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Gender, migration and
domestic work

*The Italian case and Europe's
dilemma*

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Abstract

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Gender migration and domestic work – The Italian case & Europe's dilemma

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It is common for Italian women hire domestic workers, often migrants, informally without contracts or contracts which reflects some hours and not the reality. As the country gives a high statistical number of Italian female unemployment the interest in the subject was born. The aim of the research is to get knowledge if the “living law” reflects the “juristic law” among six Italian women with domestic workers with regard to gender, migration and domestic work. Moreover, the research is clearing out what their conceptions on the same concepts are. A case study has been conducted through six interviews with Italian women who have domestic workers. Ehrlich's theory about “juristic law”, “law in action” and “living law” are highlighted together with a post-modern feministic perspective based on a social constructivism approach. The interviews are analyzed with a discursive analysis to get a deep understanding of the social construction of the interviewed women's reality in relation to the three concepts. The results are presented in a self- biographical story to create a familiar way to meet the message the women give in the interviews. The research results are that the living law does not reflect the juristic law where the latter one is almost unknown for the women. Juristic Italian and EC law are almost unknown for the interviewed women. The meaning of the concepts are intertwined in the discourse the respondents use where the common perception of domestic work are: *it is a female issue and not a real job*. The conclusion is that “informal” rules and behaviour dominate “formal” laws.

Keywords: *gender, migration, domestic work, sociology of law, law in books, law in action, living law, global care chain,*

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Chapter 1: Introduction

1.1 Background

- What this research is all about

In some cases jurisprudence may be defined the art of being methodically ignorant of what everybody knows.

(Jeremy Bentham.)

Law, norms and values are fundamental in each society. Reactions to dogmatic conceptions of law are as old as social sciences. According to Durkheim, law is a social phenomenon, which demonstrates all the essential varieties of social solidarity. Social life tends to assume a definite form and become organized¹. Law is nothing more than the most stable and precise element in this organization². Durkheim makes a strong distinction between law and other normative phenomena. He assesses that rules belonging to law and rules belonging to morality, – these are, rules with an organized sanction and those with a diffused one – must be differentiated, even though both are linked to each other either through the legal rule itself (e.g. the morality of the rule sanctioning the crime), or through the obligation generated by the legal rule (the morality of the obligation to abide by the law)³. He detaches morality from the idea of sanction, and moves toward the concept of duty, conscientiousness and duty-bound desirability⁴. Norms (a standard or a pattern, especially for the social behaviour, that are typical or expected⁵) contribute to conformity of behavior . Modern day law covers more areas than its traditional predecessor and it now functions to a great extent as a mean of control⁶. When the law is used as a mean of control within the field of technology, in the economy and in other places it has become alienated from the

¹ Dupret 2005, pp. 159-172

² Durkheim 1983, p.33

³ In La Division du travail social, (1960)

⁴ Ibid

⁵ <http://oxforddictionaries.com/definition/english/norm>

⁶ Habermas, 1986

lives of ordinary people⁷. Values (principles or standards of behaviour; one's judgement of what is important in life⁸) influence a person's way to behave.

Even if the law can be seen as a special system of norms, there are more similarities than differences between legal rules and social norms. When one discusses social and moral norms it is easy to adopt a perspective of the individual, since the category of norms does not constitute a system in the same way as the law so the system perspective becomes less central⁹. It is possibly to assert that people do follow the law for reasons other than they have to. Some perhaps say that the trust in the system is low and that the contents of the law do not coincide with their values. What remain then are sanctions. People obey the law quite simply because they have to and because it would be costly not to. People make a calculation of risk of discovery that the cost the sanction would bring¹⁰. Habermas asserts that the law also has another side to it, a side strongly connected to our values. "The law" would exist even without parliament passing specific laws, or in other words, the law is concretization or formalization of moral norms in society¹¹.

People experience feelings of guilt when they break a norm which they have internalized. Then they have violated a norm which they feel to be on their own, which is not only an external entity. Many people feel this discomfort even if not a single person could have witnessed the violation of a norm¹². Another explanation is that most people have a strong desire to belong, purely and simply to be social. This desire is a motivation to follow norms and to internalize norms even if the actions attached to the norm do not fit into the personal preferences¹³. Norms prescribe actions and tell us what to do. At the same time there is a clear control aspect to norms. Social norms guide people in their actions and in their

⁷ Habermas, 1986

⁸ <http://oxforddictionaries.com/definition/english/value>

⁹ Alkan Olsson, 2011

¹⁰ Ibid

¹¹ Habermas 1996

¹² Alkan Olsson, 2011

¹³ Ibid

social interaction to a higher degree than the law does¹⁴. In part social norms have a strong influence over the design of the law. The law is often designed to reflect society's morals and values but the reverse effect is also important in society where the law constrains modification of behaviour. In time this leads to changes in social norms¹⁵. People will tend to re-evaluate their view of what is right and wrong in such a way that their values change in the direction of the behavior they are constrained to¹⁶.

This research is about gender, migrants and domestic work in the area of Castelli Romani which is situated about 30 km south of the capital Rome, in Italy and includes sixteen different municipals. It is a case study on six Italian women who come from different areas in the Castelli Romani, live in the municipal Albano Laziale and have female domestic workers. In the research I use different theories such as Eugen Ehrlich's "juristic law", "law in action" and "living law" and a postmodern feminism perspective on law and gender. I will use a constructivist approach and analyze the results with the help of a discourse analysis. I have been conducting a micro-sociology of law study which means the study of everyday life in situations where people meet directly face to face. A micro-sociological analysis concerns individuals and small groups and are different from macro-sociology which regards to the analysis of larger social systems such as business, political systems and economic order. Microanalyses are important to give life and substance to the institutional patterns¹⁷.

Thinking about law, it is as old as law itself, for legal discourse is always a part of law. But even beyond the boundaries of law, it is difficult to make a clear beginning on the discourse on law¹⁸. "En lov i sokelyset" by Aubert and Eckhoff (1952) has become a classic in forensic sociology because it is a good way which illustrates one of the principal legal sociological issues; *Can judicial control be*

¹⁴ Drobak, 2006

¹⁵ Ibid

¹⁶ Alkan Olsson, 2011

¹⁷ Giddens 2007

¹⁸ Deflem 2008, p.17

used to affect society? My thesis has been enriched by Aubert and Eckhoff's research even though it was written more or less 60 years ago. Their research is a macro study with 439 interviews in which 218 were housewives and 221 were domestic workers¹⁹. They have been using a statistic comparative analysis to analyze their data collection. Mine is a qualitative micro study and I do not use statistical analysis but anyhow there are similarities. Aubert and Eckhoff treats Norway and I treat Italy. North and south Europe is involved and many culture differences can be highlighted. The development of the western societies are very similar even though they differs a lot in mentality and perception of the life-world.

Marte Bertelsen's master thesis "Au- pairordningen i sokelyset" in Norway 2007 has contributed with material to my research and have been a good guide in my work. Bertelsen uses Aubert and Eckhoff's research as a base and deals with au-pairs as domestic workers. Even though I am not treating au pairs or Italian "internal" migration in the end, I believe that the categories are very similar: *gender, migration and domestic work*. The phenomenon for women to leave their countries to work for other families is more than current today. Sixty years ago many women left the rural areas with poverty looking for a job in the urban areas. They left their villages, their cities to get a "job" as domestic workers. Thirty years ago there was the "boom" for many "girls" who left for a certain time or period their countries working as au-pairs with the target of learning new languages and to get knowledge of new cultures. Today instead a lot of women are leaving, mostly alone, their "home" country to create a better life for their families working in other families as domestic workers. "The time spirit" changes the reasons but the results are the same: *Working as a domestic worker!*

My background as a researcher is important as well in this delicate research. I believe it is fundamental to give information about myself to get a picture of eventual pre-understandings and pre-concepts for the reader. I am a Swedish woman from Norrköping who has been living in Castelli Romani for almost

¹⁹ Aubert and Eckhoff 1952, p.47

twenty years. I am a *female* migrant who has been meeting the Mediterranean culture with new perceptions of gender roles. During my years on the peninsula I observed changes in many social spheres. Since 2008 I studied at different Swedish universities thanks to the new global digital culture and followed my “home country” step by step living more or less 3000 km away from there. My Swedish university degree is thanks to Sweden’s way to respect the European main targets concerning education. Many things has been evolved in all Europe since my arrival in Italy above all for the European union. I have been working for different companies, got close to the education sphere both through my three children and through my universities studies at the university “Sapienza”. I have been observing a tendency where many women have a domestic worker at home and that to “clean” is something important for Italian women. I started to reflect over this way to perceive “home” and domestic issues together with the low percentage of women with higher education and the high percentage of female unemployment in Italy. My interest created this thesis.

1.2 Historical review of Italian women, migration and domestic work

Institutions are products of the past process, are adapted to past circumstances, and are therefore never in full record with the requirements of the present.

(*T. Veblen.*)

For more than a century Italy was a country of emigration rather than one of immigration. The shift occurred in the 1970s and 1980s when the number of immigrants arriving balanced that of Italian people emigrating²⁰. By the second half of the 1980s, foreign workers in the country were more than 300,000²¹. The EU has been developing and created common targets for 2020 where Italy seems to struggles with many of them looking at general statistics. Education and gender

²⁰ Martiniello, 1996; Ambrosini, 2001; Zincone and Caponio, 2005

²¹ Reyneri, 2002

seem to be the most difficult to meet and change in accordance with the National Institute of Statistics (Istat) in Italy. Less than 10% of the Italian population has an university degree and the female unemployment 2010 was 53,9 % which is the second highest in Europe after Malta²².

Domestic work and care in the Italian context has strong socio-economic involvement and therefore earns better analysis to understand the possible development of welfare policies, in particular related to care and assistance to person. In recent decades, the care needs of the Italian families have increased and the Italian welfare state has struggled in making correct and suitable responses for the “care sector” to build an Italy capable of taking care of families²³.

The strategic importance of care work in the daily life of individuals and families is under the eyes of all. Women since the earliest times have done this “work”. In fact the mothers, grandmothers and aunts were the subjects who managed and took care of these issues in the home in the past. Yesterday they were the women of fatigue, nannies, nurses and serves who today became the caregivers, domestic helpers and cares. Before they were ladies from various countries, valleys and villages in Italy who took service in the homes of wealthy families in the city which now still are women, mostly migrants, which we often find in many homes who look after children and take care of the third of Italy with white hair²⁴.

This job is often hidden and silent, but is more and more a central pillar of the Italian welfare system²⁵.The popular families today are the category which meet the ordinary problems everyday trying to reconciling the difficulties of time, work, caring for children and aging parents. Also families of elderly people living alone, not often in good health, are those who ask for help, care and closeness.

²² www.istat.it/it/files/2012/03/Il-lavoro-femminile-in-tempo-di-crisi.ppt

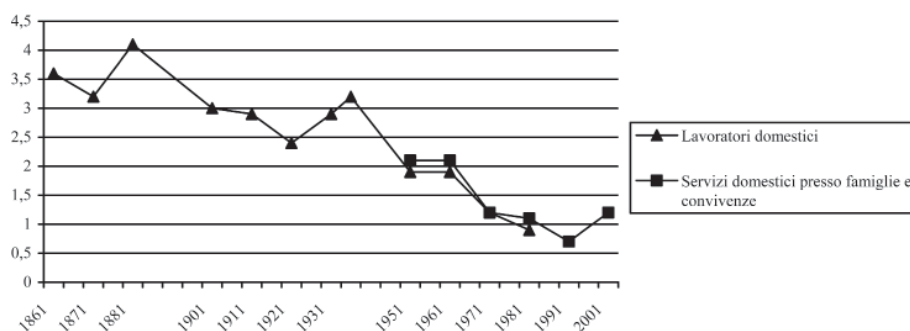
²³ Colf d'Italia 150 anni di lavoro domestico. Per raccontare l'Italia che cura, 2011, p.5

²⁴ Colf d'Italia 150 anni di lavoro domestico. Per raccontare l'Italia che cura, 2011 p.15

²⁵ Ibid

Support is needed that goes beyond the simple service demanding a proximity made of good relationships²⁶.

Fig. 1. Percentage of domestic workers in Italy, 1861-2001.



Sources: Domestic workers of Italy. 150 years of domestic work-A description of Italy that care. Elaboration on population censuses, 1861-2001.

Before most workers enjoyed few rights, although many have try to 'dignify the work': "*Work is sacred and is the source of the wealth of Italy,*" proclaimed Mazzini . And the servants involved in a relationship profoundly asymmetrical with what still is the master rather than the employer, are particularly detested. In his dictionary of synonyms, he argued that the term "servant" makes sense and was a bad word. He stressed that it was better to use other words, less offensive and derogatory, "serving", "servant", "domestic"²⁷.

I will highlight the perception from the side of the “employer” in this thesis. Each individual in each specific society and culture in their ordinary life consider social categories in their special ways. Most cultures are full of action patterns and ideologies concerning gender relations²⁸. Many times the specific view in a specific society of the concepts can be seen like something taken for granted. Concerning gender and the meaning of being a woman or a man is not the same over all the globe. Gender is a lived experience. It can be difficult to see and

²⁶ Colf d'Italia 150 anni di lavoro domestico. Per raccontare l'Italia che cura, 2011, p.15

²⁷ Mazzini 1860, p. 42.

²⁸ Moller Okin 2006, p.17

accept different gender roles and the interpretation of them where pre-understandings and pre-concepts dominates each person. The main argumentation for western feminism in general often using a western stereotypical picture of the woman where they have the responsibility for reproduction, the home and the domestic issues. Women delivery children and take care of them, clean, iron, cook and are the families “domestic support” in general. The way to look at the gender roles becomes a natural creation where the main explanation in the western society is that women are oppressed everywhere this happens. The same classifications happens with migrants and domestic work. Migration is a delicate discussion where each country with its societies meet the concept in different ways. Many of the world’s states are characterized as multicultural and /or multiethnic populations today²⁹. Conflicts and integration are going side by side. What is needed today is an international approach to gender studies. The deepening economic interdependence, the creation of global media, the interconnection of political systems; all of this which now goes under the title of “*globalization*” has major implications for gender systems. New gender system and orders are created in front of our eyes³⁰. The acceptance of different opinions is difficult to develop and to evaluate that there is no essential general ground for any concepts. The conscious of differences and deviant behavior, sexuality, age and ethnic background are fundamental to get knowledge and understanding of women in all the world above all in the western societies. To make a united explanation, creates dilemmas and paradoxes.

The domestic sector is a particular sphere where statistics give numbers of females as the dominating gender workers in Italy³¹. Italian and migrant women appears to be the “leader” in this sector. “Irregular migrants” in general do not appear in the statistics and have no reliable sources but using some secondary sources can be helpful to formulate a picture of irregularity in Italy. In accordance

²⁹ Giddens 2007, p. 401

³⁰ Connell 2009, pp.10-11

³¹ www.istat.it

with the work monitoring activities carried out³² the number is approximately 2 million of irregular migrants³³. In 2002 circa 316,000 domestic workers have been regularized and in 2009 there were 295,000 applications by domestic workers in Italy³⁴. In 2012 there were 58 000 refugees in Italy and 2011 there has been a request for asylum by 34 000 people³⁵.

1.3 EC laws & regulations

EU has established laws and regulations concerning gender, migration and domestic work. There are binding rules which has to be followed. All the member countries are involved in the decision making.

Since the seventies, the Court of Justice has developed a body of laws as to form a veritable “catalog” of civil, political and social principles. Subsequently, the rules of the Maastricht Treaty has been replaced with the Lisbon Treaty³⁶. Article 6 (3) TEU³⁷, formalize the results of this comparative jurisprudence, states that fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental freedom and as they result from the constitutional traditions common to the Member States, are part of the Union's law as general principles³⁸.

Article 23 (2) in the Charter of Fundamental Rights of the European Union regulates fair pay: *“Everyone, without any discrimination, has the right to equal pay for equal work.* Article 23 of the Universal Declaration of Human Rights (UDHR) guarantees to “everyone who works the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human

³² by the INPS (National Social Security Institute); INAIL (National Disability Insurance Institute) and by the Provincial and Regional Offices of the Ministry of Labour to counteract illegal labour involving numerous irregular foreigners; the activities of the Nucleo Ispettivo del Comando dei Carabinieri (Inspection Unit of the Italian Military Police) at the Ministry of Labour and Social Affairs, which also controls the workplace; Ministry of the Interior data regarding expulsions, rejections and repatriations and ISTAT (National Statistical Institute)

³³ <http://www.emnitaly.it/download/pilotstudy2-english.pdf> pp. 10-11

³⁴ The European Union agency for fundamental rights' report .2011, p.49

³⁵ <http://www.unhcr.it/news/dir/30/view/176/scheda-09-17600.html>

³⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:FULL:SV:PDF>

³⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:FULL:SV:PDF>

³⁸ Morbidelli 2012, p.31

dignity³⁹.” Article 31 (2) follows up with that “*Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.*” In Italy, the collective agreement is very detailed and provides for eight different categories of domestic work. Hours of work per week and rest periods are specified. Maximum weekly hours are 54 hours for live-in and 40 hours for live-out domestic workers⁴⁰. Article 31 (1) describes that: “*Every worker has the right to working conditions which respect his or her health, safety and dignity*” and article 30 regulates unjustified dismissal: “*Every worker has the right to protection against unjustified dismissal, in accordance with Union law and national laws and practices.*” In Italy the employer can terminate the contract without having to provide valid reasons⁴¹.

Article 5 regulates remedies for victims of serious crimes: .

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. Trafficking in human beings is prohibited.

Domestic workers are exposed to serious crimes. This can be at work, but also beyond work, such as in the case of servitude. In addition to the provision of the Charter above, article 4 of the European Convention on Human Rights (ECHR) prohibits slavery or servitude and stipulates that no one shall be required to perform forced or compulsory labour. According to the International Labour Organization (ILO), forced labour comprises two basic elements: first, the service is exacted under the threat of a penalty; and second, it is undertaken against the person’s will⁴².

³⁹ The European Union agency for fundamental rights’ report 2011

⁴⁰ Italy, 2007 collective agreement, Article 15. It should be mentioned, however, that the national regulatory framework (Article 8, Law 339/1958) does not regulate maximum working hours but minimum resting periods fixed at eight consecutive hours a night (Sarti 2005).

⁴¹ International Labour Organization (ILO) 2010, p. 54.

⁴² The ILO Forced Labour Convention, 1930 (No. 29), defines forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

The regulation about the rights related to family life is established in article 7: “*Everyone has the right to respect for his or her private and family life, home and communications.*” In addition to this article the Charter provides for the protection of children’s rights (article 24) and for the legal, economic and social protection of the family (article 33). The latter provision includes a prohibition of dismissal for a reason connected with maternity, and the right to paid maternity leave and to parental leave. There are several other international human rights instruments that protect one’s family life, including the family life of migrants in an irregular situation employed in domestic work. Article 16 (3) of the UDHR proclaims that the family is the natural and fundamental group unit of society and is entitled to protection by society and the state. According to article 10 of the International Covenant on Economic, social and Culture rights (ICESCR), “the widest possible protection and assistance should be accorded to the family, particularly for its establishment and while it is responsible for the care and education of dependent children”. Article 32 of the International Covenant on Civil and Political rights (ICCPR) also contain provisions for the protection of family life⁴³.

1.4 Italian law & regulations

Italy is a EU country where law and regulations exists both from a European side as a national state one. Regarding to gender, migration and domestic work there are binding rules which need to be followed. The first article in the Italian constitution cites:

“Italy is a democratic republic, founded on work. Sovereignty belongs to the people, which exercises it in the forms and within the limits of the Constitution”⁴⁴.

In accordance with ISTAT 2010 where the female unemployment gave a percent of 53,9 in Italy it becomes a dilemma. A democratic republic founded on work where half of the female population are unemployed. The Republic recognizes

⁴³The European Union agency for fundamental rights’ report, 2011, p.47

⁴⁴ Art 1. Italian constitution

and guarantees the inviolable rights of man, as an individual, and in the social groups where he expresses his personality, and demands the fulfillment of the intransgressible duties of political, economic, and social solidarity⁴⁵. All citizens have equal social dignity and are equal in front of the law, without distinction of sex, race, language, religion, political opinions, personal and social conditions. It is the duty of the Republic to remove those obstacles of an economic and social nature which, really limiting the freedom and equality of citizens, impede the full development of the human beings and the effective participation of all workers in the political, economic and social organization of the country”⁴⁶ In article 4 in the Italian Constitution the declaration of work is repeated and developed:

“The Republic recognizes the right of all citizens to work and promotes those conditions which will make this right effective. Every citizen has the duty, according to his possibilities and individual choice, to carry out an activity or a function which contributes to the material or spiritual progress of society”.

The Colf which is the official term of domestic worker in Italy has always been the subject of a separate legislation than other workers⁴⁷.

“Domestic workers who carry out their work, ongoing, prevalent at least 4 hours a day with the same employer, with remuneration in cash or in kind. Means for personal domestic service workers, workers of both sexes who provide their work in any capacity for the functioning of family life whether it's personnel with specific qualification, whether of personnel assigned to tasks generic”⁴⁸.

The Constitutional Court December 23, 1987 n. 585, extended the regulation of workers with less than 4 hours of work protections. At the domestic worker does

⁴⁵ Art: 2 Italian constitution

⁴⁶ Art: 3 Italian constitution

⁴⁷ The European Union agency for fundamental rights' report, 2011

⁴⁸ Art: 1 law n: 2 April 1958. 339

not apply redundancies legislation⁴⁹, is not entitled to certain relief treatments, there is no obligation to pay the prospectus⁵⁰. The person is a real employee, with rights and duties established by law and by national labor contract reference. 1998 a specific and detailed legislation against discrimination on the grounds of race, ethnic origin and religion was introduced in the Italian legal system. The Immigration Law 40/98⁵¹ regulates immigration and norms concerning the foreigner's settlement conditions in the country to facilitate the integration among people. In order to transpose Directives 2000/43/EC and 2000/78/EC in the Italian law, to implement strands of the European Employment Directive⁵², the Italian government approved two decrees in July 2003: *The Legislative Decree n. 215 of the 9th of July 2003* which implements the normative 2000/43/CE for the equal opportunities independently of race and ethnic origin where all types of direct or indirect discrimination are prohibited. *The Legislative Decree n. 216 of the 9th of July 2003*, in addition to race and ethnicity, discrimination in employment, on grounds of religion or belief, became unlawful. This law opposes all forms of *direct* or *indirect* discrimination, restrictions or preferences in access to work, selection, employment conditions, appointment and promotion, based on religion, creed or philosophy of life, as well as disability, age or sexual orientation.

1.5 The Principle of Subsidiarity

State, regions, cities, metros, provinces and municipalities shall promote the autonomous initiatives of citizens, individually and in combination, for the performance of activities of general interests, on the basis of the principle of subsidiarity⁵³. The principle of subsidiarity also connects with the aim that the choices, decisions concerning the pursuit of European objectives are taken at the most appropriate level *to allow citizens to express their needs and their decisions*. In this respect, the principle of proximity, which is recognized in article 1 and 2 of the TEU next to the principle of transparency. This Treaty marks a new stage in

⁴⁹ Art. 4 law of 11 May 1990 no. 108

⁵⁰ Art: 4, no. 4, reads January 5, 1953 # 4,

⁵¹ www.camera.it/parlam/leggi/980401.htm

⁵² Council Directive 2000/78/EC

⁵³ Art: 18 Italian constitution last comma (4)

the process of creating an ever closer union among the people of Europe, in which decisions are taken as openly as possible and as close as possible to the citizen. The link between the principle of subsidiarity and the proximity is explicitly stated in the preamble of the European Union Treaty itself, in which member states refer to a Union in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity⁵⁴. The connection between these principles is also the basis of the explicit reference, introduced by the Lisbon Treaty itself and not only on central government levels, as well as regional and local authorities. To which the principle of subsidiarity now tends to identify the most appropriate level of intervention for the realization of the objectives of the Union, moving from local to regional, national and European level, having as a guideline, not only the effectiveness of action, but also the proximity to citizens⁵⁵.

⁵⁴ Article 10, paragraph 3 TEU

⁵⁵ Villani 2011, pp.71-73

Chapter 2: Prior research & purpose of the thesis

2.1 Earlier investigations on the relation between law and practice

There are recent previous research regarding to gender, migration and domestic work. The research reflects mostly the “migrants” vision and situation. Instead from the employers side there are not so many empirical studies since the fifties. Research has been focusing as a “first wave” on family collaboration regarding to domestic issues and a “second wave” on migrants situation. “Close” research to the employers point of view is difficult to find.

2.1.1 Norwegian research – a great resource

I found different Norwegian prior research which describes both the employers as well as the employed’s vision regarding to the relation between law and practice. The nearest and most similar research which are coherent with mine are Aubert and Eckhoff’s “En lov i søkelyset” (1952) and Bertelsen’s “Au-paiordningen i søkelyset” (2007). Also Eldring and Alsos’ paper about the Norwegian situation which is a part of a research programme on labour and service mobility after EU enlargement, financed by the Research Council of Norway is a good prior research for this thesis. In fact Eldring and Alsos stresses that a few studies have aimed to map household’s use of domestic services in general. Eldring and Alsos argue that when it comes to wage and working conditions or how these are regulated, few or none empirical studies have been carried out since the 1950-ies⁵⁶ both from an Norwegian perspective as an international one. One reason for this is that the occurrence of domestic workers decreased in the post-war period⁵⁷. During the last few years, more Norwegian households are again using such services, and especially in dual income urban middle class families. This depends both due to a higher income level and a large growth in available persons in the labour market who are willing to take on such work. As earlier, most of the

⁵⁶ Aubert and Eckhoff, 1952

⁵⁷ Eldring and Alsos 2010

domestic workers are women. But unlike before, most of them are migrant workers⁵⁸. The regulation of domestic work has been on the global labour agenda and one of the main topics at International Labour Organization's international conference in 2010. The ILO conference report states that:

Domestic work is undervalued and poorly regulated, and many domestic workers remain overworked, underpaid and unprotected. And: Because they often have no clear status under modern labour legislation, domestic workers tend to be excluded de facto from formal regulations and their enforcement⁵⁹.

In Aubert and Eckhoff's research one of the main purposes of the survey was to find out how widespread the knowledge of "housemaid" law is among domestic workers and housewives⁶⁰. In their work "En lov i søkelyset" they used a quantitative method with a statistical analysis. The authors focused on the distribution of numbers. They interviewed 439 people in Oslo and coded interviews before they interpreted and analyzed them⁶¹. The quantitative method can be characterized by a greater distance than the qualitative method. There is also less room for informants to formulate their answers. This may be why "En lov i søkelyset" is seen as an investigation into "the crash" perspective⁶².

Aubert and Eckhoff have been formulating questions about which laws are best known, through which sources the knowledge are spread and which characteristics of domestic workers and housewives determine the knowledge level? They argue that it is not just the truth degree of knowledge that matters. Knowledge of the law and understanding of the standards have many dimensions. Like other cognitive structures, these deputy more or less far reaching in the individual consciousness. They can be more or less precise and specific and

⁵⁸ Eldring and Alsos 2010

⁵⁹ ILO (2010), Decent work for domestic workers. Report IV(1). International Labour Conference, 99th Session, Geneva: International Labour Office, paragraph 3 and 39.

⁶⁰ Aubert and Eckhoff, 1952, p.122

⁶¹ Aubert and Eckhoff, 1952, pp.46-60

⁶² Bertelsen 2007, p.31

general or more fragmentary.⁶³ Alongside the concept of knowledge of law, they use also the term norm insight. Norm insight shows how live tend to be arranged. They argue that this requires not by definition that the interviewed people know the legal existence. Indeed, one finds that there is a relationship between knowledge into law and norm insight. Norm insight provides nor any clear awareness that it is about law or that it is about norms in the narrow verbal sense⁶⁴. The results are that most interviewees stated that they had knowledge to “housemaid” law from newspapers, magazines etc. The results regarding to the norm insight shows that knowledge of the content of the rules is more prevalent when it comes to the provision of holiday. However, few mentioned that there were rules about the length of work⁶⁵.

Bertelsen did a similar research with the latter mentioned and is the second most near to this research which I can find. Both researches treats the domestic sphere but from two different epoch’s system. They made both a comparative study where the host families are involved as well. The discourse has been changed between Aubert and Eckhoff’s and Bertelsen’s research. “Housemaid”, “domestic worker and “aupair”. In the end the name differs but includes more or less the same issues for the people who go and experience to work and live away from the native place. Their subjects are more or less the same as mine so they have been enriched my work and open my perspective on the theme.

During Aubert and Eckhoff’s time the definition of domestic worker was “housemaid” so I will continue with the latter one describing their work. The survey of housemaid law published in the book " En lov i søkelyset ", is a classic in forensic sociology because it illustrates that law intentions are not always realized. The study shows that the new housemaid law had not been able to prevent it in approximately half of the working conditions were breach of working time regulations. For the majority had neither the law led to that the overtime was

⁶³ Bertelsen 2007 , p.31

⁶⁴ Aubert and Eckhoff, 1952, p.123

⁶⁵ Aubert and Eckhoff, 1952, p.127

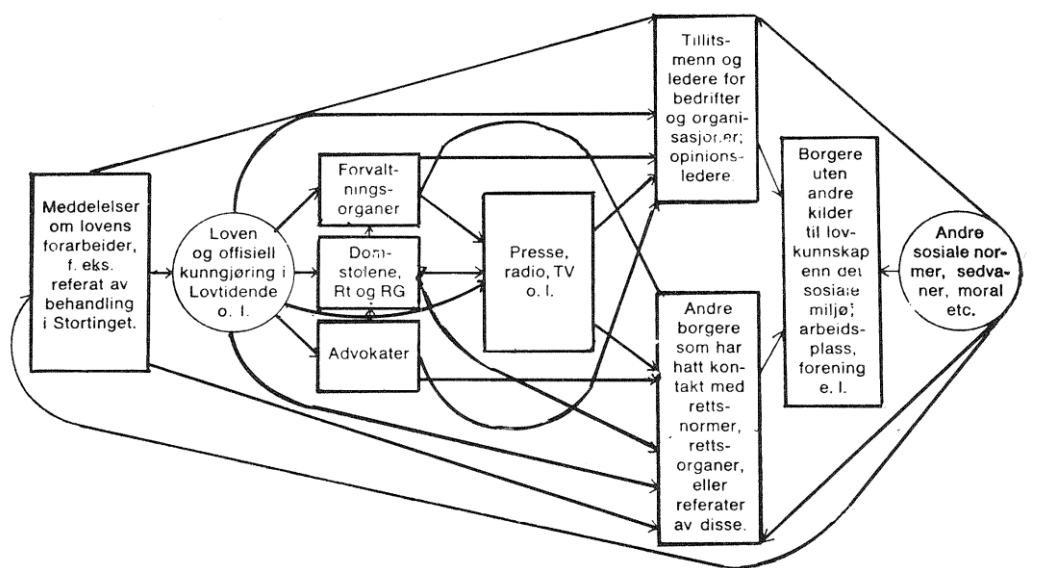
paid, and a fifth part of the housemaids had no Sundays off. Aubert and Eckhoff found that it was limitations on the effects of the law. For the authors of "En lov i søkelyset" was not primarily a special interest of the housemaids who made sure they did the survey, but they were primarily a measure of to say something about the law's effect. "En lov i søkelyset" examines the housemaid's legal effect by using a so-called communication model. One can argue that the authors of "En lov i søkelyset" used this communication model as the basis for its investigation. The results of the research are of great importance putting it in a historical theory development, where this survey made an important contribution to a new understanding of law's effect. It shows that laws can be well communicated to them that the law applies, so do not act for the reason being followed⁶⁶.

"En lov i søkelyset" was written in 1952. This was the time for the big "positivist project" by Norwegian Social Research. If one look at this research in a "theory of historical development," the study may serve as an illustration of a positivist approach to law's effect is not necessarily the best, but one can see the survey in a "*methodical historical development*", in which a quantitative examination of the law's effect easier will get the feeling of being a survey of "the overthrow perspective" than if one uses a qualitative method⁶⁷.

A communication model is one of the most used models to understand the impact of law and to examine the effect of law. This communication model is based on the following principle: It is a measure / a specific policy that the government wants to achieve, the wish to use a law to achieve the desired effect; law must be communicated to them who it applies, when the law is communicated it shall follow a straight optimistic view of law's effect. With just optimism means a belief that laws and legal institutions is a power full and effective management tool in a society.

⁶⁶ Bertelsen 2007, pp. 31-32

⁶⁷ Ibid



This work sprang originally not out of any particular interest in housework or housemaid law. The study is motivated by general questions about law's social functions⁶⁸.

This study draw interesting outlines even though it is a study which concerns Norway and the law's social functions. In the end juristic law and living law reflect the law's social functions in a specific society.

While the "housemaids" in the past came from the rural areas of Norway, today's domestic workers or tend to be migrants, and in particular from Poland. The same situation can be described for Italy from a historical point of view. Italians emigrated from rural to urban areas to work as "housemaids". From the late 90s until today in Italy the Ecuadorian community, Romanian and Ukrainian are among the top four communities of foreigners present in Italy with the highest demographic dynamics during this period⁶⁹. This is in line with more global trends, and one of the most striking changes in domestic work in the past 30 years has been the growing prevalence of migrant workers⁷⁰. Norway introduced a full

⁶⁸ Aubert and Eckhoff, 1952, p.5

⁶⁹ Torre, A.R, 2008

⁷⁰ ILO (2010), Decent work for domestic workers. Report IV(1). International Labour Conference, 99th Session, Geneva: International Labour Office, paragraph 3 and 39.

stop on immigration in 1975, and has since then practiced a restrictive policy on labour migration for citizens from countries outside the Nordic region or outside the EU/EEA-area. This means that persons from countries that in the global context is known to be exporters of domestic workers, for instance the Philippines, do normally not have access to the Norwegian labour market⁷¹

There is one major and very important difference between the new migrant domestic workers and the traditional 'house maid' from earlier times. The house maids would most often would be employed full time by the household and even live in the same house. This is definitely not the case today. The main activity of the modern domestic workers is cleaning, and within a very limited timeframe in each household. In Italy this happens though and it is here the problematic with irregular migrants get in. Many elderly people have a “personal assistant” at home twenty four hours per day⁷²

2.1.2 Italian research – a description of Italy that cares

I found some interesting material in the Colf d'Italia 150 anni di lavoro domestico, Per raccontare l'Italia che cura where the domestic workers history in the Italian society, social changes and the new welfare are described. This study reflects Aubert and Eckhoff's research and have many things in common from a historical point of view.

In Andreea R. Torre's research a description of statistics concerning regulation of female irregular migrants is available. An explanation of the migration about the majority of female nationalities from Ukraine and Romania are described. It gives a historical picture of “the global care chain”, even though the concept is not mentioned and explains the reasons why the migration phenomenon exists. It also goes on a “local level” and tries to draw outlines why the phenomenon is so strong in Italy. It explain the different types of domestic workers (Colf) contracts.

⁷¹ ILO (2010), Decent work for domestic workers. Report IV(1). International Labour Conference, 99th Session, Geneva: International Labour Office, paragraph 3 and 39.

⁷² Colf d'Italia 150 anni di lavoro domestico. Per raccontare l'Italia che cura, 2011

2.1.3 European and International research

There are recent previous research mainly about female irregular migrants who work in the domestic sphere for Italian families but not from the opposites side.

The European Union agency for fundamental rights' report concerning migrants in an irregular situation employed in domestic work is describing different EU countries and irregular migrant women's situation as domestic workers. International Organization for Migration's (IOM) research about gender and migration can be seen as previous documentation where statistics show a global tendency for female migration. It describes the migrant women's situation as well like in the FRA-report. In the document of "*Case Study on Diversity Policy in Employment and Service Provision Brescia, Italy*" one can read about a research conducted in that town and law and regulations from both an Italian and European perspective. In the report "*Migrant women in the European labour force - Current situation and future prospects*" there is a research which was commissioned by the European Commission to improve understanding of the labour market outcomes of migrant women in the EU, and of the policies that affect these outcomes.

2.2 Research questions: Meaning and awareness

Do the behavior and living law related to gender, migrants and domestic work reflect the juristic Italian and EC law in books? I attempt to answer this by discussing and evaluating:

- *What meaning is given to gender, migration and domestic work?*
- *Are there awareness of the EC and Italian law and regulations concerning gender, migration and domestic work?*

Sociologists of law are generally concerned and agreed that the law must be understood within a whole of society, where the right and the rest of society exist together in a whole⁷³. This is fundamental in my thesis as a first standing point in my research. To get knowledge if women's behavior reflect "juristic law" is an

⁷³ Bertelsen 2007, p.9

important issue to get an understanding about *gender, migration and domestic work*.

The respondents which in this case study are six interviewed women will illuminate my research giving a picture of their personal perceptions, meanings, interpretations and approach to their reality with Italian and EC law and regulations which shape their society and individual world. They will show their living law system in relation to the concepts of gender, migration and domestic work through the questions in the interviews.

One of the central questions within Sociology of Law is how human behaviour and juristic law affect the evolution and status of "living law"⁷⁴. Societies are build up by individuals and it is fundamental to get close to the people for further knowledge. In the end, from a perspective related to the sociological study of the European Law, I will seek knowledge in a mixed juridical and sociological research to get a deeper understanding of the "connection" between the interviewed women's perception of gender, migration, domestic work, refugees as well as law and regulations.

A large number of domestic workers in the European Union are migrants. Though many are working legally, this is not always the case. Some have a right to stay in the host country but do not have the right to work, whereas others have no right to stay⁷⁵. The sphere is difficult to get *formally* in touch with in Italy as it also contains irregular migrants. The global care chain is developed and connected with Italy and the conducted research area⁷⁶. Irregular migrants, identified as informal workers in a dominated female sphere, earn their livelihood meanwhile many female refugees who got the permission to stay (and Italy is obliged to keep in accordance with Dublin II regulation⁷⁷) do not work and are mostly not integrated in the society. The Dublin II Regulation establishes the principle that only one Member State is responsible for examining an asylum application. The

⁷⁴ Hertogh, M.L.M., ed. (2009),

⁷⁵ *ibid*

⁷⁶ The European Union agency for fundamental rights' report 2011.

⁷⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML>

objective is to avoid asylum seekers from being sent from one country to another and to prevent abuse of the system by the submission of several applications for asylum by one person. The objective and hierarchical criteria are therefore defined in order to identify the Member State responsible for each asylum application⁷⁸.

2.3 Delimitations: Where & who?

The delimitations in the study are the geographical area, Castelli Romani which is located about 30 km south of Rome, and six women who have domestic workers. The reasons why the area has been chosen are two: first of all because it is one of the most significant catholic strongholds, hosting part of the Vatican state lasting from the military unification to the Italian state imposed by the Kingdom of Piemonte and Sardinia in 1871⁷⁹, very close to Rome the capital city; second as a “convenience sample” as the researcher lives there since almost twenty years.

The second delimitation is that it focuses on the category women and only six with domestic workers. This category has been chosen because women are a current issue as the female migration creates a “global care chain”, where many women leave their children in their home countries with elderly daughters or grandmothers to experience a migrant life in order to earn money working in the domestic sphere. The domestic work has to be interpreted objectively without pre-understanding and pre-concepts to get knowledge on how women’s culture glasses reflect the view of gender, migration and domestic work to get a further comprehension in an eventual alternative way to meet this phenomenon.

2.4 Aim: Knowledge & perception

The aim of the research is to get knowledge about the “living law system”_related to gender, migration and domestic work and to assess whether the interviewed women are aware of law and regulations involved. I will seek understanding about to what extent “law in action” is obeyed and the “living law” system with its ingrained habits reflects the “juristic law” and regulations. The purpose is to get

⁷⁸http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33153_en.htm

⁷⁹http://www.age-of-the-sage.org/history/italian_unification.html

an understanding of the "perception" and trace the women's behaviour so I can highlight the connection between "living law" and "law in books". I will include female refugees with asylum to get knowledge how women interpret this category as Italy as a country struggles with a lot of people coming irregularly, above all from Africa, seeking asylum. I will seek an answer to understand why Italian women have females as domestic workers to get a picture on why the phenomenon is so widespread in the country. To the end of the research, it is relevant to understand whether the respondents are aware of the concept of the global care chain to get a deep comprehension of the social constructed reality system. I am interested in what the six interviewed women consider to be a truth from their own perspectives.

2.5 Key concepts

Gender - refers to the varied and complex arrangements between men and women, encompassing the organization of reproduction, the sexual divisions of labour and culture definitions of femininity and masculinity⁸⁰. **Gender** is not only about men and women, but it is attached to images, behavioral expectations, evaluation criteria, ways of thinking and identities⁸¹.

Migrant has no universally definition for at an international level. The term usually covers all cases where the decision to migrate was taken freely by the individual concerned for reasons of "personal convenience" and without intervention of an external compelling factor. It is applied to persons, and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family⁸².

Domestic work covered by this research includes housekeeping, cleaning and care services such as care activities for older people and for children.

⁸⁰ Bradley 2007

⁸¹ Connell 2009

⁸² <http://www.iom.int/csm/en/sites/iom/home/about-migration/key-migration-terms>

Global care chain⁸³ refers to “a series of personal links between people across the globe based on the paid or unpaid work of caring”. Many analysts speak of household internationalization whereby the domestic labour creates transnational networks between various households and families across the globe.

Irregular migration have no clear or universally accepted definition. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations⁸⁴.

Refugee is a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country⁸⁵.

Legal culture refers to relatively stable patterns of legally-oriented social behavior and attitudes which can be traced to terms of legal tradition or legal style. The concept helps to explore the existence of systematic variations in patterns in “law in book” and “law in action” and the relation between them⁸⁶.

Law is a formal rule defined by the State and related to principles that citizens must follow. As soon as there is a law, there are deviance and crime. Crime can be defined as any behavior that breaks the law⁸⁷.

Divergence can be defined as a person who does not follow a particular standard or set of standards that are accepted by a majority of the individuals in a certain society or a particular social group. Deviation is not just about individual behavior, but also about how groups behave⁸⁸.

⁸³ was first used by Arlie Hochschild

⁸⁴ <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#Irregular-migration>. (23 of March 2013)

⁸⁵ <http://www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#refugee> (23 of march 2013)

⁸⁶ Nelken 2004

⁸⁷ Giddens 2007, p. 586

⁸⁸ Giddens 2007, p.586

Criminality - and deviance are not synonyms but they overlap in many respects each other. Deviation is broader than the concept of criminality where the latter relates solely to the non-conformist behavior that breaks the law⁸⁹.

Law in books/Juristic law refers to the whole of legal propositions⁹⁰. Law in books is the content of juristic law and the judgements of the judiciary and other agencies that administer justice⁹¹.

Law in action refers to how people relate to, or obey, law in books⁹².

Living law - refers to how people behave independently of law in books and law in action and is the whole of law dominating social life, even though it may not have been posited in legal propositions⁹³. It might be defined as ingrained habits⁹⁴.

⁸⁹ Giddens 2007, pp.584-585

⁹⁰ Hertogh, M.L.M., ed. (2009), *Living Law: Reconsidering Eugen Ehrlich*, Hart, Oxford. Original text: Ehrlich, Eugen (1936, orig. 1913), *Fundamental Principles of the Sociology of Law*, Harvard University Press, Cambridge

⁹¹ Ibid

⁹² Ibid

⁹³ Hertogh, M.L.M., ed. (2009), *Living Law: Reconsidering Eugen Ehrlich*, Hart, Oxford. Original text: Ehrlich, Eugen (1936, orig. 1913), *Fundamental Principles of the Sociology of Law*, Harvard University Press, Cambridge

⁹⁴ Ibid

Chapter 3: Qualitative Research methodology

3.1 What is qualitative research?

Qualitative research is a term for an array of attitudes and strategies for conducting inquiries that are aimed at discerning how human beings understand, experience, interpret, and produce the social world⁹⁵.

There are various definitions for the concept of qualitative research. Qualitative research has a long and distinguished history in the human disciplines. Especially important has been the impact of the Chicago school in the 1920s and 1930s. Anthropology has also contributed to the development of qualitative research, in particular the examination of foreign cultures⁹⁶. Qualitative research is not a unified form of exploration clearly differentiated from it, but rather home to a variety of scholars from the sciences, humanities, and practice disciplines committed to different conflicting philosophical and methodological positions. These philosophical positions include, but are not limited to, interpretivism, hermeneutics, social constructionism, and critical theory, as these are variously defined. Methodological approaches include phenomenology, grounded theory, ethnography, participatory inquiry, and narrative and discourse analysis. History, literary criticism, ethics, and cultural and material culture studies are examples of disciplines often viewed as wholly defined by qualitative research⁹⁷. Advantages with qualitative methods are that it helps the researcher to get close to the subject and people's perception and interpretation of the reality. The disadvantages is that the method provide in-depth but poorly representative and reliable results⁹⁸.

⁹⁵ Mason 1996

⁹⁶ Alasuutari 1995

⁹⁷ <http://srmo.sagepub.com.ludwig.lub.lu.se/view/the-sage-dictionary-of-social-research-methods/n14.xml>

⁹⁸ Ibid

3.2 Case study

A case study is not a method in itself instead it is a research strategy which can contain both quantitative and qualitative research⁹⁹. An important characteristic of the case study is its flexibility¹⁰⁰. It can range from a simple narrative description to a very precise and accurate study achieving experimental isolation by the selection of cases on the basis of the presence or absence of key factors rather than the use of random assignment. A case study can involve a single case or a number of cases and it can be descriptive, exploratory or explanatory¹⁰¹. Exploratory case studies may provide initial analysis of a phenomenon that will then be systematically explored in other studies. A descriptive study try to supply a full portrayal of the case or cases being studied. An explanatory case study seek to give an account of what caused a particular phenomenon observed in the study. Case studies have a key place in policy research. Often they are undertaken to provide examples of good practice in the delivery of a specific policy or programme but can also be undertaken as part of an evaluation project, providing examples of the impact of a policy¹⁰².

The main criticism of this method is that the individual cases are not sufficiently representative to permit generalization to other situations. To overcome this weakness two efforts are often developed. The first one is to increase the number of cases and improve their representativeness. The second is to provide for comparative analysis within the case study¹⁰³. But, as Yin (1984) argues, this issue affects other methods as well. How is it possible to generalize from an individual experiment? In both instances the generalization involves the statement of a theoretical proposition, which in turn will be tested through the use of further case studies and other methods¹⁰⁴.

⁹⁹ Johannessen & Tufte 2003, p.56

¹⁰⁰ Hakim 2000

¹⁰¹ Yin, 1984

¹⁰² <http://srmo.sagepub.com/ludwig.lub.lu.se/view/the-sage-dictionary-of-social-research-methods/n14.xml>

¹⁰³ Bryman, 1988

¹⁰⁴ Yin 1984

My research's case are six Italian women who have domestic workers. Case studies do not need just to “touch” the isolated phenomenon instead it can be seen in the context it is a part of. As the case study can involve various cases and the aim is to get information about the particular and special character of it comparing the cases between each other¹⁰⁵. The advantages of a case study is that it gives a great amount of descriptions and details. Researchers can learn a lot from one case which can be followed up in other studies. The case study gives opportunities that researchers could not otherwise have. The disadvantages are that the results might not generalize to others. The experiences of one person might not apply to other people. With case studies, we learn a lot about one case, but what we learn might not apply to the larger population¹⁰⁶.

3.3 Qualitative semi-structured interviews

The qualitative interview can be seen as a conversation with a purpose, where the interviewer's target is to achieve knowledge about the respondent's world. It is probably the most popular method of data collection in organization studies, either as the main method or as a part in a broader research design. In a society the qualitative interview has moreover become the most pervasive mode of generating knowledge of other human beings¹⁰⁷, The use of qualitative interviews in organization studies is far from a uniform practice. Interview research is conducted in an array of modes and can be based upon a variety of epistemological and ontological premises. Standard overviews of different types of interview often stress the degree of structuring (structured, semi-structured, unstructured), the number of people involved (individual or group) and the media of communication (face-to-face conversation, telephone, e-mail)¹⁰⁸. Three broad approaches to qualitative interviews in organizations can be identified: neo-positivism, romanticism and localism¹⁰⁹. The three approaches represent the

¹⁰⁵ Johannessen and Tufte 2003, p. 57

¹⁰⁶ *ibid*

¹⁰⁷ <http://srmo.sagepub.com/ludwig.lub.lu.se/view/the-sage-handbook-of-social-research-methods>

¹⁰⁸ *Ibid*

¹⁰⁹ Alvesson, 2003

historical development of interview-based research in the social sciences in general and in organization studies in particular¹¹⁰.

The notion of the interview as a neutral tool for information obtainment is, moreover, challenged by postmodernist tenets. According to these, the interview cannot be separated from the rest of society, but should be understood as one of many institutionalized practices of knowledge generation¹¹¹. The interview practice brings with it certain relations of power and subject positions (e.g. expert/novice, active questioner/re-active respondent). Whereas conventional approaches to interviews would assume the presence of two pre-defined subjects (the interviewer and the respondent), who meet and exchange information in the interview situation, a researcher informed by postmodernist ideas would see the interview as a normative and discursive context that constitutes its participants. The interviewer and the respondent are here understood as a product of, rather than the premise for, the interview situation¹¹².

The qualitative semi-structured interview helps the researcher to get close to the respondents having the possibility to use “open” addressed questions and at the same time observe the respondents¹¹³. Behavior, face expressions, intervals during the conversation, breathing, body language and spoken language are important factors in the analyze of the interviews. This kind of interviews gives a wide spectrum to understand the respondents way to meet the subject and to get knowledge of their perceptions¹¹⁴. I have been using an interview guide in my semi-structured qualitative interviews to not lose the theme and to get the answers for the same questions by each interviewed woman.

¹¹⁰ Alvesson and Svensson 2008. The SAGE Dictionary of Qualitative Management Research: INTERVIEWS

¹¹¹ Ibid

¹¹² Ibid

¹¹³ Nylén 2005

¹¹⁴ Ibid

3.4 Convenience sample

A convenience sampling has been done in the research. A convenience sample can be defined as a sample in which research participants are selected based on their ease of availability¹¹⁵. Individuals who are the most ready, willing, and able to participate in the study are the ones who are selected to participate. In qualitative research, it may be helpful to use a convenience sample to test the appropriateness of interview questions in an inexpensive and quick way by approaching an interested group of people first before embarking on a larger, longer, and more expensive study¹¹⁶. Convenience samples can lack transferability (or external validity) in qualitative research. In quantitative projects, it can be difficult to generalize the results beyond the original sample from which the data were collected. Qualitative researchers are typically interested in studying specific groups of people rather than generalizing to larger populations, it may be tempting for researchers to view this issue as a less significant problem than it is for quantitative researchers. It is still important to be aware that the participants recruited are not necessarily reflective of the population being studied. Qualitative researchers should be aware that the people who are recruited most readily are not necessarily reflective of all viewpoints¹¹⁷.

In sum, a convenience sample can be described as a group of participants who have been recruited for a given study because they were readily accessible. Using a convenience sample can be both time- and cost-effective, but caution about the nature of the results should be considered in their interpretation.

The respondents in the research were selected within a circle of the researcher's known people. The selection has been conducted with women who were available for interviews. To find people who spoke openly informally was easy but going ahead asking for interviews was more complicated and not all women with domestic workers were available for interviews. Out of the twenty women who

¹¹⁵ <http://knowledge.sagepub.com.ludwig.lub.lu.se/view/research/n68.xml?rskey=ldIxPg&row=7>

¹¹⁶ Ibid

¹¹⁷ Ibid

were contacted thirteen employed domestic workers, six of which only were available for interviews. In the end my convenience sampling was done with women who agreed to be interviewed. As social actors are not predictable like objects and the thesis aim focus on people's perceptions, awareness and interpretation of social factors and phenomena randomized sampling is irrelevant to the social life. I want to see the world through the respondents eyes, to describe the context in detail and show how social change occurs.

3.5 Feminist research

In the 1970s, feminist researchers began to engage with the intersections between feminist theory and methodologies. They turned their attention to the ways in which the methods available for studying and understanding women's lives were weak. Dorothy Smith (1974) noted that there was within sociology “a women find and experience the world beginning (though not necessarily ending up) from their place and the concepts and theoretical schemes available to think about it in”¹¹⁸. The Feminism's relation to the poststructuralist and postmodern mindset is ambivalent. On the one hand one could say that feminism has opened up “the doors” for the postmodern mindset to get the place they have in today's philosophical and social scientific debate. By the early criticism against the positivistic scientific project characterized by the distant, objective researcher and given to knowledge context regularity and political dimensions, were the ideas and thoughts of feminism which paved the way for the enlightenment critical thinking¹¹⁹. On the other hand, many feminist theorists declare a rejection of postmodern theorizing. The argumentation is that the impact of poststructuralist and postmodern thinking has a long reaching and crippling effects of feminist political projects by putting question marks for the entire enlightenment project and with it dreams of success and the creation of a better world¹²⁰. Traditional

¹¹⁸ Mauthner 2013. The SAGE Handbook of Social Research Methods Qualitative Interviewing and Feminist Research p.328

¹¹⁹ Flax 1992; Fraser and Nicholson 1990, p.26

¹²⁰ Ibid

social sciences has, like the rest of the social and political world been defined from a male perspective¹²¹.

3.6 Research methods

The choice of methodology can be criticized by many reasons. First of all just six women can be seen as few to get knowledge about the impact of law and regulations. In this case also the women who were not available for interviews give a glimpse of the subject as they were against speaking about it between “four eyes”. Anyhow survey investigations, ethnography, observations and combination of different methods are alternative to semi-structured qualitative interviews and literature studies for this kind of research. They have been excluded of different reasons. Survey investigation which is a quantitative method has been excluded as the research focuses on qualitative information. The research seeks to get close to the environment, the perceptions and the reality of women who employ domestic workers. A quantitative method could have been combined but the aim of the thesis did not need that information therefore excluded as methodology. Ethnography which is a qualitative method would have been very interesting to develop but difficult as the domestic sphere is delicate and gate keepers (the employers) should have been letting me in their houses with their domestic workers. Making an attempt to develop this method met obstacles so it has been excluded. To let in a “stranger” in your private “room” getting close to the “informally employed” women after some conversation with the employers did not seem to be appreciated.

3.7 The scientific knowledge

No man ever steps in the same river twice.

Heraclitus of Ephesus (c. 535 – c. 475 B.C).

It is not easy to explain social changes and individuals in the social world because everything in a sense, constantly changing. Every day is a new day, every moment

¹²¹ Acker, Barry and Essevald, 1991

is something new in time¹²². Heraclitus pointed out that a person cannot step into the same river twice because the second time it is new water flowing in the river and also the person in question has changed albeit imperceptibly. This statement is in a certain sense correct, but based on how we use language. We still mean the same person and the same river on both occasions. There is a sufficient degree of continuity in the river's form and in the individual's personality and exterior features for us to say that it is the same river and the same person despite the changes. Being able to identify significant change solutions means we have to show to what extent the underlying structure of a situation or of a person has changed over a specific period of time¹²³.

As the research is focusing on qualitative interviews and on six interviewed women's perception on their reality in relation to law and regulations the new knowledge can be criticized as just these six women's coloured glasses will reflect their points of view. Hence it is important to understand that this research cannot generalize this phenomenon as it is delimited. In fact the aim is to seek understanding what is true and false for the interviewed women. There are underlying and releasing factors why a certain events and phenomenon happens. One could say that the underlying reasons are causal and the releasing ones can be explained intentionally. It is difficult or almost impossible to determine if an event, a course of events, a phenomenon or a condition can be explained at the end¹²⁴. All people have their own pre-understandings including the researcher and to be aware of this fact can help in seeking objectivity. How we see on things depends of how we have been learning to do so since the childhood. We are socialized into the society where we live, apprehend and approach the reality in the way we have been taught to meet the society. This is all social researcher's dilemma.

¹²² Giddens 2007, p.56

¹²³ Ibid

¹²⁴ Thuren 2007, pp.69-75

Chapter 4: Theory -Sociology of law, the postmodern feminist perspective & social constructivism

4.1 Human behaviour and law

By speaking of law and society we may forget that law is itself a part of the society.

(Lon L. Fuller (1968))

The development of the sociology of law cannot be told simply as it evolved since the sociological classics, for there is, in the case of this sociological speciality, no such history directly emanating from the discipline's earliest foundations¹²⁵. Sociology of law is always and necessarily sociology¹²⁶. Lon Fuller (1968) argued that it is appropriate to speak about "law-in-society" instead of "law and society" as the latter one assumes an aspect that law is not part of the society¹²⁷.

Sociology of law can be described as the discipline which seeks understanding of how human behaviour and law in books affect the evolution and status of living law¹²⁸. In the context of modern societies, the role of law in balancing diverse values through norms is considerable and well recognized in the history of sociology¹²⁹. Durkheim offered in his work a systematic analysis of these issues in terms of a transformation from mechanical to organic societies, whereby the collective conscience changes from a cohesive set of strong beliefs to a modern individualist culture that is characterized by a plurality of value systems. Durkheim presented a quite simply answer to the problem of normative integration, stressing that the substance and form of law adopts to the changing nature of the values system in such a way that law readjusts¹³⁰. Postmodernism and deconstruction are two perspectives in social theory that have addressed the complexities of contemporary life in a very different way than the modernist sociological theories that stretch from Durkheim to Habermas.

¹²⁵ Deflem 2008, p.1

¹²⁶ Deflem 2008, p.3

¹²⁷ Deflem 2008, p.7

¹²⁸ Hertogh 2009

¹²⁹ Deflem 2008, p199

¹³⁰ *ibid*

Postmodernism refers to a broad and diverse theoretical movement that denies the validity of any overarching concept or unifying theoretical framework beyond a recognition of the complex diversity of cultural stories and their variable meanings among numerous groups, sub-groups, and individuals in modern societies. Postmodern perspectives respond to a new phase of social development that took place during the latter half of the twentieth century, whereby social and historical events¹³¹.

The concept of globalization has been discussed and used often to describe a central development of the current age. After the nineteenth-century preoccupation with industrialization and the twentieth-century focus on modernization and development, the discourse on globalization has taken on the contemporary role of describing in a singular term the master pattern of recent and ongoing societal developments¹³².

4.2 Juristic law, law in action & living law

Eugen Ehrlich (1862-1922) was an Austro- Hungarian legal scholar who developed a theoretical science that was based on a study of reality of law, more specifically a sociology of law that focuses on the social reality of law¹³³. He created the theory of “living law” in reaction to the ideology of an exclusively state-centered law. Ehrlich described the relationships between law and society in terms of law in books (the content of law in books and the judgements of the judiciary and other agencies that administer justice), law in action (how people relate to, or obey, law in books) and living law (how people behave independently of law in books and law in action). Living law might be defined as ingrained habits.¹³⁴ Considering that law is mostly independent from the state, Ehrlich proposes a “scientific conception of law”, which is about the rules of conduct. He states that “it is not an essential element of the concept of law that it be created by

¹³¹ Deflem 2008, p.202

¹³² Deflem 2008, p.250

¹³³ Deflem 2008, p.90

¹³⁴ Hertogh, M.L.M., ed.(2009

the state, nor that it constitute the basis for the decisions of the courts or other tribunals, nor that it be the basis of a legal compulsion consequent upon such a decision.” Ehrlich considers that law is fundamentally a question of social order, which is to be found everywhere, “ordering and upholding every human association”. It is from these associations, from these instances that produce norms of social control, that law emerges. In other words, law is synonymous with normativity¹³⁵. Ehrlich’s perspective of legal sociology is based on a theory of social associations, defined as social relations in which people recognize certain rules as binding and regulate their conduct in according to those rules. These relations may be simple, like in the case of face to face groups, or complex, as in the case of the state. Ehrlich stresses that it is fundamental to recognize the society in itself as the “center of gravity of legal development” rather than legislation, juristic science or judicial decision¹³⁶. Associations are ordered on the basis of four major facts of the law. The facts of law are pre-legal in the sense that they shape norms of conduct and in turn they lead to the development of norms of decision to regulate disputes. These facts contains usage, domination, possession and disposition. Usage is the simple fact that a particular practice has remained in existence for a particular length of time and is important to the ordering of social relations in as much as the customs of the past become norms of the future. Concerning existing relations of domination and subjection are the basis for the regulation of relations between superiors and subordinates, such as in the family (between children and parents) or in society at large (between serfs and masters). The distribution of possessions are the forms the basis of order so benefits can be derived from property. Dispositions or declarations of the will are expressed in contracts and testaments¹³⁷. Ehrlich conceives social life as being essentially guided by norms of conduct, not by legal norms or statutes alone. Ehrlich refers to the whole of law dominating social life, even though it may not have been posited in legal propositions, as “living law” and the whole of legal propositions as

¹³⁵ Dupret 2005, pp.159-172

¹³⁶ Hertogh, M.L.M., ed.2009

¹³⁷ Deflem 2008, p. 90

“juristic law”¹³⁸. He stresses that “living law” is primary in social life therefore it has to be considered central to the development of “juristic law”¹³⁹. “Living law” may be very different from the norms of decision as they are used in courts and relied upon by legal professionals. The goal of “living law” is not mainly dispute and litigation, but peace and cooperation. Ehrlich argues that legal propositions have to be consistent with the codes of living law to be effective. According to Ehrlich, judicial decision making should be liberated from any constraints to derive the best judgments in light of customs of the people that laws are to be applied to. He means that judges have to be creative and gifted with great minds to adequately grasp the relevant aspects of living law.

4.3 Variation & flexibility

“Women will keep struggling to create new realities while trying to live within the current ones.”

(Bradshaw & Wicks 1997, 222)

What a postmodern perspective really is does not contain a simply answer. Postmodernism is not a really specific theory or a set of theories so much as an intellectual mood or climate. The postmodern feminist see gender as socially constructed. It is a category used by human beings as a way of dividing up the world they perceive around them and making sense of it. Gender is not something fixed instead it is a flexible, various concept according to time, place and culture¹⁴⁰. There is not a common identity between women instead one can find many different forms of gendered identities, experiences and meanings exploring class differences, ethnicity and sexual identity¹⁴¹. At present it is not possible to point at anything one might call a “*feminist understanding of law in postmodern society*” , and even less to a “*postmodernist feminist understanding*”. A feminist understanding and approach to law in a postmodern society will probably trace its roots back to a feminist understanding and critique of modern law. This critique

¹³⁸ Deflem 2008, p.91

¹³⁹ Ibid.

¹⁴⁰ Bradley 2007, p.3

¹⁴¹ Bradley 2007, p.71

has among others been that the modern legal system is based on what has been called a “male norm” – a situation where legal systems have taken the (stereo) typical lives of men as their universal models¹⁴². A feminist understanding of law and legal phenomena should also be based upon social theory about the development of postmodern society which is characterized by a dissolution of some of the classical assumptions about coherence concerning the social and individual framework and points of orientation. The idea of the legal system as a coherent system based upon consensus is another assumption which will be threatened in a postmodern system and this will influence postmodern understanding of law. Postmodern feminist thinking has criticized the feminist standpoint and claims that theories of gender should be contextual and attuned to the cultural specificity of different societies and periods¹⁴³. The postmodern critique of law might be easier for women to grasp than for men, because the modern legal system of industrialized countries is based on concepts and values which were more closely linked to the lives and working conditions of (some) men¹⁴⁴. Postmodern feminist perspective of law in postmodern societies have acknowledged both of the existence of developing normative orders which have to be included in the concept of law and the existence of differences among women.¹⁴⁵

4.4 Language & gender

The interest in postmodern feminism is in how language and other forms of representation play a crucial role in *constructing gendered, subjectivities*¹⁴⁶, migration and domestic work. The feminist postmodern perspective focuses on how meaning is constructed and how we think of as commonsense definitions or natural, self-evident truths are actually reflections of dominant cultural assumptions¹⁴⁷. Post-modernism appeals to feminists who reject the notion of an

¹⁴² Petersen 1992, pp.507-508

¹⁴³ Petersen 1992, pp.507-508

¹⁴⁴ Petersen 1992, p. 509.

¹⁴⁵ Ibid

¹⁴⁶ Prasad 2005 p. 165

¹⁴⁷ Fletcher 1999 p.5

essentially male or female reality or structure. The perspective point out instead to how these oppositions are culturally constituted categories, products, and producers of particular social and material relations.” The major questions focus on modes of signification and the creation of meanings, acknowledging the ambiguous nature of all meanings where a ‘real meaning’ does not exist. The construction of individual experience is affected by historical and institutional arrangements, the relationships between institutions and discourses. An individual is not the only subject of knowledge. The specific interest focuses on the textual and discursive activities that sustain the structures of knowledge¹⁴⁸. Often the postmodern feminism is called the ”third wave’s feminism” and is a radical deviation from the “second wave’s feminism” which was created in the 1960-1970:ies . The central differential is that the postmodern feminism take distance of the idea that women are victims for oppression or seen as ”the second sex”. It focus instead on variation and a local specific situation for a struggle for women’s interests in general¹⁴⁹. The postmodern feminism see gender as something indeterminate, variable, flexible and fragmented. General conclusions and definitions like women’s general subordination in the society or speaking about a general gender system are not accepted. In accordance with postmodern feminism gender is something unstable and is discursively constituted¹⁵⁰.

4.5 Feminism without borders

Mohanty Chanty Talpade has never called herself a postmodern feminist but her ideas have been inserted under this label¹⁵¹. I will also identify her as a “third wave feminist” in my research. Women’s positions are not statically instead they depend on the economic, political, cultural and ideological context stresses Mohanty. Gender is a discursive construction which brings different representations of the concept¹⁵². *Intersectionality* is an important word in gender discussions. The concept emphasizes that the different dimensions of social life

¹⁴⁸ Calás & Smircich 1992; Flax 1990

¹⁴⁹ Ibid.

¹⁵⁰ Alvesson & Due Billing 2011, pp.43-44

¹⁵¹ Mohanty 2007, p.251

¹⁵² Mohanty 2007, p.33

cannot be separated in a definition where women become a unified category. Historical and cultural context is fundamental. Everything related to the "social world" have to be deployed in each specific context of feminism. Mohanty argues that a Western white "stereotypical" feminism is an example worldwide especially in developing countries. She criticizes the EU because of its historical and cultural context with its marginalizing politics against third world's countries and the colonialism which is still rooted inside the way to see and classify things¹⁵³. A woman cannot be defined universally instead she must be viewed from different perspectives. One cannot "lump" all women over a boundary such as categorizing for instance Muslims women who wear the veil have the same meaning for everyone. The meaning and sense differs in various Muslim countries. The symbol is the same but the meaning can differentiate between the countries. Mohanty herself is a woman, a "colored" migrant (twice), author, researcher and she lives in a Western society. All these factors are intertwined and creates her specific situation and classifies her life and the way to construct the reality. It's not just to be a woman but the whole context must be specified for all women to get an understanding of this gender category argues Mohanty. All social concepts must be observed such as class, gender, race, economics, religion, etc to get a picture for what a woman really is¹⁵⁴.

The phenomenon to employ migrant women need a close contact through a qualitative study with women who employ other women to be recognized in its context. Power relations are created between employee and employer. In this study there are power relations between women which determine the phenomenon of informal employment. European and national Italian law and regulations declare what each individual can do in relation to legal actions and the impact of law on women can be reflected in the global care chain. To understand what meaning women give to gender, migrants and domestic world can explain the phenomenon in itself. The description of awareness of EU and Italian law and

¹⁵³ Mohanty 2007, p.63

¹⁵⁴ Mohanty 2007

regulations from women's point of view is important to grasp the to understand the "living law system" and the reflection of "law in books". Why women have domestic workers is fundamental to understand to get knowledge why the phenomenon is in action and what the consequences are in relation to the "juristic" Eu and Italian law.

4.6 Social constructivism

The social constructivism is an overall perspective with roots in some of the main classic sociologists like for instance Berger and Luckmann and many theoretical orientations are included in this branch from ethno methodology to post-structuralism¹⁵⁵. The knowledge is the factor which unites the different perspectives. The social constructivism means that knowledge is a *social activity* where *linguistic* and *conceptual* categories evolve, develops and are used to describe and understand the things one observes. Knowledge is something which is created instead of something which is out there waiting to be discovered¹⁵⁶. The same goes for "doing gender" where these roles are created in the social activity in the specific context which are studied. Gender structures, relations, symbols, identities and so on is the result instead of the starting point. The social constructivist approach is a good tool to interpret beliefs, perceptions, notions, performance and conceptions in this study. Reality is something ongoing and changing and for each individual the reality is in according to that person's own special glasses which are a ground which has been formed by the individual's history, experience, values and interpretations of these, and the person's subjectivity and lived experience¹⁵⁷. This does not mean that the reality doesn't exist outside the individuals, we can communicate and making things understandable through a common language¹⁵⁸.

¹⁵⁵ Giddens 2007

¹⁵⁶ Widerberg 2002, p.266

¹⁵⁷ De Beauvoir 1986

¹⁵⁸ Searle 1996

I use sociological theories of law together with a postmodern feminism perspective on law and gender and will have a social constructivist's approach to get a deeper understanding of the phenomena gender, migration and domestic work in the conducted research area between the six interviewed women. Analyzing the European union's common rules together with the Italian ones will give a reflection in the mirror of the culture in the Castelli Romani. I will seek knowledge to create an understanding of the subjective life world and living law of each interviewed woman. I will not draw conclusions that apply universally or reveal enduring implications. In fact I am not interested of truth or false rather what the interviewed women consider to be the truth from their own perspective. In that sense I am a social constructionist.

The knowledge in the research can be seen as situated and partial and related to my values system and conception of the world because of this. I am seeking objectivity, being aware of this dilemma. Total objectivity cannot be reached capturing others' interpretations without placing my own glasses upon the meaning of the findings¹⁵⁹. A researcher being aware of pre-concepts and the way to meet life can try to make his owns glasses as transparent as possible. The interpretive stance leads attention to understanding reality, where language plays a central role and the specific is of greater interest than the general¹⁶⁰. The reality is something subjectively defined, constructed from our experiences, and therefore, different views construct different complementary, conflicting and/or contradictory realities¹⁶¹.

¹⁵⁹ Alvesson & Willmott 1996

¹⁶⁰ Gummesson 2000

¹⁶¹ Hatch 1997

Chapter 5: Discourse analysis

5.1 Interpretation in the right context

Discourse analysis is a theoretical framework for observing social reality and can make a contribution to the understanding of social phenomena. There are many definitions of discourse analysis. The discourse represents the reality and at the same time it is the discourses which creates the world through different center's of gravity and fruitful descriptions¹⁶². It provides a way to *unpack* production of social reality. Discourse analysis means to problematize the own essence in a phenomenon, everything from social categories to concrete things¹⁶³. To study the discourse and social constructions means to reflect over what says, how it says and how it could have been said. Discourses are speeches in a certain way and the logics decides what is true and culture accepted¹⁶⁴. In this thesis the meaning the interviewed women give to gender, migration and domestic work will be analyzed through the discourse. Discourse analysis is distinguished by its commitments to a strong social constructivist view and in its way it tries to explore the relationships between text, discourse and context. The thesis will interpret the content of the information in the interviews. Discourse analysis challenges taken for granted understandings and undermines the tendency to reify and solidify knowledge¹⁶⁵. It gives the possibility to see the “strange” and “remarkable” in something which seem to be “natural”¹⁶⁶. Using this analysis a social constructive approach is needed and a reflexive attitude to the discourses the researcher are directed by¹⁶⁷. Subjectivity is discursively produced and is constrained by the range of subject positions defined by the discourses in which the concrete individual participates. Existing discourses determine what can be said and understood, the nature of subjectivity itself and what is possible to be¹⁶⁸.

¹⁶² Börjesson 2003, p.19

¹⁶³ Ibid

¹⁶⁴ Börjesson 2003 p. 21

¹⁶⁵ <http://srmo.sagepub.com.ludwig.lub.lu.se/view/discourse-analysis/n1.xml?rskey=9yuoax>

¹⁶⁶ Börjesson 2003 p.23

¹⁶⁷ Börjesson 2003 p. 25

¹⁶⁸ Bradley 2007, p.66

Chapter 6. Interviews

6.1 Presentation of results

The results of the six interviews will be illustrated in a self-biographical story which is based on the chronological order in which I met my respondents. This way to present my qualitative data has been chosen so the reader can follow me on my trip through the empiric and somehow share my experience¹⁶⁹. This description illustrates a kind of reflexive ethnography where a contemporaneous attention versus the study object (the respondent) and in the way the research was carried out will give an understanding for both phenomena¹⁷⁰. The social reality which the empiric data are related to become through this illustration strategy two realities: the respondents reality which they speak about in their interviews and my reality which I am constructing through my study¹⁷¹. The respondents are anonymous and first I was thinking just to give each respondents a number but I felt it too abstract and unnatural so I decided to give each interviewed a colour as identification which characterized them to give a more familiarized description. In this sense I am a feminist researcher and influence the “standard” way to present results where I touch the research personally with characteristics. Respondent 1, Mrs Orange, got this name because of her scarf. Respondent 2, Mrs Red, because of her red pullover, respondent 3, Mrs Green, because of her bag, respondent 4, Mrs Blue, like the colour of her jacket, respondent 5, Miss Purple, like her leggings and respondent 6, Mrs Yellow, as her ring on the finger. I believe that this makes the research more “lively” and “familiar” in an academic world. As it is a social qualitative research I wanted to give a personal qualitative distinction for each woman. The interviews have been done in the same cafeteria where I have been chosen my respondents. I classified the bar as the most neutral and relaxing place to create a comfortable environment . All the respondents have their coffee each morning there so they know deeply the place. I have been interviewing each respondents alone. A group interview has been evaluated but to

¹⁶⁹ Nylén 2005, p.114

¹⁷⁰ Ibid

¹⁷¹ Taylor 2001b, Fletcher 1999

get a close contact with each interviewed woman speaking about their “personal” life in the domestic sphere I decided to make singular interviews to get the best information. It is very important that the respondents “trust” the interviewer and speak openly. During the interviews I had also the possibility to study and observe my respondents in their natural settings attempting to make sense of and interpret the phenomena about gender, migration and domestic workers in terms of the meanings the respondents brought to them¹⁷². An important factor to discuss and explain are the languages involved in my research. All the interviews have been done in Italian as the respondents do not speak English. After the interviews I had to translate them into English. My mother tongue is Swedish so my culture glasses contain in this experience three cultural codes through the languages. Living in Italy for almost twenty years helped me to understand the way to meet and see the world from the respondents eyes. I wrote down the answers and other observations during the interview and when it finished I continued sitting at the cafeteria writing down memory notes related to the interview. I did not make a registration of the interviews because of logistics problems. I decided that the respondents message should come through so a lot of material had to be broke down. All the interviews with their details were not possible to describe instead a summary of the main content is the result.

6.2 Respondent 1: Mrs Orange

I have been driving my car six times to the cafeteria in Albano Laziale which is a municipal in the area Castelli Romani to meet a new respondents each time. The first morning I had an appointment with Mrs. Orange which I baptized in relation to her orange scarf. She was a married 40 years old woman with three children and was owner together with her husband of a 110 square meters flat in a condominium where they were living. She told me she was a nurse and worked in a hospital. She was from Ariccia which is one of the municipals in the Castelli Romani and is situated more or less 5 kilometers from Albano Laziale where the

¹⁷² Nylén 2005, p. 11

interview was conducted. I came a little bit too early to our appointment so I had to wait for Mrs. Orange. She left her kids at school and came running to the cafeteria around 8.25. We sat down in a corner and started to speak about the weather which was terrible that morning. Windy, rainy and cold. The cafeteria was really inviting looking outside and we enjoyed being inside. She started to speak about her domestic worker who she called her “domestic help” saying: “what a luck to not clean today freezing with the windows open”. I will sit here until she finish cleaning and ironing. I addressed the conversation with my interview guide and started my “research”. Mrs. Orange told me that her domestic “help” was from Rumania and was a regular migrant in her opinion. She cleaned, ironed and sometimes looked after her children. Until two months ago “the domestic help” also took care of her sick father, cleaned her parents place and ironed. The explanation on why she had a domestic worker was because she had small children and one of her daughters was handicapped so she did not manage to do everything by herself. On the question why she has been choosing a woman to help her at home she answered quickly and without doubt that there are just women performing issues at home and that she also believe that men were not able in the same way taking care of the domestic issues. Mrs. Orange explained that her “domestic help” had a contract for 2 hours per day but she was working 4 in reality. With some sadness she said that before my father died the “Rumanian woman” had a contract for 4 hours but worked 8 per day to take care of him who was very sick. Some silence fell over us and she seemed to think about her father. She argued that the reasons why she made a contract because she risked too much not employing the “cleaning women” formally at all.

We started to discuss about Italian/ regular migrant/irregular migrant as domestic workers and the reason why she has been chosen a woman from Rumania. She started to think and said after a while: “I have to admit that I have been chosen an migrant woman because they work in a better way and it is easier to control the situation. In any case this one is also quite “cheap” in relation to what I heard from my friends. She wants 7 Euros per hour and many often pay 8 or 9 Euros”. Mrs. Orange argued that she felt more relaxed since she did not need to clean and

iron anymore. She touched her hair with both hands and said: I dish and this is still heavy for me. I do not have a dishing machine because I don't know where to put it as my kitchen is very small". Yes, maybe the freedom to not clean and iron could be seen as emancipation. I don't know. I have more time and can do things for myself not thinking about these domestic issues so in the end it is anyway more freedom.

She explained that she had notions about law and regulations and said that honestly she didn't want to risk too much. She said: "If my domestic help for instance will hurt herself or if something happens with the kids I need to have things in order". She explained that she had been reading on the internet a little bite about EU law and meant that her domestic help did not have her same rights and obligations. The domestic work is not a "real" job in that case stressed Mrs. Orange. "I re-new my domestic helps contract every three months. If she will get pregnant for instance I will not make a new contract paying her for her maternity" explained Mrs. Orange. She continued saying that in fact these seem to be insane but unfortunately the reality. I did not think about this earlier before this interview. She started to move on the chair and sigh. Really this makes me think about my domestic help and her life. We continued our discussion and she confirmed that she did not have any idea about the global care chain. Her opinion about female refugees who has asylum in Italy she said that she had never been thinking about refugees at all. On the question to employ a female refugee which has asylum as a domestic worker she answered after some seconds of silence: "They have "strange" pasts and I would never trust a refugee woman. They come from war countries and their experience can influence their way to be. The culture is also very different from a Romanian woman's which is quite similar with ours".

6.3 Respondent 2: Mrs. Red

The interview morning with Mrs. Red was a nice sunny morning. The air brought spring and one could observe all people with a smile on their lips. Mrs. Red was married, 39 years old, had three children and lived in 120 square meters detached house which she bought with her husband. She was born in Genzano di Roma

which is about 7 kilometers from Albano Laziale. We sat outside the cafeteria as the weather allowed us to join the sun after a really rainy period. She told me that she had a company, a private nursery home, and this morning she had to delegate issues as she was with me. She looked quite worried about that but told me that there were no problems. She did not have a degree but attended often “courses” to update herself. She finished school at the age of 17 and was a nursery teacher. She explained that she had two women who “helped” her, one for her mother and one for herself, and then a girl who followed her kids with the homework.. Her mother’s domestic help was a woman from India and her personal one was from Rumania. She said that she did not really know if they were irregular or regular migrants. The girl who help her kids was Italian and Mrs. Red underlined that she had a university degree. “The Indian woman” lived with her mother and cleaned, ironed, did shopping, cooked and look after her mother in general. “The Rumanian cleaner” cleaned, ironed and dished for her. Concerning collaboration with the family members she said that no one helped with the issues at home just the garden was followed by her husband and sometimes he cooked and looked after the children if there were a necessity. Mrs. Red’s opinion was that men were not able to perform domestic issues as she wanted them to be done. She meant that it is was in the veins. She explained that she had to pay too much taxes to give contracts to her “women and that it was difficult to “fire” them if they were employed. The choice of her domestic workers was described that her mother’s “woman” lived with the mother and it was not easy to find Italian “women” staying 24 hours per day taking care of elderly or sick people above all for that amount she paid, 600 Euros/month with free accommodation and food. She explained that it was very expense paying a special “home” for her mother instead with “the domestic help” it cost less and her mother could be at her place. Her personal domestic worker had been recommended by her friend and she chose her because she wanted just 7 Euros/hour. For her kids it was important that the one was Italian and had a degree argued Mrs. Red. She explained with a big smile that she felt emancipate not needing even to think about the domestic issues anymore. Mrs. Red explained that she was not really aware of law and regulations. She said

that almost everyone had “domestic helps” without contracts so she believed she did not do anything wrong. EU was a stranger and foreigner for Mrs. Red and in fact regarding to her company she had a reviser and a lawyer who dealt with these issues. She had never heard about the global care chain. Concerning female refugees who has asylum in Italy she had no clue who they were and the argumentation about to employ them she was quite suspicious as she did not know how they worked. Maybe trying to see if they perform the domestic issues as I want meant was the conclusion by Mrs. red.

6.4 Respondent 3: Mrs. Green

I have been interviewing Mrs. Green two days after Mrs. Red. The weather continued to be nice. It was though a windy morning so we had to sit inside the cafeteria in the same corner as I sat with other interviewed women. Mrs. Green told me that she was from Marino which is situated circa 10 kilometers from Albano Laziale, married with a man who was 10 years older than her. They had a daughter and as her husband was widower and he had a another daughter since the earlier marriage who was 25 years old. Mrs. Green was 42 years old, had a diploma upper secondary school and lived in a 90 square meters flat in a condominium which belonged to her husband. She worked as a teacher since 10 years ago in a private school. She said that her “domestic help” as she defined her was Italian but some months ago she had a woman from Romania but she left. She did not know if she was a regular migrant or not. Her “domestic help” ironed, cleaned and dished. About the family collaboration she explained that she did everything on her own. She had a domestic help because she did not have time and force to do it by herself anymore. As she could afford it she said that she preferred to spend the money on a help at home than something else. She felt free not performing domestic issues. Mrs. Green believed there were no choice choosing men as there were just women who were available for cleaning, ironing and so on so that was the reason why she had a “employed” a woman. Migrants or Italian, all the same category: women did these issues was the answer. Her domestic worker did not have a contract and Mrs. Green explained that even her

did not have a “real” contract where she worked. She was employed for 40 hours per month but worked 140. In fact she explained that “the Rumanian woman” wanted a contract and she could not afford it because of too much taxes so she left. She had “the Romanian woman” as they often cleaned people’s houses. Now they started to want contracts and she could not afford that so she found an Italian woman who does not want it. Mrs. green described a feeling of freedom to not “clean” anymore. Her description was that she was less angry and more happy with a “help” at home. In relation to law and regulations she said that she knew she should make a contract but the taxes were so high that she could not afford that. She explained that also her worked without stabled formal rules on the “paper” but informally she had all the responsibilities as a “classic employed person”. She did not have any information about EU law and regulations and the concept of the global care chain was also unknown. Mrs. Green explained that she did not have any opinion about female refugees with asylum in Italy. She did not know anything about them as she never had any contact. To have a female refugee as a domestic worker she meant that it depended where the refugee came from because of religions, different habits and customs was the answer.. She did not want to argue how a person should clean, iron and dish. She finished explaining that watching television observing how for instance Africans live she would answer no on the question.

6.5 Respondent 4: Mrs. Blue

Mrs. Blue came a rainy morning to our appointment at the cafeteria. It was very cold outside and some more grades lower and it would snow. “My corner” were busy so we needed to take another table in the middle of the cafeteria. There were some confusion and there were many people inside. Mrs. blue was 48 years old, married, had two daughters and was owner of a 85 square meters flat in a condominium. Her origin brought her to Lanuvio which is situated ten kilometers from Albano Laziale. She told me that when I asked her for an interview she had a” Rumanian domestic help” but two weeks ago she had to tell her to leave as she could not pay her anymore. Too many things to pay and many things had been

increased so I had to make a decision was her explanation. She followed up with a description of Italy saying: “You see in Italy today it is like this tomorrow another thing”. She was shaking her head, sighing and made an expression of desperation. Mrs. Blue said that she had finished school when she was 13 years old and meant that she was lucky without a diploma having a job in a supermarket. Her “cleaning woman” ironed, cleaned and dished for her. She explained that her older daughter helped her a little bite at home. Her husband looked after their younger daughter but did not perform domestic issues, just making the bed in the morning. Mrs. Blue had a domestic help because she worked so her time was short and thanks to her job she had the possibility to pay someone helping at home. She heard just about women who cleaned and that was the reason why she had been chosen a woman. Her domestic worker never had any contract. She explained that herself had a very bad contract at her work. She had a contract on hours which in her opinion meant that she did not have any rights at all. Illness, pension, maternity etc. This contract was just “faked” as she was a real employed in all senses. For sure the taxes in Italy are too high and honestly I never thought about to make a contract for my domestic help was the explanation. She felt sorry to not have the possibility anymore to pay somebody to clean at home. She felt so tired already after these two weeks with the domestic help’s absence. Mrs. Blue had been chosen her domestic worker thanks to a friend of her who recommended “the woman”. I tried her and I was satisfied. She was very fast, precise in her work and less expensive than another one which I spoke with. Mrs Blue felt emancipate not performing domestic issues during her “help” at home and now as she defined it she was back in her detention. She said she was always tired and really fed up performing them again. She meant that it was always the same, dirty, disorder, washing clothes etc. There was no satisfaction at all cleaning at home. She explained that she did not know exactly what the law and regulations contain in relation to gender, migration and domestic work. She said that she knew that she risked but what she in reality risked was unknown for her, allowing “the woman” working “black” for her. She never really thought about it. In the end she was more or less in the same situation was her explanation. She meant that “all”

people have women working for them. Shall they arrest all the Italians? The global care chain was new also for Mrs. Blue-. She never thought about female refugees with asylum and had no contact so no opinion. She said that for the moment she was not available to “hire” anyone but in the case something should change she believed that she before needed information about female refugees in general as she was the same as zero with the subject.

6.6 Respondent 5: Miss Purple

Miss Purple was not married but lived with a man and they had no children. She was 37 years old, born in Marino but lived in Albano Laziale since three years together with her boyfriend in her boyfriend’s 90 square meters flat in a condominium. She had made a course after middle school as caretaker for babies and started to work at the age of 16. She said that she was working as a babysitter and helped her boyfriend sometimes with his companies. She told me that she and her boyfriend were trying to make insemination to have a child and now it was the third time as the other two went bad without success. She shook her head and said that she really wanted a baby. She told me that they had a domestic help as her boyfriend had it before he met her and he continued the collaboration. She said that she could not afford it by herself so thanks to her boyfriend it was possible. He had different companies and owned a lot of money said Miss purple. I asked what kind of education her boyfriend had and she said that he finished school when he was 13. She explained that they had an Italian woman who cleaned for them since September last year. Before this woman they had a “Rumanian one” explained Miss Purple but she had no clue if she was a regular migrant or not. We never asked for any papers as she worked “black” for us. The “cleaning woman” ironed, cleaned, dished, bring the waste away and washed. The domestic worker worked three times and each time more or less she stayed 5 hours when she came. Her boyfriend did not do anything at home. The reason why they had a help was her boyfriend’s decision. To come home to a flat which is clean and in order is wonderful after a day’s work said Miss Purple.. Concerning a choice of a female domestic worker she argued again for that it had not been her decision but anyway

she never thought about a man. She had never heard about men who worked as domestic helps. No one of their “help” had any contract. The one before made us understand that she wanted it and my boyfriend said it should cost too much and he knows things about taxes and so as he has a various companies. The decision of the new domestic worker was because she did not want any contract and wanted less money per hour. The Rumanian women took 8 Euros/hour instead the new Italian one just wanted 7 Euros. Miss Purple absolutely felt emancipate to not need to perform the domestic work. To clean, wash and dish are the worst issues during the day as it never ends was the description by her. The day after it is the same thing. It is so boring and without satisfaction. Regarding to law and regulations Miss Purple was without knowledge. She asked me if there were special laws and regulations for domestic workers? She said that she knew that one could make a contract but she meant at the same time it was not like a company. Then if we had to pay taxes it becomes very expensive I believe argued Miss Purple. .Concerning EU she said that she knew that EU decided about things even for Italy but what they discussed and decided were not known for her. The global care chain created confusion for her and she tried to put together the words but did not had any clue about it. After a short explanation from my side the argumentation continued where Miss Purple told me that she had a friend and her parents had an Ukrainian woman at home. She could be irregular migrant then and belong to what was it called...ah the global care chain said Miss Purple. Regarding to female refugees with asylum she connected last summer with problems in Lampedusa. She asked me if they were refugees with asylum? She did not think that her boyfriend would employ a female refugee with asylum. After a while she added: “Of course if there should be a convention maybe he should think about it. If my boyfriend could save money why not?”

6.7 Respondent 6: Mrs. Yellow

I met Mrs. Yellow later in the morning than the others as she needed to wait for her domestic worker to let her in the flat. She apologized for the delay but the “cleaning woman” did not appear earlier was the explanation. Mrs. yellow was a

45 years old married woman with a diploma in economics. She had two children, were a housewife and lived in a 100 square meters flat which she had been inherit from her parents. She explained that her Colf, this is the word for the domestic help explained Mrs. yellow, helps in reality her parents as they are old and sick. She described her life in Albano Laziale where she was born and had always lived. She started to speak about her “cleaning woman” as she defined her and told me that she was from Ukraine. They had a lot of problems as she was an irregular migrant without papers but now everything was in order as they have been “hiring” her as a Colf. Me and my sister had to do so many papers sighed Mrs. Yellow. This woman does anything from cleaning, dishing, ironing, caretaker of my parents and washing. We did a contract where we included “informally” that she will also go twice per week performing domestic issues for me and my sister. So she comes to my place Monday and Thursday in the morning and goes to my sister’s house Wednesday and Saturday in the afternoon. Mrs. Yellow spoke and spoke and almost covered my questions by herself. She said that they paid a lot and that their colf had a roof over her head and free food. Mrs. Yellow’s husband worked a lot and came home just in the weekends so she was alone with her two kids. She never thought about a man as domestic worker and as she had the possibility to get this help as she was working for her parents. They got in contact with the Ukrainian woman through a friend and it took some time to teach her how she and her sister wanted the things at home. The colf had a different culture meant Mrs. Yellow. Concerning the contracts she repeated that now they had been giving her a contract as it was too dangerous. Now things were changing. It was not possibly anymore doing things “black”. They had been chosen the Ukrainian woman because Ukrainians were looking for this kind of work. They were many and it was easy to find them. It was like a business. She felt emancipate not performing domestic issues anymore. It was very boring and heavy just taking care of my parents said Mrs. Yellow instead now she could go to them having a “relaxing” coffee. She had an idea about law and regulations but meant that her sister knew more as she was a lawyer and she had been interesting putting our “woman” in order with a contract and so on. As all the other

respondents also Mrs. yellow was without knowledge about the global care chain. She was touched by the concept after some argumentation. Regarding to female refugees who had asylum in Italy she asked if their Ukrainian woman was involved? Oh no, sorry they are the people who come by rubber boats to Sicily right? She said that she saw them in the television. Miss Yellow meant that if it should be easier to employ them than with the Ukrainian woman and if they worked in the same way and cost the same or less why not? She said that they had to make so many things to “hire” the domestic help for their parents that I could never imagine. Anyway finished Mrs. Yellow, it is worth it as a home for elderly people costs double and we cannot send them there. They are also at their place and I believe my parents are more comfortable and feel it better.

Chapter 7: Analysis

7.1 The production of social reality

The six interviewed women's reality were different and not the same one and another. Three things though united them and it was that they have or had a *domestic worker*, that a power relation existed between women and they did not experience the feeling of guilt not following the juristic law. A social norm to have a domestic worker employed informally was the result of the social interaction with the "juristic law" and it was the "living law" which was the guide in this issue. "Law in action" showed a clear picture of not obeying the formal laws. Aubert and Eckhoff's communication model¹⁷³ could be a guide in this issue as the women did not seem to have enough knowledge of the implemented laws, both from an Italian nation state's side as well as an European one. "Law in action" could be seen as a consequence of lack of information.

It seems to exist a power relation between the interviewed women and their men in the way they described their social world where the latter did not have any voice in the decision making concerning the domestic sphere. Women decided, dominated and commanded other women paying as exchange. The truth of the women reflects in this micro study a truth which built up their concrete daily life.

No one of the women had a bigger house or flat than 120 square meters, just one had a university degree and just one was a house wife meanwhile the others worked. Some had "bad contracts" as they defined them meanwhile Mrs. Red had her own company. All the women could be classified as "popular families"¹⁷⁴ in the meaning of their descriptions. These show a tendency that "ordinary" people have domestic workers even though they are not upper class people¹⁷⁵. They are the women who need to struggle with time, work, economy etc. which appears in my interviews.

¹⁷³ Aubert and Eckhoff, 1952

¹⁷⁴ Colf d'Italia, 150 anni di lavoro domestico. Per raccontare l'Italia che cura, 2011

¹⁷⁵ Ibid

All of the women did not give a real respected contract and the majority did not established a contract at all rather they preferred to “fire” the women who asked to follow the rules of law and regulation. Ehrlich concepts of “Law in action” which refers to how the women related to law in books and “living law” which refers to how the women behaved independently of “law in books” might be defined as ingrained habits¹⁷⁶. The “living law” does not reflect the “law in books”. As mentioned before Ehrlich conceives the social life as being essentially guided by norms of conduct, not by legal norms or statutes alone. The six women’s behavior are guided by a kind of female *need* inserted in an “informal” rule system where the “living law” has been developed beside the “juristic law” where some of the women used the “law in action” employing domestic workers in an incorrect way. In the end to employ a person informally without contract or a false one is a crime. So all the women contributed with their actions to the concept criminality where their behavior breaks the law¹⁷⁷. I got the feeling that this was an accepted social norm where these women did not experience feelings of guilt breaking the law. In fact social norms guided the women in their actions and in their social interaction to a higher degree than the law did¹⁷⁸. There did not seem to be any divergence in not following the law, hence the contrary, the deviant behaviour seem to be to establish a “real” contract. To break the law which sanctions people and where criminality starts has been turned in the “living law” system. The behavior to “hire” informal women to clean belonged to the standards accepted by the majority of the respondents truth and constructed reality. Deviation is not just how individuals behave but also reflects groups behaviour¹⁷⁹. To make a “real” contract appeared to be a deviation which almost no one did.

Law is a formal rule established by the state and elates to principles that citizens must follow¹⁸⁰. Aubert and Eckhoff’s argumentation (1952) if judicial control can affect society shows unfortunately in this micro research that the answer is no. In

¹⁷⁶ Hertogh, M.L.M., ed. 2009

¹⁷⁷ Giddens 2007, pp.584-585

¹⁷⁸ Drobak 2006

¹⁷⁹ Giddens 2007, p.586

¹⁸⁰ Ibid

fact the perception of law must be understood within the whole of the society in the conducted research area to not jump to conclusions and create preconceptions.

That domestic work is undervalued and poorly regulated, under paid and unprotected¹⁸¹ is not really true in accordance with the “juristic law”, above all the Italian nation state where domestic work always have been subject to particular legislation¹⁸² but within the “living law” this is perfectly right. The mentality has to be in conformity with the “juristic law” to be respected. The “juristic law” have to put people in the situation that they *can* follow the law and that it become a part of themselves and not something far away and impossible to follow.

Connells argumentation about new gender systems¹⁸³ and orders are evident. The globalization creates new identities and movements. This creates the consequences that the world is facing new and urgent questions about gender, human rights, economic equality, relation between generations, violence and welfare¹⁸⁴. The “juristic law” need to meet these requirements¹⁸⁵ and need to help people through laws to provide those rights.

From a discourse analysis perspective the research gets interesting as nobody called the person who worked for them “domestic worker” instead they called it “domestic help”, “the cleaning woman” and “the woman who cleans”. Also” my woman” was a definition. Already at the time of Mazzini, 1860, the discourse analysis were done though where the concept “servant” was exchanged as it was classified as a “bad word”¹⁸⁶.

They seemed to speak in terms of ownership. One can see a spectrum of possible definitions of what a domestic worker really is. A feministic language where the domestic worker is an important figure in the social construction of each interviewed woman’s world. No personalization in the meaning of the various

¹⁸¹ ILO 2010

¹⁸² www.camera.it/parlm/leggi

¹⁸³ Connel 2009, p.10-11

¹⁸⁴ Connell 2012, p.11

¹⁸⁵ Ehrlich 2002

¹⁸⁶ Mazzini 1860

definitions the women used. They divided up their world they perceived and categorized the domestic workers in according to their time, place and culture¹⁸⁷. The discourse stressed a distance relationship between the employed women and the employers. It existed a form of authority where the employers controlled expertise of housework. The official term in Italian, *the Colf* was mentioned just by Mrs Yellow. The definition is discursively professional and relates to law and regulations. If the other women knew the term or not is unknown. If they avoided to mention it or just that there were no awareness is interesting. A domestic worker was a “*help at home*”, with other words not a profession.

The women had domestic workers of different reasons. One reason connected them though and it was that they got tired doing everything by themselves and could afford a domestic worker with their *own* money. All the women spoke about themselves in first person, except Miss Purple who spoke in plural, explained that they had money to have the possibility to get “helped” at home. The family seemed to be far away and even the women did not seem to be available to delegate the domestic work to their “men”. Miss Purple got it free as her boyfriend paid the “domestic help” meanwhile the other women described as their husbands were not involved in this issue. So my interpretation is that the domestic worker was hired by the women, the domestic sphere was dominated by women and they decided to get a domestic worker or not in relation to their personal salary. Who did not have enough money depended by the man’s decision. My reflection which appears is that *money becomes freedom* for the women so they can *emancipate* from their gender role to physically perform the domestic issues.

The postmodern perspective point out how oppositions are culturally constituted categories, products, and producers of particular social and material relations¹⁸⁸. The discourse was directed in an I form and each opinion was subjective. The interviewed women’s conversations with me did not reflect nor opinions nor interest about the domestic worker. They spoke just about themselves and did not

¹⁸⁷ Bradley 2007, p.3

¹⁸⁸ Fletcher 1999, p5

mention the domestic worker's situation. Analyzing this it could be seen as they did not identified themselves with these women who helps them at home. An otherization and objectification where diversity, deviant and divergent classifications gets involved in the women's social construction of their worlds¹⁸⁹. This shows that there is not an essentially global female reality and structure. It reflects the constituted categories where the construction of individual experience is coloured by the societies arrangements and the way the interviewed women interpret their lives. Intersectionality becomes current and the interviews reflect the different dimensions of social life which cannot be separated in one definition where women become a unified category¹⁹⁰.

The perception of gender was related to domestic issues and women's field. All the women meant that there were a kind of emancipation not performing domestic issues anymore but at the same time they did not seem to be available to delegate the issues to men. The interviewed women did not seem to feel "oppressed" by their "men", instead it seem to be natural that they should do the issues by themselves or having the possibility paying with their own money another woman who could do it for them. They seemed to take this for granted. The white western feminism which Mohanty discuss cannot be applied in Castelli Romani, Italy in the same Europe in accordance to the interviewed women's descriptions. Historical and cultural context is fundamental which Mohanty underlines. Everything related to the "social world" have to be deployed in each specific context of feminism¹⁹¹. All the women argued for an economic possibility without a correct contract or without contract because in that case they could not afford it anymore. This creates a paradox. They could not afford a domestic worker in accordance with the "*juristic law*". They had been generated a "*living law system*" to have the possibility to get "helped" at home. Class and power relations become a paradox as the women were not of upper class instead many of them had "bad" or "false" contracts as well or worked "black". Mohanty argues that all

¹⁸⁹ Eva Schömer 2012

¹⁹⁰ Mohanty 2007

¹⁹¹ Mohanty 2007

social concepts must be observed such as class, gender, race, economics, religion, etc. to get a picture for what a woman really is¹⁹². They spoke about their domestic worker with a kind of “coldness” but something which was necessary in their daily life. It belonged and not at the same time to them and could be substituted at any time. The domestic workers which wanted less money were appreciated. Equal pay for equal work was not respected. Free market and free competition but with a power relation to earn the living hood in an illegally way where the lowest price win. The women who wanted domestic workers decided who can work or not in their “living law system” as they did not respect “law in books”. Their production of social reality involves just them regarding to the domestic sphere where men were excluded. Most of them classified men incapable to clean, wash, dish and so on in the way they wanted it to be performed. The domestic sphere were the women’s territory. This could be analyzed as they wanted to “grasp” this social room, command and dominate it. They can still do that if they have the economic possibility to afford a “woman” as a “help”.

From a postmodern feminist perspective the perceptions of the women’s world, “juristic law”, “law in action” and “living law”, need to be analyzed very careful. Flexibility and variation in the interpretation of the social reality of these women are fundamental as all of them had more or less the same picture on the concepts. A female domestic worker is a help who they give money doing issues which belongs to the capable women with expertize concerning domestic issues. It is not a job, it is an exchange of paid “favors” one could say. Law and regulations did not reflect in their social mirror. This was the view and truth of these women. The women who perform the domestic work views of the “job” probably differs from these women. They adapt themselves to the need in a new globalized world. This together created a new gender order as Connell defines it.

The interviewed women did not seem to recognize that the domestic workers had families and a life as well as they had and where they also need to do the domestic

¹⁹² *ibid*

issues for themselves. About the concept migrant, irregular or regular, the interviewed women did not really “care”. Women who come from Rumania are in the European Union but no one of the interviewed women seemed to be aware of this. They were “lumping” all female migrants in a categorization without to give them an identity. This is dangerous and not possible¹⁹³. I interpret like they classified migrants all in the same way. I got the feeling that migrants were everything which was not Italian in the women’s social constructed world. The European citizenship was far away from recognized. Ehrlich’s argumentation that “living law” is primary in social life therefore it has to be considered central to the development of “juristic law” is evident that it is not considered by institutions¹⁹⁴. In accordance with Ehrlich, “living law” can be very different from the norms of decision as they are used in courts and relied upon by legal professionals. He stresses that legal propositions have to be consistent with the codes of “living law” to be effective¹⁹⁵ and this is reflected in the interviewed women’s behavior. The law is not respected therefore not effective. The informal rules becomes the reality which is interpreted as “natural” and taken for granted.

Female refugees were something almost unknown and the word asylum did not belong to the interviewee’s dictionary. Going back to my introduction where I gave information about universities degree and the low percentage of the Italian population who studies at higher education this could be inserted as a “gap” in ordinary people’s life. Education with awareness of concepts, rules, behavior and the world in general was missing in the interviewed women’s social reality. Unskilled women hiring other women, skilled or unskilled, Italian or migrants, irregular or regular, or whatever it did not make any difference. It was not interesting. The domestic issues were categorized to not be a “job” in that sense that the domestic workers were not employed people. Mrs. Yellow whose domestic worker had a contract was just because it was too dangerous not making one in accordance to her explanation. Her sister was the responsible and specialist

¹⁹³ Mohanty 2007.

¹⁹⁴ Deflem 2008, p91

¹⁹⁵ Ibid

as she was a lawyer concerning the employment. Mrs. Yellow had not got the information as in her opinion her sister should follow all the situation. “Doing gender” where roles are created in the social activity in the specific context are evident in this case¹⁹⁶. Reality is something which comes, goes and changes. The reality for each person was in according to that person’s own special glasses. They were a ground and has been formed by the individual's history, experience, values and interpretations of these, and the person’s subjectivity and lived experience¹⁹⁷.

7.2 Law & behaviour

The women were aware that there are law and regulations but did not know them. Some spoke about contracts but were not aware of the specific law and regulations in relation to gender, migration and domestic work. Above all the latter one has always been subject for particular legislation in Italy¹⁹⁸. There are clear, stabled rules for this *profession*. Article 1 in the Italian constitution did not included domestic work for the interviewed women¹⁹⁹. This article is violated in all forms by the women. The “living law” was reflected in the women’s behavior and was not in accordance with the “law in books”. The living law was shaped regarding to the women’s “need”, “interest” and “economic” possibility. Following up by article 2, 3 and 4²⁰⁰ all of them were violated through a so “simply” thing like domestic work. No one had awareness of this and concrete distance to the juristic Italian rules and law were evident. The Italian Nation state law in this case had a secondary importance. Ehrlich’s perspective of legal sociology where social associations, where people recognize certain rules as binding and regulate their conduct in according to those rules²⁰¹ reflect the constructed reality in relation to gender, migrants and domestic work. They

¹⁹⁶ De Beauvoir 1986

¹⁹⁷ De Beauvoir 1986

¹⁹⁸ Article 1 law n: 2 April 1958. 339

¹⁹⁹ Italy is a democratic republic, founded on work. Sovereignty belongs to the people which exercises it in the forms and within the limits of the constitution.

²⁰⁰ In the Italian Constitution.

²⁰¹ Deflem 2008

violated the law without thoughts instead it was seen as “common sense” where informal rules was the path which regulated their conduct of behaviour²⁰².

EU were very far away for everybody and something which almost not touched the women’s constructed reality and world. A distance to juristic law and regulations between the interviewed women was visible. Law and regulations through too much taxes, expensive elderly homes and the view to feel comfortable staying at home for elderly people who needed assistance was illustrated in almost all of the women’s descriptions. In other words the social welfare system did not work through the state. Women needed to organize “the home” and “the family” by themselves.

Taking Aubert and Eckhoff’s research as an example of knowledge of laws, even though they have been specified particular legislations in their questions, my research reflects more or less the same. Knowledge of the law and understanding of the standards have many dimensions²⁰³. The individual consciousness with the social constructed truth of reality can be more or less precise and specific and general or more fragmentary. Aubert and Eckhoff spoke also about the norm insight which shows how life tend to be arranged and that this did not require by definition that the interviewed people know the legal existence. Indeed, one finds that there is a relationship between knowledge into law and norm insight²⁰⁴. In fact the respondents in my research had “general” knowledge which created the particular “law in action” which through the “living law” arranged their life. As the education level of the women was “low” there was a lack of information through school education of knowledge of formal rules. Aubert and Eckhoff argued that norm insight provides nor any clear awareness that it is about law or that it is about norms in the narrow verbal sense²⁰⁵. The results in their research regarding to the norm insight showed that knowledge of the content of the rules was more prevalent when it came to the provision of holiday and few mentioned

²⁰² Ehrlich 2002

²⁰³ Aubert and Eckhoff 1952

²⁰⁴ Aubert and Eckhoff 1952

²⁰⁵ Ibid

that there were rules about the length of work²⁰⁶. In my research rights in general were not mentioned at all, hence the payment was the only “right” and seemed to be enough as a “rule”. The women who had been making a contract even though all of them were “false”, less hour than the domestic worker worked, just did so because they were afraid for their own security and not interested for the person’s rights who performed the work. Otherization was reflected where rights for domestic workers did not exist²⁰⁷. Evaluating the EU articles 23 (2), 31 (2) and 31 (1) the result were that nobody respected them. Domestic workers who wanted contracts were “fired” and the woman who wanted less money per hour was “hired”. Also three women of the interviewed respondents defended the situation without contracts as they were working with “bad” and “false” contracts even them. Here they made a comparison between themselves and the domestic worker and put themselves at the same level. If they did not even have “good” contracts why should they give that to the domestic worker who just “cleaned”. Mohanty’s discussion about sisterhood is far away in this case but also the western stereotypical view of women. The women did not seem to interpret their domestic workers as oppressed in this case by them. They paid them and so was it. Nothing strange almost everybody did it was the explanation. Here comes “the living law” again and illuminate the discourse creating an informal “legal system”. This way to live was so common that it became “*natural*” and “*formal*” in the meaning that the construction of reality brought to have domestic workers working “black” without having awareness about law and regulations, rights and obligations. The informal law took over the formal ones. The “living law” can be analyzed as another “law system”, where the individual “law in action” was developed beside the “juristic law” for comfortable, convenient and egoistic reasons. They did not respect the “juristic law” and a common feministic association and relation to “other” women did not appear. They paid differently the women, they did not care about permissions to stay from the migrants and the “rules” of domestic work in general. Informal “accepted” behavior dominated formal rules. The principle of

²⁰⁶ Ibid

²⁰⁷ Eva Schömer 2012

subsidiarity is failed. The principle of subsidiarity connects the aim that the choices, decisions concerning the pursuit of European objectives are taken at the most appropriate level to allow citizens to express their needs and their decisions²⁰⁸. In this case nor needs nor decisions are expressed in an appropriate way as the women did not respect the “law in books”. On the other hand the citizens general interests are not respected by the “law in books” as well as the domestic worker is an increasing phenomenon even in families belonging to the “working class” and a common matter in the conducted research area. The proximity towards the women as citizens did not exist²⁰⁹. Ehrlich theory that the “juristic law” have to reflect the “living law” is with other words also failed. If this phenomenon is so common and the “juristic law” is completely violated it means that the law does not meet the social constructed concrete world.

7.3 The global care chain

The global care chain was unknown for everybody. The women started to reflect over the concept and they seemed to be highlighted but at the same time they remembered Italy’s past and history where many people emigrated and lived a hard life. The historical context, the individual past and current situation are of great importance. Solidarity which is defined by Mohanty as reciprocity, accountability and the need to recognize common interests as a prerequisite for the establishment of relations between different communities²¹⁰ are absent. Instead they found a justification through their past. Is this flexibility in the feminist thinking or oppression between women by themselves? The interviewed women’s need of help at home dominated to see over their social constructed reality. They were in the center with their situation. They had been finding a solution for the domestic issues and felt more or less emancipated. The women had created a new reality trying to live within the current ones²¹¹. Freedom to not perform domestic issues seemed to be a general feeling. The domestic sphere’s

²⁰⁸ Principle of subsidiarity

²⁰⁹ Villani 2011, pp.71-73

²¹⁰ Mohanty 2007, p.23

²¹¹ Bradshaw & Wicks 1997,p. 222

problematic need a historical specification²¹² The respondents were not aware of the globalization of domestic work. Two were personally involved and one knew a family which had a Ukraine woman as a domestic worker. In a so small research three women of six in Castelli Romani contributed to the global care chain without knowing it.

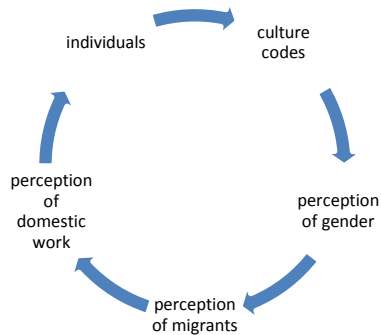
7.4 Regular, irregular and refugees migrants

Migrants, irregular or regular, were seen all at the same level. No difference between them. Women from Rumania were classified as migrants and nothing else even though they belong to the European Union which brings the consequence that they are union members on an exactly same level as the women who were interviewed. If the EU is distant from the people's social construction of the world and they have a moral distance to the Union it can be analyzed as quite a "natural" thing to distinguished it in the same way. Female refugees were something strange and abstract and belonged to an own category and there were no familiarization with them. The result of this is that integration is a unknown concept in the conducted research area. Refugee women with asylum could replace the irregular domestic workers creating a working market for them did not seem to be appreciated but at the same time the interviewed women were honest and explained that they were without information about the culture many refugee women brought with them.

²¹² Mohanty 2007, p.104

Chapter 8: Discussion

8.1 Coloured glasses



Life is a social construction of concepts, right and wrong, gender roles and the perception of what exists around us. How things work in a specific society is socially constructed. It is a circle where all pieces depend on each other. If a piece is missing the circle becomes uncompleted and these could be seen as a culture crisis. Each individual has its own coloured glasses where perceptions and interpretations of the reality are reflected. The truth which dominates in a specific society can help to understand why certain phenomena happen. The historical context plays a crucial role in people's way to perceive the reality. The "need" in a society changes with the "wave of time". The same problems need to get confronted and many times they get multiple. If the assistance of elderly people, caretaking of children and domestic issues are more or less the same, even though the technology helped a lot on the way with electronic machines, and where a social system does not meet the families on the way with a "juridical law" which reflects the social reality, "the living law" becomes a consequence to get over the obstacles the daily life offers. In the end, all the women meant that they could not afford providing contracts and following the rules but at the same time they were not even aware of law and regulations. This is a paradox where "education" is the key for everybody. To have information and knowledge is fundamental creating also a collective consciousness where social changes can start to appear and be respected in accordance to the need of a society.

8.2 *Formal & informal responsibility*



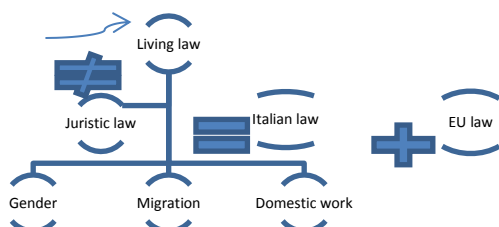
The different rules in the six interviewed women's perception of right and wrong becomes a paradox. Illegal behavior against legal way to act where the first one is stronger than the second. They tend to go on separate paths and are divergent in the conducted research area. Law and regulations and to recognize what is illegal and legal can sometimes be confusing and this is shown in this small research. Common behavior which is justified as something right even though it is illegal because of lack of information.

8.3 *Two law systems*

Ehrlich's theory shows that the living law are not in harmony with the juristic law. His theory together with the principle of subsidiarity do not reflect the interviewed women's need and decision making. The Italian and EU laws should shape the society and create stabled rules with rights and obligations for the citizens. This is not the case as all the interviewed women violate all the laws in relation to gender, migration and domestic work without *feeling guilty* as a citizens and above all as women in relation to other women. They in a sort of a way *discriminated* men and classified them as incapable performing domestic issues. This becomes a dilemma in gender equality "thinking" as women concerning domestic work do not feel on the same level as men. They are superior in this case. Flexibility, variation and no static definition of interpretation of concepts is shown in the women's perception and interpretation of their world.

Oppression between human beings becomes an evil circle. "Law in books" try to create equality between men and women all over the globe but unfortunately many times the concrete reality does not reflect the abstract "juristic law"

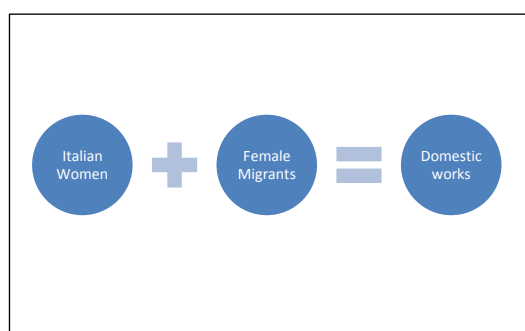
therefore human beings create a “living law system” which meet the practical situation.



My research gives the evidence that Ehrlich’s theory is correct. Two law system exists beside each other. “The living law” is very much stronger than the “juristic law”. The women’s behavior reflects “rules” established by them. I do not believe they did it because they were evil instead my analysis is that they did so to survive. They created a new gender system in a new postmodern society using the globalization without consciousness what everything is really about.

8.4 Soft data versus hard facts

The contribution of feminist research to the rise of qualitative methods is highlighted in this research. To get close to a culture to perceive the gender roles. Migration and domestic work through the eyes of individuals, a qualitative approach is the way to collect the soft data. Hard data can give a number but perceptions, interpretations, and the concrete reality often becomes blind through questionnaires with statistical percentage. The results of this research shows that: *the interviewed women interpret and perceive in their social constructed reality that have expertize of domestic work and just women are capable meanwhile men are not able to perform them.*



Chapter 9: Conclusions

9.1 Where and what does all this lead to?

It is time for conclusions. What my research can bring the academically world are of different arts. This has been a very small qualitative micro research where my targets have been to get knowledge about Ehrlich's concept of law related to gender, migration and domestic work. I have been seeking understanding if "living law" reflects the "juristic law" and how the women relates themselves to "law in action". I have been seeking information if there exists awareness of EU and Italian law and regulations by the women involved. The purpose was to capture an understanding of the "*perception*" and "*truth*" in regard to the women's behaviour on the concepts including female refugees with asylum and the global care chain. I can now after the conducted research highlight the connection between "law in action, "law in books" and "living law" through the women's interpretation and "juristic" knowledge concerning migrants, domestic work.

I will go through the research questions set in the beginning of this research in a reverse order, starting from the sub questions and finally answering the main research question.

First I was interested in what meaning was given to gender, migration and domestic work.

What emerged from the interviews were that five of six women spoke in singular with emphasis on "*I*" form regarding to domestic work. The discourse was colored and accentuated on women and the domestic sphere in a female environment. Men were not able to perform domestic issues. These tasks belonged to women and existed in the "veins". Female migrants, irregular or regular, Italians, no differences just one thing was fundamental: *They should be women*. Oppression did not seem to be felt by the women hence they showed a

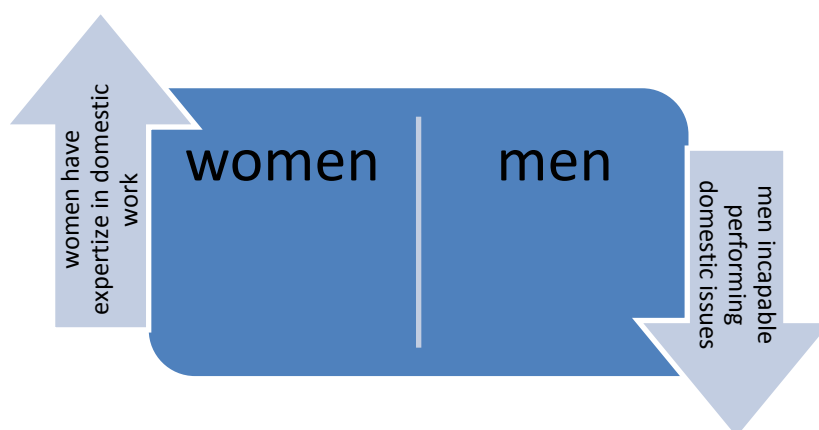
tendency to exclude, eliminate and leave out men in their meanings of the three concepts. Domestic work was illustrated like something different than a “job”. They gave a sense of the domestic work as not a profession. Their view showed that they had a necessity of other women to “help” them at home. They could, in that meaning, emancipate as women but doing so they needed to pay the domestic workers by their own money. This shows that it is a question of economics and that the freedom costs. To be free from the “boring” issues, as the women defined domestic work, another woman had to come and clean, dish, take care of the parents for them. The family members were excluded as participants in these issues. Old and ancient norms and values about women as the domestic workers have been transformed in the way that women still take care of these issues in a way or another. They are responsible.

Second I was interested in was if there were awareness of the EC and Italian law and regulations concerning gender, migration and domestic work?

The women involved in my research had lack of information of juristic law and regulations. The awareness was weak in that meaning of knowledge concerning rights and obligations. There were a glimpse of notions that it existed “formal laws” regarding to gender, migration and domestic work but it went on a path beside where “the living law” could be seen as a shortcut. The women knew they *should* employ formally the domestic workers but could not afford it. This is, in the end, a paradox as they did not have complete knowledge of “juristic law” with all the information regarding to contracts, taxes, rights and obligations etc. Their constructed reality and the truth for the women were “the living law” which showed a greater importance and the “common sense” for them related to the meaning they gave to the three concepts. They violated all the articles which have been evaluated in my research. They did not seem to feel guilty as they “*paid*” there domestic workers. Illness, maternity, pension were concepts which did not touch them and seemed to be far away in time. Ehrlich shows in his theory that

the women's constructed world in their society does not follow what the institutions think is the right thing.

My main research question is the behaviour through the “law in action” and “living law” related to gender, migrants and domestic work reflect the juristic Italian and EC law in books have been answered by my sub questions. My research shows that “the living law” regarding to gender, migration and domestic work are not reflecting established law by institutions by the women. The “law in action” has been shaped by some of the women hiring incorrectly their domestic workers. The research highlights that established rules and laws are not developed in accordance to the citizens need as the women spoke about high taxes. The meaning of gender, migration and domestic work is not an equal level between women and men. The women in my research excluded men both from an economically point of view as performing them. They classified men as incapable and not able to perform the domestic work as *they wanted it to be done*.



If a phenomenon like the one described in my research have so many difficulties to be followed by the law it means that something is missing in the development of laws, spreading of information and in legal education. Ehrlich theory needs still to be considered when institutions design and make laws. It is important to underline that there are nothing wrong with the laws in themselves by in the Italian context in Castelli Romani they do not work because of various

reasons. The explanation have been too many taxes, elderly homes are expensive and the family context in general with their specific approach and interpretation of the social constructed world in relation to gender, migration and domestic work.

If women recognize that domestic work is a female issue which they want to dominate it is important to approximate their reality with daily problems and economically situation. It is fundamental to create a system which reflects the needs in the society. Arriving to this conclusion it is essential to accomplish *qualitative research* to get close to people's perceptions and concrete social constructed reality.

Aubert and Eckhoff's research reflects somehow the Italian reality today where knowledge of laws through communication is fundamental. The history of Norway and Italy has been more or less the same concerning women, migrants and domestic work through time. Naturally differences are evident comparing the two countries where welfare and living standards are measured differently. Anyway reflecting on the research done 1952 and my research today I interpret that Italy is still "struggling" somehow with the education system as a high level of the population do not have higher education. Knowledge is the source for development. Italy has new technology, changes in the social sphere and family life but is a "welfare state" where the care sector lays on the families responsibility. High unemployment, few people who have a degree and many women who works with "bad" contracts or no contract at all creates a dilemma for the Italian families who need to pay for their family assistance.

EU is a supranational organization which need to consider the various social and culture context in Europe when they create directives, legislations and laws .I believe that the EU need a more sociological approach with qualitative research meeting new phenomena creating law and legislations. Every EU country has to be seen from their culture perspective and get a picture how each country *informally* works. Like it works today it creates dilemma for the European Union

and for each country where laws are violated and unknown as in my research. It is easy to establish law and regulations far away from the reality. Law and regulations have to reflect the people to get respected. Distance and lack of information creates illegal behavior and are justified as the “truth” for the population. My research give a “small” mirror of six Italian women and their perception of gender, migrants and domestic work. For sure it is not the same for women from Sweden, Germany, Poland, Rumania and yes, the list can be very long. To meet new phenomena outlines must be drawn from each specific society to not create difficulties for each country.

9.2 Limitations of the study

I believe that it is not possible to find an universal “truth” and that the truth in itself is unattainable because reality in its own is not single and static. Reality is also influenced and altered by any processes through which a researcher attempts to investigate and represent it²¹³. Does this then mean that the conventional criteria for evaluation (generalizability, reliability and validity) do not apply in my research²¹⁴? My research material consists of total six interviews by no means it is possibly to expect generalizability. But the interviewees are in the core matter of my research phenomenon and *the best experts* on that I can imagine. The women described their social constructed reality where all had the same perception: *women perform domestic issues*. Speaking about right or wrong, deviant and divergent thoughts, natural or unnatural, normal or not, the reality are reflected differently and cannot be established without knowing and understanding the culture code in each country.

9.3 Further research

In this research I have only grasped the concept of six interviewed women’s perception of gender, migration and domestic work in Castelli Romani. A small view of “law in action and “living law” in relation to “law in books”. What

²¹³ Taylor 2001(a), p.319

²¹⁴ Alasuutari 1995

continues to attract me is the broader and deeper understanding of how these concepts are constructed and what affects them. It would be interesting to interview the women's "men" to see how they interpret gender, migration and domestic work. The same would be very intriguing interviewing the women's domestic workers. Making a comparative analysis of interpretations and reflections from these three sides. Another attractive study could be when men, women and domestic workers (migrants or not) in the domestic sphere are in interaction. One could study situations when they are interacting with each other by observation. What would this reveal of gender, migration and domestic work dynamics? How would gender, migrants and domestic work be represented in these kinds of situations? What kind of concrete behavior would be conveyed in different interaction situations? Another further research could be to insert female refugees with asylum to create an integration into the society for them. Like this the Italian families get familiar with these part of the society as it seems that it is unknown and far away. The necessity of domestic workers are common and as the families organize the domestic issues including caretaking of elderly people the female refugees could be a source creating new "juristic law" with conventions to create a working market for them and where the Italians can employ formally in accordance with "law in books" the domestic workers. As gender seems to be perceive to dominate the domestic sphere and no oppression exists from men in the women's descriptions why not see this like the truth of this society. Making an "experiment" letting female refugees with asylum start to work as domestic workers gives them a possibility to get close to the Italian population and at the same time letting the Italians knowing a new culture breaking this barriers of distance. A further research could be conducted to explore migrants situation and the female refugees' with asylum point of view. The perception should be drawn 360 grades to create a successfully integration for everybody and to avoid paradoxes, dilemmas and contradictions between "living law" and "juristic law". It is a human right to be treated with respect where rights and obligations exists for everybody.

Chapter 10: Summary

This thesis treats six Italian women who have been interviewed with a interview guide to get an understanding if their behavior through “law in action” and “living law” reflects the EU and Italian law in books. Outlines are given of the women’s perception and meaning they give to gender, migration and domestic work. A case study has been conducted with a qualitative methodology using convenience samples in Castelli Romani, Italy. The theories in the thesis are based on Eugen Ehrlich’s “law in books”, “law in action” and “living law” and a postmodern feminist perspective together with a social constructivist approach with Mohanty Chanty Talpade as a “feminist” guide. The results has been analyzed through a discourse analysis to reach an answer of the purpose and aim of the research.

The results of the interviews give a picture that domestic work is not seen as a “real” job and hiring other women who make the domestic issues is a “help” for the interviewed women. Colf, the official term for domestic worker in Italian was mentioned just by one woman meanwhile the others called it domestic help, the cleaning woman or the woman who cleans. This give a picture of something “unprofessional” but at the same time the interviewed women were dependent of their domestic worker which gave them a sort of feeling of freedom and emancipation to not need to clean, wash, dish and so on at home. All the women except one paid by their own salary and excluded their husbands speaking in singulars. One woman spoke in terms of dependence of her boyfriend who organized and paid the domestic worker as she could never afford it. Economic terms was the main argumentation to have the possibility to *taste* the emancipation of freedom not being obliged performing domestic issues. The family members were not involved in the domestic issues at home. I got the feeling that all the interviewed women “*wanted*” to dominate the domestic sphere and not left issues to the other family members commanding this social room alone. The result reflects that the perception of domestic work is the woman’s field. They have expertize and can classify how the domestic sphere shall be in

general. They are specialists and men at the end are not able to perform this kind of issues.

Law and regulations from both a nation state's side as a European one was faraway. Law and regulations were something which, if they were, was respected just from a personal point of view to be "safe" and to not risk too much. "Law in action" where the law was obeyed in part of personal reasons. "The living law" had been created and shaped by the women's interests and need. That the domestic worker was a real employee was not perceived by anyone of the interviewed women. Some of the interviewed women compared themselves and meant that they did not even have a real contract so why should they give the domestic "help" a real one? The domestic worker has a rigid regulation in Italy but no one of the women respected it or better did not even have an idea what it contained.

Migrants, irregular or regular, were seen all at the same level. No difference between them. Women from Rumania were classified as migrants and nothing else even though they belong to the European Union which brings the consequence that they are union members on an exactly same level as the women who were interviewed. In the end if the EU is distant from the people's social construction of the world and they have a moral distance to the Union it can be analyzed as quite a "natural" thing to distinguished it in the same way. Refugees in general were something strange and abstract. Female refugees belonged to an own category and there were no familiarization with them. The result of this is that integration is a unknown concept in the conducted research area. Refugee women with asylum could replace the irregular domestic workers creating a working market for them did not seem to be appreciated but at the same time the interviewed women were honest and explained that they were without information about the culture many refugee women brought with them.

The principle of subsidiarity as concept is failed as these citizens need and interests are not met in law and regulations. Ehrlich's argumentation about "law in

books”, “law in action” and “living law” and that they do not necessary need to meet each other is evident in this research. The formal path has been cancelled instead a shortcut to resolve daily problems has been chosen. Ehrlich thoughts that “juristic law” need to be developed in relation to” living law” is evident. Another important factor was the opinion that many of the women from Rumania wanted contracts to work meanwhile Italian women did not ask for it. This could be seen as a tendency and a reflection of the economic crisis which Italy is struggling with. Like this we return to Aubert and Eckhoff’s time and research. Italian women works as domestic workers to survive again as they did sixty years ago. Half of the female population in Italy are unemployed *formally*. Probably this is not the reality instead many women work without rights and obligations in the same way migrants do. One of the women who had a domestic worker from Ukraine had to make “many papers” for her employment. She meant that this was possible as her sister was following it and could do so as she was a lawyer. Female refugees with asylum who often do not work could be employed without too much bureaucracy as they are already regular migrants. An ulterior integration could be to regularize the Italian women so they get into the statistics formally creating “juristic law” which can *be respected* in the society. Paradoxes and dilemmas both from a juridical point of view as a social one. No integration for no one at the end. Neither for the women from Ukraine, neither for the female refugees and neither for the Italian women.

The concept of global care chain was unknown for all the interviewed women and two was personally involved in it and a third one’s friend contributed to it. The construction of social reality was connected just to the area and the borders Castelli Romani gave. Nothing else existed. Many factors are involved in the culture code in the conducted research area. The European dilemma where gender, migration and domestic work creates an equation which creates consequences in a global perspective where rights and obligations are not given to every human being. The global care chain is larger than one can imagine and people are not even aware of it. Freedom and emancipation not performing

domestic issues anymore contributing to a globalized phenomenon which does not have borders which appears to be nice, comfortable and free at least for some people. Who is emancipated or not, the Italian women, regular/ irregular migrants or female refugees with asylum is a good question and research concerning this could be done in the future. The perception of freedom can be interpreted in various way always depending on the specific social construction in a specific society.

It is fundamental to conduct micro-sociological (of law) studies to get near the people's social constructed world, their needs, their "law in action" and "living law" system to create "juristic law" which meets the people's concrete reality.

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Interviews

Interviewed persons in March 2013:

Italian women with domestic workers

6

Appendix

Interview guide

- Is your domestic worker Italian, regular migrant or irregular migrant?

- What kind of domestic work?
 - a) ironing
 - b) cleaning and dishing
 - c) cooking
 - d) caretaker of children
 - e) caretaker of parents

Does your family members helps at home?

Why do you have domestic work?

Why did you choose as a domestic worker?

Does your domestic worker have a contract?

- Why does she have a contract?
- Why doesn't she have a contract?

Why did you choose a Italian/ regular migrant/irregular migrant as a domestic worker?

Do you feel emancipate not doing domestic work anymore?

Do you know the Italian law and regulations concerning domestic work with rights and obligations?

Do you know the EU law and regulations concerning domestic work with rights and obligations?

Did you hear about the global care chain?

What is your opinion about female refugees who has asylum in Italy?

Would you be available to employee a female refugee which has asylum as a domestic worker?