an exact definition. The term servitude may also relate to the concepts of *servile status* or *serfdom* in the Supplementary Convention on the Abolition of Slavery (1956). These terms are often considered more to be a practice similar to slavery, but constrained and less coercive than outright ownership. The definition of domestic servitude is still developing under international law (Hamill 14-15).

⁷ The UNODC Model Law provides further interpretive guidance on the definition, but it does not further clarify what the exercising of power attached to the right of ownership means. The statutes and decisions of the international criminal courts, the UN Working Group on Contemporary Forms of Slavery, and the subsequent UN Special Rapporteur on Modern Forms of Slavery provide further guidance on definitional matters.

⁸ Article 8 of the International Covenant on Civil and Political Rights (ICCPR) prohibits slavery and human trafficking. Article 6 and 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) deal with the right to work and with just and favorable working conditions, including the right to rest, leisure, and restrictions on working time. Article 8, 9, and 10 grant the right to form and join trade unions, to social security including social insurance, and the right to appropriate standards of living. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) guarantees the right to equality and freedom of movement.

⁹ Convention No. 98 on Freedom of Association and Collective Bargaining (1977), Conventions Nos. 29 and 105 on the Elimination of Forced Labour and Compulsory Labour (1977), Conventions Nos. 100 and 111 on Combating Discrimination in Employment and Occupation (1977), Conventions Nos. 138 and 182 on Minimum Age for Admission to Labour and Worst Forms of Child Labour (2003 and 2001), Convention No. 87 on Freedom of Association and Protection of the Right to Organize (2012) with a reservation on removing the requirement of prior authorization from the Ministry of Labour when establishing a trade union.

¹⁰ The office was out of service during the civil war and was reopened again in 1995 after the war.

¹¹ The article also excludes other groups of workers who are subject to special regulations, e.g. agricultural unions, government departments, and day and temporary workers who are not covered by the personnel system.

¹² Some legal provisions can be found in the 1962 Foreigners Law, the 1949 Labour Law, the 1932 General Contractual Obligations Law, and the Lebanese Penal Code.

¹³ For more information, see Kaj, Nisreen. *In Black and White? A Look at Race Thinking, Racialisation and Racism in Contemporary Lebanon*. Working paper, Center for Ethnicity and Racism Studies, 2012.

¹⁴ In this context, the authors use this term as it is used by the organization itself. The authors' preferred term would be sex work.

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→ Works cited

- Amnesty International. "End Kafala: Justice for Migrant Domestic Workers in Lebanon." www.amnesty.org/en/latest/campaigns/2019/04/lebanon-migrant-domestic-workers-their-house-is-our-prison/. Accessed 28 Dec. 2019. Anti-Racism Movement. www.armlebanon.org/. Accessed 4 July 2019.
- Anti-Racism Movement. "Annual Report 2018." www.armlebanon.org/sites/default/files/arm_annualreport_online_20190508.pdf. Accessed 28 Dec. 2019.
- Buckel, Sonja. *Welcome to Europe. Die Grenzen des Europäischen Migrationsrechts. Juridische Auseinandersetzungen um das Staatsprojekt Europa*. Transcript Verlag, 2013.
- Civil Society Centre. "Mapping of Migrant Domestic Workers' Deaths." www.civilsociety-centre.org/gen/map/mdw-deaths. Accessed 18 Dec. 2019.
- Dhawan, Nikita, and María do Mar Castro Varela. *Postcolonial Theory. A Critical Introduction*. Transcript Verlag, 2019.
- Hamill, Kathleen. "Trafficking of Migrant Domestic Workers in Lebanon. A Legal Analysis." *Human Rights in Lebanon*, Mar. 2011, www.databank.com.lb/docs/Trafficking%20of%20Migrant%20Domestic%20workers%20in%20Lebanon%20A%20legal%20Analysis.pdf. Accessed 11 July 2019.
- Human Rights Watch. "Lebanon: Recognize Domestic Workers Union." 10 Mar. 2015, www.hrw.org/news/2015/03/10/lebanon-recognize-domestic-workers-union. Accessed 17 Nov. 2019.
- International Labour Organization. *Decent Work for Domestic Workers*. International Labour Conference, 99th Session, 2010. www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_104700.pdf. Accessed July 20, 2019.
- . Labour Inspection Country Profile. "Lebanon." www.ilo.org/labadmin/info/WCMS_150914/lang--en/index.htm#targetText=The%20Lebanese%20Labour%20Law%20is,family%20members%20and%20public%20servants.&targetText=They%20are%20also%20involved%20in,work%20permits%20for%20foreign%20workers. Accessed 20 Oct. 2019.
- Jureidini, Ray. "Trafficking and Contract Migrant Workers in the Middle East." *International Migration*, vol. 48, no. 4, 2010, pp. 142-163.
- Kafa Enough Violence and Exploitation. www.kafa.org.lb/en. Accessed 4 July 2019.
- . "Annual Report 2019." www.kafa.org.lb/sites/default/files/2019-07/kafa_report.pdf. Accessed 4 Dec. 2019.
- Kannankulam, John. *Materialistische Staatstheorie*. Springer Fachmedien, 2018.
- Kannankulam, John, and Fabian Georgi. *Die Europäische Integration als materielle Verdichtung von Kräfteverhältnissen. Hegemonieprojekte um das „Staatsprojekt Europa“*. Working paper no. 30, University of Marburg, 2012.
- Kasperek, Bernd. *Europas Grenzen: Flucht, Asyl und Migration. Eine Kritische Einführung*. Berta und Fischer, 2017.
- Leaders for Sustainable Livelihoods. "The Labour Section in Lebanon: Legal Frameworks, Challenges, and Opportunities." www.data2.unhcr.org/en/documents/download/69776#targetText=The%20Lebanese%20Labour%20Law%20was%20enacted%20in%201946. Accessed 9 Aug. 2019.
- Lebanese Ministry of Labour. "Lebanese Labour Law/ qānūn al-amal." www.labor.gov.lb/Temp/Files/574b61dd-1233-4507-9da1-d4a3e3a6129a.pdf. Accessed 11 July 2019.
- "Domestic Workers Resisting Slavery in Lebanon." *New Internationalist*. 16 Sept. 2019, www.newint.org/features/2019/09/16/domestic-workers-resisting-slavery-lebanon. Accessed 17 Nov. 2019.
- Bundesstiftung Rosa Luxemburg, editor. *Marx, Karl, and Friedrich Engels. MEW/Marx-Engels-Werke Band 13: Januar 1859 bis Februar 1860*. Dietz, 2015.
- Ringrose, Priscilla, and Elisabeth Stubberud. "The Emotional Politics of Representations of Migrant Domestic Work in Lebanon." *Middle East Critique*, vol. 28, no. 4, 2019, pp. 405-424.
- Robinson, Cedric J. *An Anthropology of Marxism*. Pluto Press, 2001.
- Gutiérrez Rodríguez, Encarnación. "The Coloniality of Migration and the Refugee Crisis: On the Asylum-Migration Nexus, the Transatlantic White European Settler Colonialism-Migration and Racial Capitalism." *Canadian Journal on Refugees*, vol. 34, no. 1, 2018.

→

- Su, Alice. "Slave labour? Death Rate Doubles for Migrant Domestic Workers in Lebanon." *The New Humanitarian*, 15 May 2017, www.thenewhumanitarian.org/feature/2017/05/15/slave-labour-death-rate-doubles-migrant-domestic-workers-lebanon. Accessed 12 Nov. 2019.
- This is Lebanon. "Halima: A Kafala Story of Suffering & Resilience." www.thisislebanon.info/. Accessed 4 July 2019.
- . "Halima: 10 Years in Slavery to Ibtissam Alsaadi." www.thisislebanon.info/case-of-kafala-abuse/halima-10-years-in-slavery-to-ibtissam-saade. Accessed 8 July 2019.
- UNODC. *The Concept of 'Exploitation' in the Trafficking in Persons Protocol*. Issue Paper, 2015. www.unodc.org/documents/congress/background-information/Human_Trafficking/UNODC_2015_Issue_Paper_Exploitation.pdf. Accessed 9 Aug. 2019.
- Wallerstein, Immanuel. *Welt-System-Analyse. Eine Einführung*. Springer VS, 2019.
- Zeiler, Moritz. *Materialistische Staatskritik. Eine Einführung*. Schmetterling Verlag, 2017.
- Zelalem, Zecharias. "Seven Ethiopians die in Lebanon while their consulate abandons them." *Open Democracy*, 25 Nov. 2019, www.opendemocracy.net/en/north-africa-west-asia/seven-ethiopians-die-lebanon-while-their-consulate-abandons-them/. Accessed 28 Dec. 2019.