
Nanny Diaries and Other Stories: Imagining Immigrant Women's Labor in the Social Reproduction of American Families

Mary Romero

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

Recommended Citation

Mary Romero, *Nanny Diaries and Other Stories: Imagining Immigrant Women's Labor in the Social Reproduction of American Families*, 52 DePaul L. Rev. 809 (2003)
Available at: <https://via.library.depaul.edu/law-review/vol52/iss3/4>

This Article is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact digitalservices@depaul.edu.

NANNY DIARIES AND OTHER STORIES: IMAGINING IMMIGRANT WOMEN'S LABOR IN THE SOCIAL REPRODUCTION OF AMERICAN FAMILIES

Mary Romero*

Wanted: One young woman to take care of four-year-old boy. Must be cheerful, enthusiastic, and selfless—bordering on masochistic. Must relish sixteen-hour shifts with a deliberately nap-deprived preschooler. Must love getting thrown up on, literally and figuratively, by everyone in his family. Must enjoy the delicious anticipation of ridiculously erratic pay. Mostly, must love being treated like fungus found growing out of employer's Hermès bag. Those who take it personally need not apply.¹

INTRODUCTION

Two former nannies employed on the Upper East Side of Manhattan offer this want advertisement as an illustration of employers' expectations and working conditions awaiting potential employees. Although it is a fictionalized account of their total six-year experience as nannies while attending college, Emma McLaughlin and Nicola Kraus's *The Nanny Diaries: A Novel* has spurred significant attention from the media.² Editorials, letters to the editor, book reviews, and talk shows interviewing the authors or discussing the book are the most recent episode in the national dialogue on the "servant prob-

* Professor, School of Justice Studies, College of Public Programs, Arizona State University. Ph.D., Sociology, University of Colorado. My thanks to Mary Ann Becker, Craig Mousin, and members of the DePaul Law Review for inviting me to participate and contribute to this Symposium. Thanks to Kevin Johnson and Gil Gott for brainstorming ideas. Nancy Jurik and Michelle Habell-Pallan offered helpful comments. Megan Falater provided excellent research assistance.

1. EMMA McLAUGHLIN & NICOLA KRAUS. *THE NANNY DIARIES: A NOVEL* (2002) [hereinafter *THE NANNY DIARIES*].

2. See, e.g., Mardi Anderson de Barajas, *Kids in Diary Straits*, *HERALD SUN* (Melbourne), May 18, 2002, at W30; Jan Ganahl, *Satirical "Diaries" Causing Tantrums*, *S.F. CHRON.*, Apr. 28, 2002, at E2; Rachel Leibrock, *"Nanny Diaries" Fiction Comes Close to the Facts*, *SACRAMENTO BEE*, Apr. 25, 2002, at E1; CNNfn: *The Biz, New Book, "The Nanny Diaries," Hits Home with Wide Audience*, Mar. 15, 2002, available at 2002 WL 4635013; Diana Nyad, Interview, *Nicola Kraus and Emma McLaughlin, Authors of "The Nanny Diaries," Discuss Traveling with the Wealthy* (Minn. Pub. Radio, *Savvy Traveler*, Mar. 23, 2002), available at 2002 WL 7746344; *NBC Today Show* (NBC television broadcast, Mar. 13, 2002), available at 2002 WL 3318899.

lem.”³ Perspectives on cleaning and childcare services done in private households emerging from *The Nanny Diaries* are similar to recent public exposures of the working conditions and paid arrangements for childcare and housework in upper-middle- and upper-class families (a.k.a. Nannygate).⁴ However, unlike Zoë Baird,⁵ Kimba Wood,⁶ or Linda Chavez,⁷ McLaughlin and Kraus’s fictionalized employers, Mr. and Mrs. X, did not hire an immigrant, but rather Nan, “a 21 year-old part-time nanny and full-time NYU senior majoring in education.”⁸

Life as a nanny named Nan is drafted into a plot that immigrant nannies may not recognize: “Nan is trying to graduate from college, start a romance and find a better job. But like Cinderella, she’s sidetracked by the constant harping of her employers to hurry, hurry, hurry and help plan a party, buy foie gras and locate the mistress’ missing underwear.”⁹ Media responses generally bypassed references to exploitative employment practices documented by researchers¹⁰ and human rights reports.¹¹ Instead, the authors reduce labor issues in domestic work and childcare to comical scenes between Mary Pop-

3. See Mary Romero, *Immigration, the Servant Problem, and the Legacy of the Domestic Labor Debate: “Where Can You Find Good Help These Days!”*, 53 U. MIAMI L. REV. 1045, 1052-57 (1999) (providing a historical overview of the servant problem).

4. See *id.* at 1057 (describing public opinion surrounding Nannygate involving Zoë Baird and Kimba Wood).

5. See MARY ROMERO, MAID IN THE U.S.A. 9 (2002); Kevin R. Johnson, *Los Olvidados: Images of the Immigrant, Political Power of Noncitizens, and Immigration Law and Enforcement*, 1993 BYU L. REV. 1139, 1140-44 (discussing the invisibility of Baird’s immigrant employees in the Nannygate scandal); GRACE CHANG, DISPOSABLE DOMESTICS: IMMIGRANT WOMEN WORKERS IN THE GLOBAL ECONOMY 55 (2000) (arguing that the invisibility of workers in Nannygate resulted from the public’s attitude toward undocumented workers in general).

6. See ROMERO, *supra* note 5, at 10.

7. See *id.* at 14.

8. Bettina Stoller, ‘Diaries’ Show Nanny Knows Best, TIMES UNION, Apr. 21, 2002, at J4.

9. Lauren Beckham Falcone, *Mommy Dearest; Former Nannies Spill the Dirt on Jobs with Wealthy Families*, BOSTON HERALD, Mar. 8, 2002, at 43.

10. See JUDITH ROLLINS, BETWEEN WOMEN: DOMESTICS AND THEIR EMPLOYERS (1985); BONNIE THORNTON DILL, ACROSS THE BOUNDARIES OF RACE AND CLASS: AN EXPLORATION OF WORK AND FAMILY AMONG BLACK FEMALE DOMESTIC SERVANTS (1994); BRIDGET ANDERSON, DOING THE DIRTY WORK? THE GLOBAL POLITICS OF DOMESTIC LABOUR (2000); CHANG, *supra* note 5; RHACEL SALAZAR PARREÑAS, SERVANTS OF GLOBALIZATION: WOMEN, MIGRATION AND DOMESTIC WORK (2001); PIERRETTE HONDAGNEU-SOTELO, DOMÉSTICA: IMMIGRANT WORKERS CLEANING AND CARING IN THE SHADOWS OF AFFLUENCE (2001); ROMERO, *supra* note 5.

11. See Human Rights Watch, *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States* (2001), available at <http://www.hrw.org/reports/2001/usadom> (last visited Jan. 20, 2003) [hereinafter Human Rights Watch, *Hidden in the Home*]; Human Rights Watch, *Unfair Advantage: Workers’ Freedom Association in the United States Under International Human Rights Standards* (2000), available at <http://www.hrw.org/reports/2000/uslabor> (last visited Jan. 20, 2003) [hereinafter Human Rights Watch, *Unfair Advantage*].

pins and Jackie Collins.¹² Nan shares the same social status as her employers. Consequently, unregulated practices that allow abusive employers to avoid prosecution, the lack of venues for employees to address grievances, and other violations of employee rights of household workers and nannies are reduced to “personality conflicts” between women. Thus, the site of employee struggle is successfully moved away from the labor process and globalization of household labor and caregiving.¹³ Locating immigrant nannies in the shadows of the novel,¹⁴ McLaughlin and Kraus are assured that their readers will identify with Nan. As readers, we can ignore the uncomfortable realities surrounding families and communities who rely on immigrants’ low-wage labor in reproducing the American family.¹⁵ Policies and practices creating and reinforcing the vulnerability and exploitability of immigrant labor used to reproduce the upper-middle- and upper-class American (as well as worldwide) family lifestyle are invisible to our national imagination.¹⁶

The following Article interrogates this erasure of immigrant women from our vision of who we are as United States citizens. I analyze the process and function of placing immigrant domestics and nannies in the shadows and avoiding issues surrounding employee rights, safety

12. See Falcone, *supra* note 9, at 43.

13. See, e.g., Adair Lara, *Nanny facts and fiction; Inspired by tell-all novel, Bay Area moms and their sitters talk about arrangements' pros, cons*, S.F. CHRON., Apr. 28, 2002, at E2. After interviewing both nannies and employers and finding both agreed the work was a “demanding, often underrated job,” Lara still drew the conclusion that “a nanny and mother can have a rich, rewarding relationship. As with so many things, it seems to be just a matter of finding the right match.” *Id.*

14. See, e.g., McLAUGHLIN & KRAUS, *supra* note 1, at 172-73 (referencing a Salvadoran immigrant caretaker who worked in order to send money back to her children).

15. Erased from the national landscape is the immigrant labor behind the abundant (as well as affordable) fruits and vegetables beautifully piled in local grocery stores, the lush green lawns, the replanted and pruned gardens, and the ongoing home repairs and additions. See generally DON MITCHELL, *THE LIE OF THE LAND: MIGRANT WORKERS AND THE CALIFORNIA LANDSCAPE* (1996); Christopher David Ruiz Cameron, *Forging Our Identity: Transformative Resistance in the Areas of Work, Class, and the Law: The Rakes of Wrath: Urban Agricultural Workers and the Struggle Against Los Angeles's Ban on Gas-Powered Leaf Blowers*, 33 U.C. DAVIS L. REV. 1087 (2000); Johnson, *supra* note 5; LEO R. CHAVEZ, *SHADOWED LIVES: UNDOCUMENTED IMMIGRANTS IN AMERICAN SOCIETY* (1992).

16. See generally PARREÑAS, *supra* note 10; HONDAGNEU-SOTELO, *supra* note 10; Janet Henshall Momsen, *Maids on the Move*, in *GENDER, MIGRATION AND DOMESTIC SERVICE* 10 (Janet Henshall Momsen ed., 1999) (stating that “migrants are increasingly well-educated and from families with sufficient income to fund the costs of migration”); JACQUELINE ANDALL, *GENDER, MIGRATION AND DOMESTIC SERVICE: THE POLITICS OF BLACK WOMEN IN ITALY* (2000); NICOLE CONSTABLE, *MAID TO ORDER IN HONG KONG: STORIES OF FILIPINA WORKERS* (1997); MICHELE RUTH GAMBURD, *THE KITCHEN SPOON'S HANDLE: TRANSNATIONALISM AND SRI LANKA'S MIGRANT HOUSEMAIDS* (2000).

and health problems, and childcare needs.¹⁷ I refocus the immigration lens (and the Symposium theme, “Beyond Belonging”) to frame the reproduction of the American lifestyle requiring an abundance of exploitable immigrant women labor in the twenty-first century. I argue that the nexus of immigration, nationality, and markets is central to the social reproduction of the “American” family, communities, and country. Immigrant women provide affluent families with “assisted reproduction” in the United States (and internationally), and this assistance is vital to “conceiving the new world order.”¹⁸ Images of black women toiling in kitchens, cleaning houses, and caring for employers’ children have been largely replaced by immigrant women, many who speak Spanish and are undocumented.¹⁹ Although hidden from the public’s view as they work in employers’ homes, visible signs do exist: immigrant riders of color on public transportation in affluent neighborhoods,²⁰ and women of color (frequently in uniforms) in parks caring for white children or pushing the wheelchairs of their invalid charges.²¹ I contend that contemporary social, economic and legal conditions shape the constraints and opportunities for immigrant household workers and nannies (and their families). Consequently, these conditions (1) reproduce gender, race, ethnic and class privileges; (2) blur the ideological contradictions of equality and justice embedded in the “American Dream;” and (3) reinforce the existing social stratification.

Two points about immigrant domestic workers are central to my comments on immigration and the prolongation of the subordinate status of women. First is the contradiction in anti-immigration sentiment exhibited both prior to as well as after 9/11, and the employment of immigrant women who are entrusted with employers’ homes and

17. See Donna E. Young, *Working Across Borders: Global Restructuring and Women’s Work*, 2001 UTAH L. REV. 1, 26-37 (discussing legal exclusions of paid domestic workers).

18. See FAYE D. GINSBURG & RAYNA RAPP, *CONCEIVING THE NEW WORLD ORDER: THE GLOBAL POLITICS OF REPRODUCTION* at xi (1995).

19. See generally LISA ANDERSON, *MAMMIES NO MORE* (1997); K. SUE JEWELL, *FROM MAMMY TO MISS AMERICA AND BEYOND: CULTURAL IMAGES & THE SHAPING OF US SOCIAL POLICY* (1993); DIANE ROBERTS, *THE MYTH OF AUNT JEMIMA: REPRESENTATIONS OF RACE AND REGION* (1994).

20. See, e.g., Patricia Baquedano-López, *A Stop at the End of the Bus Line: Nannies, Children, and the Language of Care* 1 (2002), available at <http://workingfamilies.berkeley.edu/papers.html> (last visited Jan. 15, 2003) (referring to 576 Metropolitan Transportation Authority in Los Angeles as “the nanny express”); Douglas P. Shuit, *Crosstown Bus Links Two Worlds: The MTA’s 576 line ferries domestic workers daily from South L.A. to Westside mansions: ‘Nanny Express’ Riders Often Treat Each Other Like Family*, L.A. TIMES, July 4, 2000, at A1; Douglas P. Shuit, *Restless Riders: Transit: Regular MTA passengers worry about how a strike would disrupt their lives, perhaps even threaten their jobs. ‘I couldn’t get around,’ says one*, L.A. TIMES, Sept. 7, 2000, at A2.

21. See generally Baquedano-López, *supra* note 20.

children. This irony is based on normalizing the process to hire underpaid immigrant women in the underground economy as domestic workers, while vilifying immigrants as a threat to the "American way of life."²² Second is the failure of the caregiving movement in the United States to place immigration at the center of its discussion. Considering caregiving within the larger framework of the global economy places immigrant women (both as potential providers and recipients) at the center of the caregiving crisis.

I draw from popular culture to analyze the normalization of processes used to employ immigrant domestic workers. I begin by comparing and contrasting the depiction of domestic workers and nannies in *The Nanny Diaries* to social science research. I then turn to another form of popular culture to identify recurring images and myths depicting immigrant women in caregiving roles. Examining film representation of immigrant women domestics is significant in "any strategy that seeks to redress issues of cultural and material inequality."²³ In addition, analyzing the characterization of domestic service reveals the normalization of race, class, gender and citizenship privileges in popular culture. I then interrogate the peculiarities of paid childcare constructed by competitive and intensive mothering that utilizes third-world immigrant women's labor. This third-world assisted reproduction consists of socialization processes that maintain and reflect class, race, gender, ethnicity and citizenship systems of privilege. State immigration and labor regulations, alongside employers' hiring preferences and practices, result in the commodification of immigrant women in the globalization market of carework, as well as prolonging their subordinated status.

II. *THE NANNY DIARIES*: REALITY OR FANTASY?

Given the media attention and public discourse generated by the novel, it is worth asking the question: How representative is *The Nanny Diaries*?²⁴ Is it an accurate servant's or childcare worker's

22. See CHANG, *supra* note 5, at 30-31 (arguing that pro and con immigrant advocates separate immigrants as worthy and unworthy). See generally Johnson, *supra* note 5 (arguing the significance of images in shaping national consciousness in immigration law and enforcement).

23. ANGHARAD N. VALDIVIA, *A LATINA IN THE LAND OF HOLLYWOOD AND OTHER ESSAYS ON MEDIA CULTURE* 90 (2000). See generally Margaret M. Russell, *Race and the Dominant Gaze: Narratives of Law and Inequality in Popular Film*, 15 *LEGAL STUD. F.* 243 (1991) (discussing "dominant gaze" in popular film and its objectification of racial identity and the trivialization of their experiences while intending to be representative).

24. See generally Hope Lewis, *Universal Mother: Transnational Migration and the Human Rights of Black Women in the Americas*, 5 *J. GENDER RACE & JUST.* 197 (2001) (discussing the implications of stories surrounding immigrant domestic workers in establishing a human rights discourse on abuses).

world view of employers and domestic service at the beginning of the new century? Is the plight of workers in the occupation dependent upon the selection of the “right” employer as suggested by the authors?²⁵ Is the uniqueness of the female employee-employer relationship a result of “having someone work in your home,” or the lack of a normative script between women as McLaughlin claimed in a recent interview?²⁶ How well does a white, twenty-one-year-old female fictional character, Nan, serve as a spokesperson for nannies in the public discourse on paid caregiving?

Given the large number of undocumented immigrants and United States workers employed “off the books,” workers with temporary or permanent visas, and the broad category that the Department of Labor and the Census classify as domestic service,²⁷ precise numbers of domestics and nannies are difficult to obtain.²⁸ Assessing the United States Bureau of Labor Statistics, Human Rights Watch estimates that 800,000 private household workers were officially recorded in 1998, of which 30% were immigrant women.²⁹ Regions exporting the largest number of women to labor as domestic servants are Asia, Africa, Latin America, and Eastern Europe.³⁰ Research conducted on domestics in the United States include immigrants from Latin America,³¹ the Caribbean,³² and the Philippines.³³

25. See generally Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990) (discussing the importance of voice in avoiding essentializing women's experiences).

26. Ganahl, *supra* note 2.

27. Under the category of “private household workers,” the U.S. Bureau of Labor Statistics includes chefs, cooks, food preparation workers, and child care workers. The category of child care workers may include babysitters, nannies, infant nurses, and governesses. U.S. Department of Labor, *Occupational Outlook Handbook*, available at <http://stats.bls.gov/oco/ocos175.htm> (last visited Sept. 29, 2002).

28. See, e.g., Lara, *supra* note 13. San Franciscan reporter Adair Lara offers the typical summary of metropolitan areas with income inequality among women: “No one keeps track of how many Bay Area children are being raised by nannies—it’s a private transaction that is sometimes paid for under the table—but thousands of families hire these full-time baby sitters.” *Id.*

29. See Human Rights Watch, *Hidden in the Home*, *supra* note 11.

30. See Helma Lutz, *At Your Service Madam! The Globalization of Domestic Service*, 70 FEMINIST REV. 89 (2002).

31. See HONDAGNEU-SOTELO, *supra* note 10; Doreen J. Mattingly, *Job Search, Social Networks and Local Labor-Market Dynamics: The Case of Paid Household Work in San Diego, California*, 20 URB. GEOGRAPHY 46 (1999); Doreen J. Mattingly, *Making Maids: United States Immigration Policy and Immigrant Domestic Workers*, in GENDER, MIGRATION, AND DOMESTIC SERVICE, *supra* note 16, at 62; Chad Richardson & Cruz C. Torres, “Only a Maid”: *Undocumented Domestic Workers in South Texas*, in BATOS, BOLILLOS, POCHOS, AND PELADOS: CLASS AND CULTURE ON THE SOUTH TEXAS BORDER 69 (Chad Richardson ed., 1999); Marfa de la Luz Ibarra, *Mexican Immigrant Women and the New Domestic Labor*, 59 HUM. ORG. 452 (2000); Grace A. Rosales, *Labor Behind the Front Door. Domestic Workers in Urban and Suburban Households*, in ASIAN AND LATINO IMMIGRANTS IN A RESTRUCTURING ECONOMY, THE META-

A distinctive characteristic of domestic service in the United States is the race and ethnic differences between employer and employee. The intersection of class, race, and ethnicity has been a prominent component to the study of African-American,³⁴ Chicana³⁵ and Japanese-American³⁶ domestics. Racial distinctions remain a striking feature identifying caregivers from their charges and employers.³⁷ Reflecting on the playground scene in Central Park depicted in *The Nanny Diaries*, one onlooker contrasted the faces of children and caretakers:³⁸

There are also adults there, but curiously, the faces of the two groups (adults and children) don't match. For every white child in a stroller, there is a black woman leaning down, to guide a juice box into their mouth. If she isn't black, she is Hispanic or Asian. The women are the children's nannies. In many cases, they are stepping in for white parents, who are working full-time.³⁹

Apparent differences between native-born and immigrant women of color employed as maids and nannies are education and previous work experience. African-American,⁴⁰ Chicana⁴¹ and Japanese-American⁴² women rarely have more than a high school education. A growing number of Latina and Caribbean immigrants are high school and college graduates, and some have held white-collar positions in their homeland.⁴³ Helma Lutz noted the international trend toward

MORPHOSIS OF SOUTHERN CALIFORNIA 169 (Marta López-Garza & David R. Diaz eds., 2001); Leslie Salzinger, *A Maid by Any Other Name: The Transformation of "Dirty Work" by Central American Immigrants*, in *ETHNOGRAPHY UNBOUND: POWER AND RESISTANCE IN THE MODERN METROPOLIS* 139 (Michael Burroway et al. eds., 1991).

32. See Shellee Colen, "Like a Mother to Them": *Stratified Reproduction and West Indian Childcare Workers and Employers in New York*, in *CONCEIVING THE NEW WORLD ORDER. THE GLOBAL POLITICS OF REPRODUCTION* 78 (Faye D. Ginsburg & Rayna Rapp eds., 1995); Ida Susser, *The Separation of Mothers and Children*, in *DUAL CITY: RESTRUCTURING NEW YORK* 207 (John Hul Mollen Kopf & Manuel Castells eds., 1991); JULIA WRIGLEY, *OTHER PEOPLE'S CHILDREN* (1995).

33. See generally PARREÑAS, *supra* note 10.

34. See ROLLINS, *supra* note 10; DILL, *supra* note 10.

35. See ROMERO, *supra* note 5.

36. See EVELYN NAKANO GLENN, *ISSEI, NISEI, WAR BRIDE: THREE GENERATIONS OF JAPANESE AMERICAN WOMEN IN DOMESTIC SERVICE* (1986).

37. See WRIGLEY, *supra* note 32; HONDAGNEU-SOTELO, *supra* note 10.

38. The photo on the cover of Pierrette Hondagneu-Sotelo's book, *Doméstica*, captures this contrast. HONDAGNEU-SOTELO, *supra* note 10.

39. Caroline Overington, *Mothering That's for The Nanny*, *THE AGE* (Melbourne), Apr. 27, 2002, at Insight 2.

40. See generally ROLLINS, *supra* note 10; DILL, *supra* note 10.

41. See ROMERO, *supra* note 5, at 40-41.

42. See generally GLENN, *supra* note 36.

43. See HONDAGNEU-SOTELO, *supra* note 10; Rosales, *supra* note 31, at 175; Baquedano-López, *supra* note 20, at 10.

older and better educated third-world immigrant women in her survey of research on the globalization of domestic service. Unlike younger and single European immigrant women at the turn of the twentieth century, these women work to cope with financial crisis, to support families, and to educate their children.⁴⁴ Thus, Nan's race, marital status, and citizenship are not characteristic of many women employed as nannies in the United States. With the exception of European women immigrating to the United States with J-1 visas to work as *au pairs* while pursuing their education, most immigrant women are not part-time college students. Nan's career trajectory is obviously destined for a professional or managerial position; whereas, older immigrant working mothers find little if any social mobility. For these women, domestic service is best described as a ghetto occupation rather than a bridging occupation.⁴⁵

Nan informs the reader of the existing continuum of childcare arrangements which she designates as three types of nanny gigs: (1) "a few nights a week for people who work all day and parent most nights;" (2) "'sanity time' a few afternoons a week to a woman who mothers most days and nights;" and (3) "provide twenty-four/seven 'me time' to a woman who neither works nor mothers."⁴⁶ Embedded in this classification are live-in positions (twenty-four hours a day, seven days a week)⁴⁷ and day workers that might work solely for one employer full-time or for a number of employers. Employers make arrangements with agencies, franchises,⁴⁸ collectives,⁴⁹ or directly with the employee. Employees working on their own include some that

44. See Baquedano-López, *supra* note 20; *id.*; see also Momsen, *supra* note 16; Devon W. Carbado, *Motherhood and Work in Cultural Context: One Woman's Patriarchal Bargain*, 21 HARV. WOMEN'S L.J. 1 (1998).

45. See ROMERO, *supra* note 5, at 123-24 (applying bridging occupation to women of color employed as domestic workers in the United States). See generally Evelyn Nakano Glenn, *Occupational Ghettoization: Japanese American Women and Domestic Service, 1905-1970*, 8 ETHNICITY 4, 352 (1981).

46. McLAUGHLIN & KRAUS, *supra* note 1, at 26.

47. Accommodations for live-in employees are neither standardized nor regulated. Even specific areas referred to as "maid's quarters" may differ in size but are almost always located next to the kitchen. Modern homes frequently do not include "maid's quarters," and employers may allocate the guest bedroom or have the employee share with their child or sleep in a space allocated for storage or the wash room. See generally Audrey Macklin, *Foreign Domestic Worker: Surrogate Housewife of Mail Order Servant?*, 37 MCGILL L.J. 681, 681-716 (1992); ROMERO, *supra* note 5, at 91-93, 147-49; HONDAGNEU-SOTELO, *supra* note 10, at 30-37.

48. See generally Jennifer Bickham Mendez, *Of Mops and Maids: Contradictions and Continuities in Bureaucratized Domestic Work*, 45 SOC. PROBS. 114 (1998) (assessing the improvements of working conditions for domestics employed by cleaning agencies); Gabrielle Meagher, *Recreating 'Domestic Service': Institutional Cultures and the Evolution of Paid Household Work*, 3 FEMINIST ECON. 1 (1997) (reporting on the growing number of franchises in the Australian domestic service market).

are bonded and considered self-employed, and others working in the underground economy. However, the actual distinctions are reflected in the working conditions: hours of employment, wages, lack of benefits, and the inclusion of all household work alongside childcare.⁵⁰

Researchers and labor advocates reporting wages for immigrant women over the last decade point to the variability in the market. Grace A. Rosales found wages ranging from \$100 to \$400 a week in Los Angeles.⁵¹ In her study of immigrant women employed as domestics and nannies in Los Angeles, Pierrette Hondagneu-Sotelo states that many Latina live-in workers do not receive minimum wage,⁵² whereas day workers averaged a higher wage of \$5.90 an hour.⁵³ Doreen Mattingly interviewed current and former Latina domestics in San Diego during the same period and found the average hourly rate for day workers was \$8.02 and for live-ins was \$2.72.⁵⁴ Rhacel Salazar Parreñas reports that Filipina women migrating to Los Angeles earned an average of \$425 a week for providing elderly care and \$350 a week for live-in housekeeping and childcare.⁵⁵ In a survey conducted in 2000, the Center for the Childcare Workforce in Washington, D.C., found that half of childcare providers earned less than \$4.82 an hour and worked 55 hours a week.⁵⁶ Human Rights Watch reviewed 43 egregious cases among domestic workers with special visas in the United States, and found a median hourly rate of \$2.14.⁵⁷

49. See Salzinger, *supra* note 31, at 139-60 (ethnographic study contrasting two types of collectives in San Francisco's Bay Area).

50. See ROMERO, *supra* note 5, at 42-43, 169-73; Macklin, *supra* note 47. See generally Kathleen A. DeLaney, *A Response to "Nannygate": Untangling U.S. Immigration Law to Enable American Parents to Hire Foreign Child Care Providers*, 70 IND. L.J. 305 (1994) (discussing visa options available to parents and their shortcomings from employers' perspective).

51. See Rosales, *supra* note 31, at 179.

52. See HONDAGNEU-SOTELO, *supra* note 10, at 35 (reporting "93 percent of the live-in workers I surveyed in the mid-1990s were earning less than \$5 an hour (79 percent of them below minimum wage, which was then \$4.25), and they reported working an average of sixty-four hours a week").

53. *Id.* at 38 (reporting that day workers averaged forty to forty-five hours a week).

54. See Mattingly, *supra* note 31, at 65 (stating that day workers with a full time schedule can take home \$1000 a month).

55. PARREÑAS, *supra* note 10, at 19.

56. Chisun Lee, *Women Raise the City*, VILLAGE VOICE, Apr. 17-23, 2002, available at <http://www.villagevoice.com/issues/0216/lee.php> (last visited Apr. 16, 2003).

57. Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 1. See also *The Institute for Policy Studies' Campaign for Migrant Domestic Worker Rights in DC*, available at <http://www.ipsdc.org/campaign/article.htm> (last visited Feb. 3, 2003) [hereinafter *Campaign for Migrant Domestic Worker Rights*] (describing domestic workers forced to work six or seven days a week, often from sun-up to late at night, for \$300 or less per month. This is a far cry from the current minimum wage of \$5.15 per hour in Maryland and Virginia, and \$6.15 per hour in DC, to which domestics are entitled. In several instances, workers have been forced to work for years with no pay at all.

Variation in wages and working conditions among employees points to the hierarchical structure in domestic service reinforced by employers' preferences. Obviously the hierarchy was not completely lost by McLaughlin and Kraus. In a reading at a Barnes & Noble bookshop, Kraus acknowledged the privileged subject position she and her colleague experienced: "We were the Hermès bags of nannies [A]s white, middle-class and university-educated nannies they [she and McLaughlin] were able to avoid the seamier elements of the industry."⁵⁸ Latina and Caribbean immigrants are more vulnerable in the labor market than European immigrants.⁵⁹ Skills do appear to be taken into consideration under certain circumstances. For instance, in her study of language between nannies and children in Los Angeles, Patricia Baquedano-López concluded that speaking English and a high school education were assets that domestics used in their negotiations with employers.⁶⁰

McLaughlin and Kraus portray a typical day of nanny tasks as "spent schlepping Grayer to French class, music lessons, karate, swimming, school and play dates."⁶¹ Although consistent with the image of Maria Rainer, the governess that Captain Von Trapp hired to care for his children in the film *The Sound of Music*,⁶² most employers with a live-in nanny assign employees a wide range of household tasks. While the distinction between housekeepers⁶³ and nannies is frequently used to distinguish workers employed primarily to care for children, housekeepers may occasionally be asked to assist in child-care and nannies may be expected to cook, wash dishes, "pick-up," and do other household work directly related to the care of children. A consistent complaint among nannies is the expectation that they do housework and cook, alongside caring for children.⁶⁴ Distinctions between domestic workers or private household workers and nannies are blurred in the everyday reality of employees as they engage in a broad range of household and caregiving activities, including cleaning,

58. See, e.g., George Epaminondas, *The Nannies vs. Park Avenue*, SUN HERALD, May 5, 2002, at 8 ("Lydia Sitter, a 32 year old German immigrant, was informed of the hierarchy by her Bay Area employer when she complained about being treated inferior. Her employer responded by stating, "go then, I'm going to get one of those Mexican women, they do whatever.").

59. Lara, *supra* note 13, at E2.

60. Baquedano-López, *supra* note 20; see also Mireya Navarro, *Hello Mommy, Hola Nanny; Immigrant Baby Sitters Double as Language Teachers*, N.Y. TIMES, Sept. 19, 2002, at B1.

61. Falcone, *supra* note 9, at 43.

62. *THE SOUND OF MUSIC* (Twentieth Century Fox 1965).

63. The label "cleaning lady" is commonly used.

64. See WRIGLEY, *supra* note 32, at 31-36.

cooking, laundry, nursing the sick, supervising, playing with children, and grocery shopping.⁶⁵

Obviously, the most lucrative and sought after positions are the ones that make a clear distinction between tasks and recognize employees' skills, expertise, and experience. Immigrant women, particularly those who are undocumented, are more likely to be hired for live-in, as well as day work, positions that do not have clearly defined job descriptions.⁶⁶ These nannies are unlikely to have much authority over the children or in planning activities. Instead, they find themselves at the beck and call of children as they serve and wait on them. Given the number of immigrant women nannies that McLaughlin and Kraus saw in the park, it is not surprising that they wrote, "[E]very playground has at least one nanny getting the shit kicked out of her by an angry child."⁶⁷ *San Francisco Chronicle* reporter Adair Lara differentiated job descriptions offered to non-immigrant women: "At the other end of the spectrum, a professional nanny often works weekends, engages the child in imaginative play, knows CPR She will want her hours guaranteed, will expect a bonus, and might be picky about doing more than the dishes and the baby's laundry."⁶⁸

Nan's life implies that work as a nanny is filled with new learning opportunities and adventures, from learning to cook exotic foods for Grayer to vacationing among the rich and famous. This depiction does not capture the overwhelming sense of isolation reported by immigrant women, particularly among live-in workers. Since Lucy Salmon's sociological study at the turn of the century, extreme isolation continues to be cited among live-in workers as one of the worst aspects of the job.⁶⁹ Isolation from relatives, friends, and other domestic workers removes them from gaining resources to find employment elsewhere. Separation from their own children is frequently identified as a major force in developing strong emotional attachment to their charges.⁷⁰ Domestic workers' loneliness is not countered by stimulating tasks. In the transformation of domestic labor from the unpaid work of mothers to low-wage work, physical demands are increased

65. See Rosales, *supra* note 31, at 193 (describing domestics as having multiple roles performing multiple jobs: "They are doing housecleaning, laundering, cooking, and child care as well as repairing appliances, gardening, and performing personal services, such as shopping at local markets and picking up dry cleaning and other errands.").

66. See Richardson & Torres, *supra* note 31, at 82 fig.3.5 (describing work duties assigned primarily to undocumented maids).

67. MCLAUGHLIN & KRAUS, *supra* note 1, at 172.

68. Lara, *supra* note 13, at E2.

69. See ROMERO, *supra* note 5, at 147-50; HONDAGNEU-SOTELO, *supra* note 10, at 30-33.

70. HONDAGNEU-SOTELO, *supra* note 10, at 39-40.

and more creative aspects are eliminated.⁷¹ The transformation from unpaid to paid childcare results in assigning immigrant nannies to the least pleasant tasks.⁷² Childcare advocates Suzanne W. Helburn and Barbara R. Bergmann describe the division as follows: “The parents try to reserve the more interesting child-rearing tasks for themselves. They do the storytelling and reading, supervise homework, and organize outings and parties in order to spend ‘quality time’ with their children.”⁷³

Like the public discourse generated by the Nannygate scandals over the last decade, *The Nanny Diaries* examined the impact on employers and their children rather than on the employees and their children.⁷⁴ Editorials and book reviews focus on employer rights to privacy,⁷⁵ poor parenting,⁷⁶ and the suffering and deprivation of “the poor little rich boy, Grayer.”⁷⁷ Since the novel’s fictionalized couple who hired the nanny was portrayed as a cheating husband and an unemployed trophy wife, the stage is set against a public debate over the needs of working parents. Labor issues are contextualized as interpersonal gender relationships between women (and their competing expectations and emotions in doing “women’s work”) and the difficulty of employees identifying as a servant.⁷⁸ Reference to immigrant nannies are

71. See e.g., ROMERO, *supra* note 5, at 129-49 (discussing how unpaid housework is transformed into paid work that affirms and enhances the status of the employer). See generally ROLLINS, *supra* note 10.

72. See ANITA GAREY, *WEAVING WORK AND MOTHERHOOD* 31 (1999) (discussing three “being there” roles for mothers: one-to-one relationship between child and mother; “family time” shared with father, and “doing things”—activities in school, church, community center. Activities defined as being delegated to others because they do not fulfill “being there” include cooking, cleaning, and driving children around.).

73. SUZANNE W. HELBURN & BARBARA R. BERGMANN, *AMERICA’S CHILD CARE PROBLEM, THE WAY OUT* 109 (2002).

74. See Romero, *supra* note 3, at 1057-62 (discussing Nannygate involving Zoë Baird and Kimba Wood within the context of public debates over the servant problem in the United States); Romero, *supra* note 5, at 14-17 (discussing Nannygate involving Linda Chavez).

75. See Epaminondas, *supra* note 58 (noting that critics consider McLaughlin and Kraus as betraying the thirty families they worked for in the 1990s and exploiting their positions as trusted employees); see also Zoe Heller, *Tattle-Tale Nannies Hit Close to Home*, NAT’L POST, Feb. 25, 2002, at A14 (classifying the novel as “the time-honored tradition of servant’s revenge stories, whereby the put-upon help get their own back by revealing embarrassing details of the employer’s domestic life”).

76. See Stoller, *supra* note 8 (viewing the book as “more a depressing social satire than funny novel It is certainly a guide to how not to parent.”).

77. See Falcone, *supra* note 9, at 43.

78. See Lara, *supra* note 13, at E2:

Many of the problems are built in. Nannies hate being made to feel they are servants. Yet when they go to another woman’s house to perform the strangely intimate, domestic chore of dressing, feeding and entertaining her children, that is what they are. Add to this tension the problems that result when two women are in charge of the same

curtailed to discussions concerning the impact that their limited English skills and cultural differences have on children under their care.⁷⁹

However, when immigrant women speak for themselves, the following list of labor issues are similar to the concerns expressed by workers in the United States: low wages, unpaid hours, lack of decent standards, absence of health insurance and other employee benefits, and constant supervision.⁸⁰ In the case of live-in domestics, employer abuses include violations of their human rights.⁸¹ Grievances reported in Bridget Anderson and Philzacklea's international study that are also found in the United States include:

denial of wages in cases of dismissal following trial or probation periods, refusal by employers to arrange legal resident status (for tax reasons, etc.); control and sexual harassment; pressure to do additional work (for friends and colleagues); excessive workloads, especially where in addition to caring for children and elderly people they are responsible for all other household chores; and finally the very intimate relationship between the domestic helpers and their employers.⁸²

Human Rights Watch cites the following additional employer abuses in the United States: "basic telephone privileges, prohibiting them from leaving employers' homes unaccompanied, and forbidding them to associate or communicate with friends and neighbors."⁸³ "To prevent domestic workers from leaving exploitative employment situations, employers confiscate the workers' passports and threaten them with deportation if they flee. In the most severe cases of abuse, migrant domestic workers—both live-in and day workers—have reported instances of sexual assault, physical abuse, and rape"⁸⁴ Health

child, different expectations, and money, and you have a domestic situation so touchy that of a dozen nannies and mothers interviewed, only few would go on the record.

Id.

79. *Id.* ("Desiree Arneson, a San Francisco lawyer who hired a Guatemalan nanny, says her 2-year-old had what his preschool calls 'very delayed language' and asks for 'agua' when he's thirsty.").

80. See generally Human Rights Watch, *Hidden in the Home*, *supra* note 11; *Campaign for Migrant Domestic Worker Rights*, *supra* note 57.

81. See *id.* (*Basic Facts About Domestic Workers Who Hold G-5 and A-3 Visas* state that the "EXTENT OF THE ABUSE: No centralized records exist, but lawyers, church and social workers, and others involved in handling complaints estimate there are hundreds, perhaps thousands of exploited and abused foreign domestics in the Washington area.").

82. Lutz, *supra* note 30, at 92; see also Young, *supra* note 17, at 45 (discussing vulnerability of immigrant women employed as live-in workers).

83. Human Rights Watch, *Unfair Advantage*, *supra* note 11.

84. *Id.* nn.240-41; see also Human Rights Watch, *Hidden in Home*, *supra* note 11, at 6-21 (outlining abuses found in case studies of migrant domestic workers with special visas); Dan Gatmaytan, *Recent Development: Death and the Maid: Work, Violence, and the Filipina in the International Labor Market*, 20 HARV. WOMEN'S L.J. 229 (1997); Joy Mutanu Zarembka, *Maid to Order*, COLORLINES 26, 27-28 (2001) ("One domestic worker was called "the creature," an-

hazards posed by cleaning chemicals “causing everything from skin irritation and rashes to serious respiratory problems from inhaling toxic fumes” is another grievance reported by human rights and labor advocates.⁸⁵

The Nanny Diaries allows readers a voyeuristic view into the daily lives of the rich and famous rather than an exposé on folkways, norms, values, and etiquette governing unregulated labor practices in American homes.⁸⁶ I now turn to other forms of popular culture to interrogate the romanitization of immigrants employed as domestics and caretakers. Analyzing popularized portrayals of employee-employer relationships points to common myths and ideologies on immigration and the American dream awaiting immigrant women in contemporary society.

III. ROMANCING SERVANTS AND SERVITUDE

Recalling Jean Genêt's use of illusions and false appearances in his play, *The Maids*, Jean-Paul Sartre cautions the spectator of the elements of fake, sham, and artificiality in being and appearance of domestics:⁸⁷ “Every evening five hundred madames can sing out, ‘Yes, that's what maids are like,’ without realizing that they have created them, the way Southerners create Negroes.”⁸⁸ Although Sartre primarily examines Genêt's notions of femininity and sexuality, his analysis of the maid/servant characters applies to the overall significance of learning about ourselves by critiquing our social constructions of domestics as the “other.” There is an extensive history in the arts—paintings,⁸⁹ photography,⁹⁰ novels,⁹¹ and film⁹²—of viewing servants

other said she was forced to wear a dog collar, and yet another was forced to kneel down and kiss her employer's feet.”).

85. Rosales, *supra* note 31, at 179. See generally Marianne P. Brown et al., *Voices from the Margins: Immigrant Workers' Perceptions of Health and Safety in the Workplace* (UCLA Labor Occupational Safety and Health Program) (2002), available at <http://www.losh.ucla.edu> (last visited Feb. 28, 2003).

86. See Johnson, *supra* note 5, at 1228-38 (arguing necessity for revising images of undocumented immigrants as a precursor to change in policies and regulations).

87. JEAN GENÉT, *THE MAIDS AND DEATHWATCH, TWO PLAYS WITH AN INTRODUCTION BY JEAN-PAUL SARTRE* (Bernard Fretzman trans., 1961).

88. *Id.* at 18-19.

89. See generally ELIZABETH L. O'LEARY, *AT BECK AND CALL, THE REPRESENTATION OF DOMESTIC SERVANTS IN NINETEENTH-CENTURY AMERICAN PAINTING* (1996).

90. See SUSAN TUCKER, *TELLING MEMORIES AMONG SOUTHERN WOMEN, DOMESTIC WORKERS AND THEIR EMPLOYERS IN THE SEGREGATED SOUTH* 263-79 (1988).

91. See, e.g., PAULA FOX, *A SERVANT'S TALE* (1984); ELLEN DOUGLAS, *CAN'T QUIT YOU, BABY* (1988); IDELLA PARKER, *IDELLA: MARJORIE RAWLINGS' 'PERFECT MAID'* (1992); BARBARA NEELY, *BLANCHE CLEANS UP* (1998); BARBARA NEELY, *BLANCHE AMONG THE TALENTED TENTH* (1995); BARBARA NEELY, *BLANCHE ON THE LAM* (1992); BARBARA NEELY,

through the lens of mistresses and masters. Sartre outlines the illusions used to socially construct maid/servant from the master/employer vantage point:

Fake submission, fake tenderness, fake respect, fake gratitude. Their entire behavior is a lie. We are led to believe that this falsifying comes from their false relationships with their mistress . . . their truth is always elsewhere; in the presence of the Masters, the truth of a domestic is to be a fake domestic and to mask the *man* he is under a guise of servility; but, in their absence, the *man* does not manifest himself either, for the truth of the domestic in solitude is to play at being master. The fact is that when the Master is away on a trip, the valets smoke his cigars, wear his clothes and ape his manners. How could it be otherwise, since the Master convinces the servant that there is no other way to become a man than to be a master.⁹³

Our images of immigrant maids and nannies in contemporary film continue to offer a window into the illusions used to interpret their behavior, particularly their contribution to conceiving who we are as Americans, families, and communities.⁹⁴ In the case of immigrants, the constructions include our ideology of the American dream and the path toward social mobility. Identifying these patterns of images uncovers the illusions and false appearances we create of ourselves as Americans.

Film plots with nannies range from the savior/rescuer role (depicted as the loyal employee that brings parents and children together) to the vamp destroyer role (depicted as an evil employee that breaks up the family). Named after the Christian goddess, the icon of the savior

BLANCHE PASSES GO (2001). See also Judith Morganroth Schneider, *Liberary Representations of "Maids" and "Mistresses": Gender Alliances Across Class and Ethnic Boundaries*, in STRUGGLES FOR SOCIAL RIGHTS IN LATIN AMERICA 231 (Susan Eva Eckstein & Timothy P. Wickham-Crowley eds., 2003).

92. See generally Sau-ling C. Wong, *Diverted Mothering: Representations of Caregivers of Color in the Age of "Multiculturalism,"* in MOTHERING: IDEOLOGY, EXPERIENCE, AND AGENCY 67-91 (Evelyn Nakano Glenn ed., 1994).

93. *Id.* at 19-21. The most recent illustration is Jennifer Lopez's portrayal of a hotel maid named Marisa Ventura in the film *Maid in Manhattan*. With the encouragement of another hotel maid, Marisa tries on the designer outfit that Caroline Lane, a hotel guest, has asked her to return. When Christopher Marshall, an aspiring U.S. Senator, walks in and finds her dressed in Caroline's clothes, she masquerades as a socialite. MAID IN MANHATTAN (Sony Pictures 2002).

94. In his writing on the process of cultural transformations, Stuart Hall makes the point of the legacy of certain ideologies to remain embedded in cultures. The characterization of women of color domestics is one. See Lawrence Grossberg, *On Postmodernism and Articulation: An Interview with Stuart Hall*, 10 J. COMM. INQUIRY 2, 54 (1996). See generally Brenda Cossman, *Turning the Gaze Back on Itself: Comparative Law, Feminist Legal Studies and the Postcolonial Project*, 1997 UTAH L. REV. 525.

role is Mary Poppins or Maria Rainer in *The Sound of Music*.⁹⁵ Both plots center on the governess bringing the distant widower father closer to his children.⁹⁶ Fathers are also prominent in the plots involving vamp nannies. These nannies, usually portrayed as single, childless, off-kilter homewreckers, prey on the children after being rejected by philandering fathers.⁹⁷ Men in the role of nanny are usually the subject matter for comedy and, in the end, triumph over their assumed gender deficiency.⁹⁸

The most pervasive film depiction of the nanny, domestic, or servant is embodied by African-American women. In his study of black representation in the media, Donald Bogle argues that the “mammy” image is part of the folklore of American culture.

As they delivered their wisecracks or acted the fool, the servants were a marvelous relief from the harsh financial realities of the day. Not only their joy and zest but their loyalty, too, demonstrated that nothing in life was ever completely hopeless. The servants were always around when the boss needed them. They were always ready to lend a helping hand when times were tough. It was many a down-and-out movie hero or heroine who realized his Negro servant was his only real friend.⁹⁹

Careers of many African-American actresses, particularly Louise Beavers and Hattie McDaniels,¹⁰⁰ were limited to mammy and Aunt Jemima roles.¹⁰¹ Unlike the slender, light complected and well-dressed mother/wife image captured in the Mrs. Cleaver role in *Leave It to Beaver*¹⁰² or Mrs. Anderson in *Father Knows Best*,¹⁰³ the mammy was “an obese African American woman, of dark complexion, with extremely large breasts and buttocks and shining white teeth displayed

95. MARY POPPINS (The Walt Disney Co. 1964); THE SOUND OF MUSIC (Twentieth Century Fox 1965). Both Mary Poppins and Maria Rainer were played by Julie Andrews.

96. An exception to this story line is *Corrina, Corrina*. However, Whoopie Goldberg clearly played a maid rather than a nanny or governess. CORRINA, CORRINA (New Line Cinema 1994).

97. See, e.g., THE HAND THAT ROCKS THE CRADLE (Hollywood Pictures 1992).

98. See, e.g., MRS. DOUBTFIRE (Twentieth Century Fox 1993); MR. NANNY (New Line Cinema 1993).

99. DONALD BOGLE, TOMS, COONS, MULATTOES, MAMMIES, & BUCKS: AN INTERPRETIVE HISTORY OF BLACKS IN AMERICAN FILMS 36 (1973).

100. *Id.* at 62, 82.

101. See Regina Austin, *Sapphire Bound!*, 1989 WIS. L. REV. 539, 570-71 (1989) (discussing mammy stereotype in contrast to other images of black women); Russell, *supra* note 23, at 245-47 (discussing mammy stereotype in dominant gaze).

102. Television sitcom running six seasons, beginning October 4, 1957. The show was created by Joe Connelly and Bob Mosher.

103. CBS & NBC Situation Comedy that ran from October 3, 1954-September 17, 1962. See *Father Knows Best*, available at <http://www.timvp.com/father.html> (last visited Feb. 12, 2003).

in a grin” and “wearing a drab calico dress”¹⁰⁴ or maid uniform. They were characterized as “eager and content to perform domestic tasks and other affective functions”¹⁰⁵ for meager wages because of the intrinsic rewards they received rearing and caring for their children and those of their employers.¹⁰⁶ Mammies performed “tasks of domesticity and caring for the socialization and emotional needs of children and adult family members in her owner’s or employer’s family, while relegating the needs of her own family.”¹⁰⁷ Television mammies included Theresa Merritt in *That’s My Momma*, Nel Carter in *Gimme a Break*, and Shirley Hemphill in *What’s Happening*. These images functioned to demonstrate that master-servant relationships between blacks and whites were not harsh, but rather “their” maid was truly “one of the family.” African Americans, and other groups of color, continue to be a mainstay in Hollywood’s depiction of caretakers nurturing and rescuing white patrons.¹⁰⁸

Change in the demographics among maids and nannies has not gone unnoticed by popular media.¹⁰⁹ As *New York Times* writer Mireya Navarro noted:

The role of maid has belonged to different ethnic groups at one time or another in the history of film and television, but these days it seems to be a niche for Hispanic actresses, especially on prime-time television. As maids, they are now featured on, or have made recent appearances on, “Will and Grace” (Rosario) on NBC, “Dharma and Greg” (Celia) on ABC and even in animation, with “King of the Hill” (Lupino) on Fox.¹¹⁰

Navarro summarized Latina experiences in Hollywood in her title, *Trying to Get Beyond the Role of the Maid, Hispanic Actors Are Seen as Underrepresented, With the Exception of One Part*.¹¹¹ Lupe Ontiveros, the El Paso born actor, stands out as the “Hispanic Hattie

104. K. SUE JEWELL, FROM MAMMY TO MISS AMERICA AND BEYOND: CULTURAL IMAGES & THE SHAPING OF US SOCIAL POLICY 39 (1993).

105. *Id.* at 21.

106. *Id.* at 22.

107. *Id.* at 43. See also JACQUELINE BOBO, BLACK WOMEN AS CULTURAL READERS 46-49 (1995) (discussing the film *Imitation of Life* and how friendship between employee and employer is based “on one serving and the other being served”).

108. Wong, *supra* note 92, at 69 (arguing that even male characters of color are given caregiving roles and are ascribed traditional maternal characteristics, such as understanding, enabling, protective, steadfast, forgiving, free from bitterness even in the face of outright mistreatment by their misguided charges).

109. Maids and gardeners may likely be the only Latinas/os that producers and writers come in contact with. Latinas/os are not only under-represented on the screen but also among producers and writers.

110. Mireya Navarro, *Trying to Get Beyond the Role of the Maid, Hispanic Actors Are Seen as Underrepresented, With the Exception of One Part*, N.Y. TIMES, at B1.

111. *Id.*

McDaniel.” She usually plays the role of the accented, smart-mouthed maid.¹¹² Ontiveros estimates that over her twenty-five-year career as an actor, “she has played a maid at least 150 times,”¹¹³ including both films¹¹⁴ and television sitcoms.¹¹⁵ Although popular magazines and film critics target their attention on Latina/o superstars who are successful as leading or supporting actors in mainstream movies, Latinas have an extensive history in the shadows of filmography as laundresses, cooks, and domestics.¹¹⁶ In the shadow of the silver screen are Latinas opening front doors, serving food or drinks, vacuuming or dusting, and stepping into a room to announce a guest.¹¹⁷ Just as African-American women actresses served as clear racial markers between employer and worker, Latinas do so with their physical features or with the stereotypical “thick, unshakable, often humorous, and self-deprecating accent.”¹¹⁸

Two films that juxtapose the primary Latina images in Hollywood—“binary virgin-whore opposition”¹¹⁹—in the role of maids are *El Norte* and *Down and Out in Beverly Hills*.¹²⁰ The character Rosa, in *El Norte*, resembles the “rosary-praying maid,” and Carmen, the live-

112. *Id.* Movies include Steven Spielberg’s *Goonies*, and Gregory Nava’s *El Norte*. *GOONIES* (Warner Bros. 1985); *EL NORTE* (Independent Prod. 1984).

113. Navarro, *supra* note 110, at B1.

114. See, e.g., Todd Solondz’s 2001 film, *Storytelling*; see also *The Big Fix*; *The California Suite*; *El Norte*; and *As Good as It Gets*. *STORYTELLING* (New Line Cinema 2001); *THE BIG FIX* (MCA 1978); *THE CALIFORNIA SUITE* (Columbia Pictures 1978); *EL NORTE*, *supra* note 112; *AS GOOD AS IT GETS* (TriStar 1997).

115. See, e.g., *Veronica’s Closet* (NBC Television), and *Leap of Faith* (NBC Television).

116. Images of Latinas in leading roles are also stereotyped as either passive or sexually aggressive. See generally VALDIVIA, *supra* note 23; Carmen Huaco-Nuzum, *(Re)constructing Chicana, Mestiza Representation: Frances Salomé España’s Spirtfire* (1991), in *THE ETHNIC EYE LATINO MEDIA ARTS* 260 (Chon A. Noreiga & ana M. López eds., 1996); ANGIE CHABRAM-DERNERSESIAN & ROSA LINDA FREGOSO, *Chicana/o Cultural Representations: Reframing Alternative Critical Discourses*, 4 *CULTURAL STUD.* (1990); CLARA RODRIGUEZ, *LATIN LOOKS: IMAGES OF LATINAS AND LATINOS IN THE U.S. MEDIA* (1997); MICHELLE HABELL-PALLÁN & MARY ROMERO, *LATINO/A POPULAR CULTURE* (2002).

117. See generally L.S. Kim, *Invisible and Undocumented: The Latina Maid on Network Television*, 24 *AZTLÁN* 107 (1999); see, e.g., *AS GOOD AS IT GETS*, *supra* note 114; *UNIVERSAL SOLDIER* (Artisan Entertainment 1992); *THE BIG FIX*, *supra* note 114; *STORYTELLING*, *supra* note 114; *THE CALIFORNIA SUITE*, *supra* note 114; *THE FALCON AND THE SNOWMAN* (MGM Studios 1985); *CROCODILE DUNDEE* (Paramount Pictures 1986).

118. VALDIVIA, *supra* note 23, at 92.

119. *Id.* See also RODRIGUEZ, *supra* note 116, at 2 (“All these images are simple and one dimensional and show the Latina as passive, dependent, and with an unreserved sexual appetite.”).

120. See LEONARD MALTIN, *LEONARD MALTIN’S 2003 MOVIE AND VIDEO GUIDE* 362 (2003). The 1986 film *Down and Out in Beverly Hills* was directed by Paul Mazursky. *DOWN AND OUT IN BEVERLY HILLS* (Touchstone Films 1986).

in maid in *Down and Out in Beverly Hills*, is the “sexually out of control and utterly colorful spitfire.”¹²¹

A. *Over the Border and Into the Laundry in El Norte*

In *El Norte*, Ontiveros plays the Mexican immigrant named Nacha, who befriends an undocumented Guatemalan Indian named Rosa Xuncax, played by Zaide Silvia Gutiérrez. After the Immigration and Naturalization Service (INS) raids the sweatshop they work in, Nacha and Rosa team up to clean houses in the affluent neighborhoods of Los Angeles. The film takes the audience through their initial meeting with the employer, Mrs. Rogers (who asks Nacha to call her by her first name, Helen). Scenes directly connected to domestic service focus on the confusion over the washer and dryer’s digital control panel. Unable to figure out how to use the washer, Rosa decides to wash the clothes by hand and lie them on the lawn to dry. With Nacha as the interpreter, an extremely concerned Mrs. Rogers questions Rosa why she did not use the washer and dryer. Rosa responds by suggesting that the method used to do the laundry matters less than the final product; that is, clean laundry. Mrs. Rogers expresses her concern that Rosa is working too hard, and her disdain to the idea of someone scrubbing in her kitchen.¹²²

Although the scenes are brief, domestic service is framed by popular images and myths. Rosa finds employment through a chance encounter with Nacha; whereas, her brother, Enrique, is portrayed as having agency. His work opportunities are not “chance” occurrences, but result from his own initiative and hard work.¹²³ Contrasting the attention given to Enrique’s work in the restaurant (and the frequent reference to wages), domestic service is not framed as real work. Scenes depicting Nacha’s and Rosa’s interaction with Mrs. Rogers are completely void of reference to wages, hours, or benefits. Instead, the work scene plays on the thesis that domestic service is a bridging occupation that provides “rural immigrant women to exposure to the modern world in a protected and supervised environment”¹²⁴ by presenting the digital control panel on the washer and dryer as extremely complicated. Consistent with this portrayal of domestic ser-

121. See *supra* note 112 and accompanying text.

122. This scene also perpetuates the attitude that domestic work is simply unskilled labor. However, Barbara Rothman noted that, “When performed by mothers, we call this mothering . . . when performed by hired hands, we call it unskilled.” BARBARA KATZ ROTHMAN, *RECREATING MOTHERHOOD: IDEOLOGY AND TECHNOLOGY IN A PATRIARCHAL SOCIETY* 43 (1989).

123. See ROSA LINDA FREGOSO, *THE BRONZE SCREEN, CHICANA AND CHICANO FILM CULTURE* 109-10 (1993) (discussing gender difference in the film).

124. See ROMERO, *supra* note 5, at 57.

vice is the characterization of the employer as benevolent.¹²⁵ Rosa's hard work and commitment to learn English reinforces the concept that domestic service is a "bridging occupation" that provides suitable socialization experience for newcomers to America. By defining the occupation as an entry-level position into the labor force, systematic exclusion of domestic (and farm) labor from employment legislation or the use of special immigration visas to bring immigrants to work as domestics and nannies is rationalized.¹²⁶

Scenes of Rosa's encounter with the digital control panel are structured around her supposedly primitive or backward nature. Andean music is used to symbolize Rosa's reliance on her indigenous roots. The music is played as she decides to wash the clothes manually when she is unable to start the washing machine. The Andean music is played again as she kneels back on heels with a sigh of satisfaction at the drying laundry all around her on the lawn. The use of surrealism and exotic images in Rosa's flashbacks reinforce the stereotypical mysteriousness and spiritualism attributed to indigenous cultures and women of color as caretakers in the United States.¹²⁷ Film critic Rosa Linda Fregoso notes the indigenous portrayal of Rosa "positing female subjectivity in the unknown, Mystery, Nature, and woman as the ground for cultural reproduction and maintenance."¹²⁸ Incorporation of Maya-Quiché symbolism serves to emphasize traditional forms of life but also hinges on the edges of fetishism that is characteristic of New Age construction of indigenous identity.¹²⁹ This indigenous essentialism produces an image of illegal immigrants that American audiences can be sympathetic toward.

Images of immigration capture the hardship of undocumented immigrants but are framed by popular myths and serve to misdirect attention away from capitalism and United States foreign policy.¹³⁰ Random flashbacks of unexplained images and the separation of episodes insulates the oppression experienced in Guatemala from eco-

125. Anglo employers are positively portrayed. The villains in the film are limited to other Latinos: the bloodsucking Mexican coyotes, a greedy Chicano apartment manager, and a jealous Chicano restaurant worker.

126. See Peter Margulies, *The Mother with Poor Judgment and Other Tales of the Unexpected: A Civic Republican View of Difference and Clinical Legal Education*, 88 Nw. L. REV. 695 (1994) (discussing stereotypes that shape his students' interaction with Latina clients).

127. See FREGOSO, *supra* note 123, at 107 (discussing the film's use of supernatural images and surrealism).

128. *Id.* at 110.

129. See generally, PHILIP J. DELORIA, *PLAYING INDIAN* 154-80 (1998) (discussing New Age and counterculture appropriation of culture and identity).

130. See generally Johnson, *supra* note 5.

conomic circumstances in the United States¹³¹ that result in the overrepresentation of immigrant women in domestic service. “The strategy privileges the impact of supernatural forces on the lives of its characters, in sharp contrast to a social realist depiction that would tend to foreground the significance of historical forces.”¹³² Globalization of domestic workers is attributed to “unseen Guatemalan landlords and not with imperialism.”¹³³ In his analysis of ideology and immigration in *El Norte*, Chris List criticizes the film’s simplistic view of third-world oppression and lack of alternative perspectives. Employers seeking cheap labor are not obstacles to immigrants’ strong work ethic, but rather a source of opportunity. The obstacles are presented in the form of the Chicano “pocho” calling the INS and another taking his cuts from coyotes, and the immigrant’s traditional culture.¹³⁴ Constructing the causes of immigration to political and socio-economic conditions in other countries, unrelated to United States economic or foreign policy, allows Americans to claim: “[W]e admit immigrants by choice and out of generosity, not because we have any economic motive or political responsibility to do so.”¹³⁵

B. *Illegal and Living-in* Down and Out in Beverly Hills

Actress Elizabeth Peña¹³⁶ gained recognition for her performance as Carmen, the sexy live-in maid having an affair with her employer,¹³⁷ in the comedy *Down and Out in Beverly Hills*.¹³⁸ Peña was cast into the role of an undocumented Latina immigrant employed as the live-in maid for a nouveau-riche and neurotic nuclear family, the Whitemans. Jerry (Nick Nolte), the homeless man, tries to drown

131. See Chris List, *El Norte, Ideology and Immigration*, 34 JUMP CUT 29 (1989).

132. See FREGOSO, *supra* note 123, at 107.

133. List, *supra* note 131, at 30.

134. *Id.*

135. SASKIA SASSEN & KWAME ANTHONY APPIAH, GLOBALIZATION AND ITS DISCONTENTS: ESSAYS ON THE NEW MOBILITY OF PEOPLE AND MONEY 31 (1998).

136. Born in New Jersey in 1961, Peña was raised in Cuba until she was eight and then moved back to Manhattan. She attended the High School of Performing Arts and performed in more than twenty off-Broadway shows. She has worked with the Joseph Papp’s Public Theater, La Mama, and San Francisco American Conservatory Theater.

137. Peña’s success in the film was followed by appearing in the 1987 series, *I Married Dora*. Again, she is cast in the role of a domestic who gets involved with her employer, widower Peter Farrell. “When faced with deportation, Dora and Peter joined in a marriage of convenience. Like many television housekeepers before her, Dora was the voice of wisdom and compassion in the household, but her own illegal status gave her role an ambiguous twist.” S. Robert Lichter & Daniel R. Amundson, *Distorted Reality: Hispanic Characters in TV Entertainment*, in LATIN LOOKS: IMAGES OF LATINAS AND LATINOS IN THE U.S. MEDIA 66-67 (1997); see also Kim, *supra* note 117, at 113-16 (discussing the series *I Married Dora*).

138. Comedy directed by Paul Mazursky, based on Jean Renoir’s 1932 play *Boudu Saved From Drowning*.

himself in the Whitemans' pool but is rescued by Dave Whiteman. Jerry is invited to stay with the family and changes their lives.¹³⁹ Dave leaves his responsibilities as the owner of a hanger factory for a day to sample street life with Jerry, and experiences a calmer and simpler lifestyle. Jerry rekindles the Whitemans' sex life by seducing Barbara (Bette Midler). Jerry sleeps with Carmen and gives her books on Marxism. With Dave and Barbara having sex again, Carmen refuses to be sexually available to her employer. Committing herself to revolutionary change, she redefines their relationship in terms of worker versus capitalist.

Carmen is portrayed as a promiscuous Mexican maid with the stereotypical accented English sprinkled with Spanish. She is sassy and hot-tempered in her exchanges with the male caterers, houseguest, and her employer. Representing the live-in maid as sexually available to both the employer and his guest is made plausible by projecting Carmen as alluring, sexually arousing, and seductive. In her first encounter on screen, the audience views Carmen in a provocative pose, wearing a transparent nightie, smoking a cigarette as she awaits Mr. Whiteman. The atmosphere is sexually charged by the drumming music symbolic of erotic fantasies of "natives in the jungle." A narrative of the seductress live-in maid constructs the identity of immigrant women outside the framework of sexual harassment and abuse.¹⁴⁰ The dominant gaze in the construction of this scene functions to trivialize and distort the threat of sexual violence in domestic service, particularly in live-in situations.¹⁴¹ Sexual abuse and rape are difficult to prosecute because "the burden of evidence rests with the victim."¹⁴² Numerous reports of sexual abuse of female migrant workers employed as domestics have been reported in Singapore, Kuwait, and other middle Eastern and Asian countries.¹⁴³ American employers

139. *Id.*

140. See generally Diana Vellos, *Immigrant Latina Domestic Workers and Sexual Harassment*, 5 AM. U. J. GENDER SOC. POL'Y & LAW (1997).

141. Several examples of distorting the characterization of sexual abuse appear in the film *Maid in Manhattan*. Although employed in a hotel rather than a private residence, several scenes depict maids as finding amazement and enjoyment in male guests walking into the bathroom and peeing or walking around their room naked while they are cleaning. *MAID IN MANHATTAN* (Columbia Pictures 2002). See Sumi K. Cho, *Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong*, 1 J. GENDER RACE & JUST. 177 (1997) (discussing the construction of racialized sexual stereotypes and the risks they pose); Elizabeth M. Iglesias, *Structures of Subordination: Women of Color at the Intersection of Title VII and the NLRA. Not!*, 28 HARV. C.R.- C.L. L. REV. 395 (1993); Vellos, *supra* note 140.

142. Lutz, *supra* note 30, at 97.

143. See Gatmaytan, *supra* note 84; Mary Ann Benitez, *One in Four Foreign Helpers Abused: Report*, S. CHINA MORNING POST, Feb. 15, 2001, at 2; Keith B. Richburg, *Filipino Diaspora Led by Its Maids: Workers are Called Heroes or National Shame*, WASH. POST, Nov. 3, 1995, at A1;

are no exception.¹⁴⁴ The Central Intelligence Agency released a report that “painted a portrait of hundreds of thousands of women and children smuggled into this country and forced to work as prostitutes, domestic servants and laborers.”¹⁴⁵

Carmen’s relationship to her employers is scripted as egalitarian. Depicting the maid as participating in family activities and intimately involved with her employer and his guest allows the audience to accept the illusion that maids are just like one of the family.¹⁴⁶ Carmen’s undocumented status is revealed when the police respond to the burglar alarm. However, the scene does not pose deportation as a real possibility.¹⁴⁷ Personal relationships in the Whiteman’s household are assumed to transcend the hierarchies of class, race, gender, and citizenship.¹⁴⁸ The humor in the statement Carmen makes to Dave is based on this assumption: “You see me like the third world Struggle is the best teacher I am the worker. You are the capitalist. The only way to change it is revolution.” Dave’s claim that they were “just having fun,” denies differential power relationships and the degree of agency in the maid and employer positions.¹⁴⁹ Negating Carmen’s position as a worker fits the popular conception of housework as not “real work,” but a “labor of love,” or confused with leisure activity.¹⁵⁰ Sau-ling C. Wong notes that “conveniently conflating the ‘taking caring of’ performed by people of color for pay with

Kathy Evans, *Death and the Maids; Kathy Evans Examines the Plight of Domestic Servants in the Gulf States*, GUARDIAN, Apr. 27, 1995, at T13.

144. See Steven Greenhouse, *Report Outlines the Abuse of Foreign Workers*, N.Y. TIMES, June 14, 2001, at A20; Stephanie Armour, *Special Report: Some Foreign Household Workers Face Enslavement*, U.S.A. TODAY, Nov. 19, 2001, at 1A.

145. Sengupta Somni, *U.S. Supports Bid to Dismiss Maid’s Suit Against Envoy*, N.Y. TIMES, Apr. 4, 2000, at 4B; see also Douglas Pasternak, *Slavery in the Capitol’s Shadow: Protecting Rights Abroad, Ignoring Them Here*, 129 U.S. NEWS & WORLD REP. 19, 37 (2000).

146. The classic adage in domestic service is characterizing one’s employee as “she is just like one of the family.” This distorts immigrant women’s activity as non-work and suggests training and education. See ROMERO, *supra* note 5, at 153-56.

147. See generally Elvia R. Arriola, *LatCrit Theory, International Human Rights, Popular Culture, and the Faces of Despair in INS Raids*, 28 U. MIAMI INTER-AM. L. REV. 245 (1996-97).

148. See generally Harris, *supra* note 25; Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination doctrine, Feminist theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139; Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991).

149. See generally John A. Powell, *Whites Will Be Whites: The Failure to Interrogate White Privilege*, 34 U.S.F. L. REV. 419 (2000).

150. ROMERO, *supra* note 5, at 450-61 (discussing popular and theoretical assumptions about paid and unpaid housework).

emotional ‘caring about’ enjoyed by the employers,” creates a fantasy that obscures the economic basis of their relationship.¹⁵¹

Representations of maids, nannies, and private household workers in the media reflect our ideologies about reproductive labor and motherhood, as well as our national identity. Ideologies support the humanitarian and egalitarian image we have of ourselves as Americans. We believe immigrants freely choose to come to America. We deny that the state, employment agencies, or employers perpetuate racialization of labor throughout the world. We profess the United States to be the land of opportunity for anyone willing to work hard and assimilate to our lifestyle. Just as Sartre argued fifty years ago, we perceive our servants to be striving to become masters because we maintain that there is no other route toward upward mobility than assimilation. We deny the existence of privilege. Consequently, there is no greater state of humanity imagined outside of being a master. I now turn to discussing the utility of hiring immigrant women domestics and nannies in the social reproduction of privilege in the childhood of future masters and mistresses.

IV. IMMIGRANT NANNY CARE AND THE REPRODUCTION OF PRIVILEGE

Globalization of childcare is based on income inequality between women from poor countries providing low-wage care work for families in wealthier nations.¹⁵² Even with the low wages and variability in the market cited above,¹⁵³ hiring a nanny is recognized as the most expensive childcare option.¹⁵⁴ Researchers recognize this reality: “The grim truth is that some women’s access to the high-paying, high-status professions is being facilitated through the revival of semi-in-

151. Wong, *supra* note 92, at 76.

152. See generally CHANG, *supra* note 5; ANDERSON, *supra* note 10.

153. See *supra* notes 51-57 and accompanying text.

154. Without a government childcare program, the options available to parents are: working alternate shifts; working part-time during child’s school hours; day care centers, preschools, or nursery schools; licensed and unlicensed family child care by relatives, neighbors, nannies, *au pairs*, and “babysitters”; out-of-school activities; and children taking care of themselves. See David E. Bloom & Todd P. Steen, *Minding the Baby in the United States*, in WHO WILL MIND THE BABY? GEOGRAPHIES OF CHILD CARE AND WORKING MOTHERS: INTERNATIONAL STUDIES OF WOMEN AND PLACE 28-29 (Kim England ed., 1996) (discussing childcare options by marital status); HELBURN & BERGMANN, *supra* note 73, at 30-32, 90-95 (discussing care by father’s child; child-care options by mother’s employment status; family options based on income, preferred option of all parents is child-care centers; overview of parents piecing together multiple child care arrangements; out-of-school activities, such as sports and clubs, are used more, and are more accessible, to higher income families; overview of child-care arrangement by race and ethnicity).

dentured servitude. Put another way, one woman is exercising class and citizenship privilege to buy her easy way out of sex oppression."¹⁵⁵ The largest number of domestic workers are located in areas of the country with the highest income inequality among women. In regions with minimal income inequality, the occupation is insignificant.¹⁵⁶ Particular forms of domestic labor that affirm and enhance employers' status,¹⁵⁷ shift the burden of sexism to low-wage women workers,¹⁵⁸ and relegate the most physically difficult and dirty aspects of domestic labor.¹⁵⁹ However, little attention has been given to the ways that privilege is reproduced through childcare arrangements and the significance that third-world immigrant women's labor plays in the reproduction of privilege.¹⁶⁰

Intensive and competitive mothering revolves around individuality, competition, and the future success of their children.¹⁶¹ Competition and individualism are values embedded in children's activities.¹⁶² Annette Lareau refers to this version of child rearing as "concerted cultivation" geared toward "deliberate and sustained effort to stimulate children's development and to cultivate . . . cognitive and social skills."¹⁶³ Concerted cultivation aims to develop children's ability to reason by negotiating with parents and placing value on children's

155. Audrey Macklin, *On the Outside Looking in: Foreign Domestic Workers in Canada*, in *MAID IN THE MARKET: WOMEN'S PAID DOMESTIC LABOR* 34 (Wenona Giles & Sedef Arat-Koc eds., 1993).

156. See generally Ruth Milkman et al., *Macrosociology of Paid Domestic Labor*, 25 *WORK AND OCCUPATIONS* 483 (1998). See also BARBARA EHRENREICH & ARLIE RUSSELL HOCHSCHILD, *GLOBAL WOMAN* (2002); SASSEN & APPIAH, *supra* note 135.

157. See ROLLINS *supra* note 10, at 198.

158. See ROMERO, *supra* note 5, at 127-29. See generally ROLLINS, *supra* note 10; Dorothy E. Roberts, *Spiritual and Menial Housework*, 9 *YALE J.L. & FEMINISM* 51 (1997).

159. See ROMERO, *supra* note 5, at 130-35.

160. See ANDERSON, *supra* note 10, at 19-20. A notable exception is Bridget Anderson.

The employment as a paid domestic worker . . . facilitates status reproduction, not only by maintaining status objects, enabling the silver to be polished and the clothes to be ironed, but also by serving as a foil to the lady of the house. The hired productive worker is reproducing social beings and sets of relationships that are not merely not her own but also deeply antagonist to her own interests. Her presence emphasizes and reinforces her employer's identity—as a competent household manager, as middle-class, as white—and her own as its opposite.

Id.

161. See generally SHARON HAYS, *THE CULTURAL CONTRADICTIONS OF MOTHERHOOD* (1996).

162. JUDITH D. SCHWARTZ, *THE MOTHER PUZZLE* 249 (1993). She writes: "The battles to get children into the "right" kindergarten—which can involve coaching, bribing, and hard-core résumé-building—have become the stuff of urban lore." *Id.*

163. ANNETTE LAREAU, *CONTOURS OF CHILDHOOD: SOCIAL CLASS DIFFERENCES IN CHILDREN'S DAILY LIVES* 747, 773 (Center for Working Families, Univ. of Cal., Berkeley, Working Paper No. 5), available at <http://workingfamilies.berkeley.edu/papers.html> (last visited Oct. 9, 2002).

opinions, judgments, and observations.¹⁶⁴ Family leisure time is dominated by organized children activities, such as sports, clubs, and paid lessons (e.g., dance, music, tennis). Most children's time is adult-structured rather than child-initiated play.¹⁶⁵ "Play is not just play anymore. It involves the honing of 'large motor skills,' 'communication skills,' 'hand-eye coordination,' and the establishment of 'developmentally appropriate behavior.'"¹⁶⁶

Qualities of intensive and competitive mothering¹⁶⁷ are at odds with demanding careers. Everyday practices of intensive mothering requires immense emotional involvement, constant self-sacrificing, exclusivity, and a completely child-centered environment. These mothering activities are financially draining and time-consuming.¹⁶⁸ Mothers with disposable income use commodities to fulfill areas of intensive and competitive mothering that they find themselves falling short of.¹⁶⁹ In *The Mother Puzzle*, Judith D. Schwartz argues that advertising companies use guilt as significant child leverage:

Companies who are marketing to our guilt inevitably start marketing the guilt itself in order to keep us shopping. This toy will help your child develop motor skills (implicit message: his motor skills will suffer without it). This line of clothing is made of the softest cotton (implicit message: other, less expensive fabrics may be abrasive).¹⁷⁰

164. *Id.* at 6.

165. *Id.* at 8.

166. SCHWARTZ, *supra* note 162, at 262; *see also* LAREAU, *supra* note 163. Lareau offers the following quote from one of the parents:

Sports provide great opportunities to learn how to be competitive. Learn how to accept defeat, you know. Learn how to accept winning, you know, in a gracious way. Also it gives him the opportunity to learn leadership skills and how to be a team player. . . . Sports, really provides a lot of really great opportunities.

Id. at 755.

167. *See* Mary Romero, *Unraveling Privilege: Workers' Children and the Hidden Costs of Paid Childcare*, 76 CHI.-KENT L. REV. 1651, 1656-58 (2001) (overview of contemporary values, parenting and motherhood); Joan C. Tronto, *The "Nanny" Question in Feminism*, 17 HYPATIA 2, 4-5 (2002) (discussing upper middle-class values and the need for competitive, intensive mothering and how injustice is obscured). *See generally* HAYS, *supra* note 161.

168. *See generally* Terry Arendell, *Conceiving and Investigating Motherhood: A Decade's Scholarship*, 62 J. MARRIAGE & FAM. 1192 (2000); Alyssa R. Rayman-Read, *Is the New Economy Family-Friendly?*, 12 AM. PROSPECT 12 (2001) (excellent description and stories of the dot-com work culture and the lack of family-friendly environment).

169. *See* Ellen Seiter, *Children's Desires/Mothers Dilemmas: The Social Contexts of Consumption*, in THE CHILDREN'S CULTURE READER 306 (Henry Jenkins ed., 1998); *see also* Lara, *supra* note 13, at E2. She notes: "In a culture in which mothers are supposed to spend every minute they can with their kids—and a popular pop psych book is subtitled, 'Don't Have Them If You're Not Going to Raise Them'—few mothers are free of guilt."

170. SCHWARTZ, *supra* 162, at 255.

By the 1990s, “babies and children were firmly entrenched as possessions that necessitated the acquisition of other commodities (and that became more valuable with further investment in goods and services).”¹⁷¹ Advertisers targeted the new “Skippies” market (school kids with income and purchasing power).¹⁷² Quoting *People* magazine, Schwartz characterizes parents of these “gourmet children” as “rapaciously grabbing kudos for their kids with the same enterprise applied to creating fortunes on Wall Street.”¹⁷³ She suggests that, “Teaching values to our children has been replaced by building value into them . . . by preparing them to compete and giving them what we think they need to do so.”¹⁷⁴

Hiring a live-in immigrant worker is the most convenient childcare option for juggling the demands of intensive mothering and a career.¹⁷⁵ Purchasing the caretaking and domestic labor of an immigrant woman commodifies reproductive labor and reflects, reinforces, and intensifies social inequalities.¹⁷⁶ The most burdensome mothering activities (such as cleaning, laundry, feeding babies and children, and chauffeuring children to their various scheduled activities) are shifted to the worker. Qualities of intensive mothering, such a sentimental value, nurturing, and intense emotional involvement, are not lost when caretaking work is shifted to an employee.¹⁷⁷ Employers select immigrant caretakers on the basis of perceived “warmth,” “love for children,” and “naturalness in mothering.”¹⁷⁸ Different racial and ethnic groups are stereotyped by employers as ideal employees for housework, childcare, or for live-in positions. Stereotyping is based on a number of individual characteristics—race, ethnicity, class, caste, education, religion, and linguistic ability—and results in a degree of “otherness” for all domestic servants. However, such a formalization of difference does not always put workers in the

171. *Id.* at 257.

172. *Id.* at 263.

173. *Id.* at 250.

174. *Id.* at 264.

175. Two-career households are more likely than dual-earner households to hire full-time or live-in domestic caretaker/nanny. As Tronto points out, the distinction between two-career and dual-earner household is significant because the former describes “professional jobs where the time demands are excessive or unpredictable.” See Tronto, *supra* note 167, at 35.

176. I am not suggesting that commodification of caregiving in itself creates stratification, but rather the structure of care work reflects, reinforces and intensifies inequality. See Katherine B. Silbaugh, *Foreward: The Structures of Care Work*, 76 CHI.-KENT L. REV. 1389 (2001).

177. See Katherine Silbaugh, *Commodification and Women’s Household Labor*, 9 YALE J.L. & FEMINISM 81, 112-16 (1996) (discussing the applicability of the commodification critique in feminist discourse in addressing paid domestic workers).

178. See Colen, *supra* note 32, at 93 (discussing employers’ essentialist views of West Indian caregivers in New York City).

subordinate position, and employers' preferences can vary from place to place. Janet Henshall Momsen notes that, "Professionally-trained British nannies occupy an elite niche in Britain and North America."¹⁷⁹ Interviewing employers in Los Angeles and New York City, Julia Wrigley observed Spanish-speaking nannies were identified by employers for their ability to broaden the cultural experience of their children, particularly in exposing them to a second language in the home.¹⁸⁰ Employers referenced the growing Latino population in their community and the long-term benefits of their children learning Spanish. However, the socialization to race and culture politics may be the most significant consequence of the current commodification of reproductive labor.

The primary mission of reproductive labor in contemporary mothering is to assure their children's place in society. This is partially accomplished through socialization into class, gender, sexual, ethnic and race hierarchies. Employment of immigrant women as caregivers contributes to this socialization. Reinforced by their parents' conceptualization of caretaking as a "labor of love,"¹⁸¹ children learn a sense of entitlement to receiving affection from people of color that is detached from their own actions.¹⁸² Children learn to be "consumers of care"¹⁸³ rather than providers of caregiving. Caretaking without parental authority does not teach children reciprocal respect but rather teaches that the treatment of women of color as "merely means, and not as ends in themselves."¹⁸⁴ The division of labor between mother and live-in caretaker domestic stratifies components of reproductive labor and equates burdensome, manual and basic maintenance labor with immigrant women of color. This gendered division of labor serves to teach traditional patriarchal privilege.¹⁸⁵ Privilege is learned as they acquire a sense of entitlement to having a domestic worker always on call to meet their needs.¹⁸⁶

179. Momsen, *supra* note 16, at 13.

180. See generally WRIGLEY, *supra* note 32.

181. See Katharine Silbaugh, *Turning Labor into Love: Housework and the Law*, 91 Nw. U. L. REV. 1 (1996) (arguing that the language of emotions is used to deny material security to individuals engaged in paid and unpaid domestic labor).

182. See generally Wong, *supra* note 92 (discussing images of people of color as caretakers).

183. Baquedano-López, *supra* note 20, at 4.

184. Tronto, *supra* note 167, at 40.

185. *Id.* at 47. See also Lutz, *supra* note 30, at 96. ("Large numbers of women in Western industrialized countries have entered the work force without bringing about the required change in outlook and organization in patriarchal professional contexts. Women remain responsible for care anyway and thus acquire a double burden or seek domestic help privately.").

186. HELBURN & BERGMANN, *supra* note 73, at 108.

Stratified reproductive labor of a live-in immigrant domestic assures “learned helplessness and class prejudice in the child,” and teaches “dependance, aggressiveness, and selfishness.”¹⁸⁷ Systems of class, racial, ethnic, gender and citizenship domination are taught to children by witnessing “the arbitrary and capricious interaction of parents and servants or if they are permitted to treat domestic servants in a similar manner.”¹⁸⁸ As children move from their homes located in class (and frequently racially) segregated neighborhoods to schools (also likely to be segregated), power relationships and the larger community’s class and racial etiquette are further reinforced. “As care is made into a commodity, women with greater resources in the global economy can afford the best-quality care for their family.”¹⁸⁹ If mothering is directed toward assuring their child’s social and economic status in society—a society that is racist, capitalist, and patriarchal—then her goals are strengthened by employing a low wage, full-time or live-in immigrant woman. Conditions under which immigrant women of color are employed in private homes is structured by systems of privilege and, consequently, employers’ children are socialized into these norms and values.

V. PROLONGATION OF IMMIGRANT WOMEN SUBORDINATION

Paid reproductive labor in the United States is structured along local, national and international inequalities,¹⁹⁰ positioning third-world immigrant women as the most vulnerable workers.¹⁹¹ Careworkers are sorted by the degree of vulnerability and privilege. Consequently,

187. *Id.*

188. Tronto, *supra* note 167, at 40.

189. PARREÑAS, *supra* note 10, at 73.

190. Local pools of cheap labor are shaped by economic prosperity and government policies regulating employment, unemployment and welfare benefits. See generally M. Patricia Fernández Kelly, *Underclass and Immigrant Women as Economic Actors: Rethinking Citizenship in a Changing Global Economy*, 9 AM. U. J. INT’L L. & POL’Y 151, 152 (1993) (discussing vulnerability of undocumented workers); Joan Fitzpatrick & Katrina R. Kelly, *Gendered Aspects of Migration: Law and the Female Migrant*, 22 HASTINGS INT’L & COMP. L. REV. 47 (1998).

191. See Center for the Child Care Work Force, *Estimating the Size and Components of the U.S. Child Care Workforce and Caregiving Population: Key Findings from the Child Care Workforce* (Preliminary Report), May 2002, available at <http://www.ccw.org/pubs/workforceestimate-report.pdf> (last visited Jan. 17, 2002). The Center for the Child Care Workforce estimates that five million individuals in the United States are engaged in caring for someone else’s child (zero to five years); of which 2.3 million are paid workers. The paid childcare workforce for children in this age range includes workers in private and public child care centers, prekindergarten, kindergarten, head start, and in the worker’s or employer’s home. Ninety-seven percent of all Center-based child care workers are women and they range in education from high school or less to bachelor degrees (33% of teachers and 69% of directors). Seventy percent of the center-based staff is white; 16% is African American; 3% is Asian American; and 11% is Latino. The Bureau of Labor Statistics survey by Occupational Employment Statistics for 2000 reports

paid domestic labor is not only structured around gender but is stratified by race and citizenship status, relegating the most vulnerable worker to the least favorable working conditions and placing the most privileged in the best positions.¹⁹² A major initiative in the American childcare movement is addressing low wages in the childcare industry.¹⁹³ However, the plight of live-in caregivers and immigrant women as a specific group is rarely addressed.¹⁹⁴ The solution of hiring a live-in domestic, used by a relatively privileged group, is a component of reproductive labor in the United States,¹⁹⁵ and serves to intensify ine-

the lowest hourly wage average for child care workers is \$6.25 and the highest is \$10.12. The hourly wage for preschool teachers ranges from \$7.01 to \$11.60. *Id.*

192. See Kevin R. Johnson, *Public Benefits and Immigration: The Intersection of Status, Ethnicity, Gender, and Class*, 42 UCLA L. REV. 1509, 1541-58 (1995) (discussing intersectionality and degree of subordination faced by female immigrants, which places them in the most vulnerable positions). See generally Maria L. Ontiveros, *To Help Those Most in Need: Undocumented Workers' Rights and Remedies Under Title VII*, 20 N.Y.U. REV. L. & SOC. CHANGE 607 (1993-94).

193. See generally HELBURN & BERGMANN, *supra* note 73.

194. *Id.* at 107. See also M. Isabel Medina, *In Search of Quality Childcare: Closing the Immigration Gate to Childcare Workers*, 8 GEO. IMMIGR. L.J. 161 (1994) (arguing the limitation of immigration policy on child care workers stems from their "unskilled" classification). Their discussion on nanny care completely ignores the history of domestic service in the United States, particularly the experiences of African-American women, and their overview suggests that working conditions are related to the educational and skill level of immigrant workers. They write:

The now-popular term "nanny" derives from the term used for a woman who lived with a well-off British family and cared for their children. She was not of lower-class origin and did no housework; the families had other servants for that. Thirty years ago, one heard little of nannies in the United States, and those using the term would have been considered stuck-up. "Babysitter" was the term commonly applied to a nonrelative who cared for a child in the child's own home but was expected to do little or no housework. A person who was paid to care for the children but also to do a substantial part of the housework was called "housekeeper" or "maid."

In the United States today, the job of a nanny is generally low-paying and low status. It usually subjects the nanny to sometimes-capricious supervision from someone with no experience as a supervisor, provides no opportunity for advancement, and is socially isolating. Since people with other opportunities naturally shun such a job, the present-day American nanny often comes from the lowest rung of the social ladder. The nanny is likely to be a recent (possibly illegal) immigrant with little or no education and little English, or a young woman from the Midwest eager to get away from home.

Id.

195. See generally SARAH BLAFFER HRDY, *MOTHER NATURE: MATERNAL INSTINCTS AND HOW THEY SHAPE THE HUMAN SPECIES* (2000). Hrdy makes the argument that "[i]t was not maternal nature (always contingent on circumstances) that changed through time, but "maternal options" (emphasis added). *Id.* at 368. She describes these options as follows:

Dull-career mothers, whether they forage or go to work, have always sought ways to mitigate the costs of infant care. Today, mothers hire nannies, leave children in government-run crèches, *maternales*, or daycare centers; they delegate childcare to kin; or else they continue caring for infants themselves but reduce the amount of care given to each infant.

Id. at 370 (emphasis in original).

qualities between women: first, by reinforcing childcare as a private rather than public responsibility;¹⁹⁶ and second, by reaping the benefits gained by the impact of globalization and restructuring on third-world women.¹⁹⁷ The globalization of domestic service contributes to the reproduction of inequality between nations in transnational capitalism and cases reported of domestic servitude is increasingly characterized as global gender apartheid.¹⁹⁸

Devaluation of immigrant women in the international division of labor begins in the home as unpaid labor; then is further devalued in the segregated labor forces within third-world countries used by wealthier nations for cheap labor.¹⁹⁹ Women are relegated to low-wage factory work in textiles and electronics industries with no opportunities available for better-paid positions.²⁰⁰ Migrating and working as domestics becomes the primary strategy for sustaining households for both poor and middle-class women.²⁰¹ The demand for low-wage migrant workers expands the pool of cheap labor that unemployment and welfare regulations are unable to maintain. Theorists have traditionally argued that women's unpaid domestic labor in the home served as a reserve labor force.²⁰² Applying this qualification to immigrant domestic workers, the employment of third-world women becomes a significant source for reproducing a labor reserve, similar to the function of the unemployed and underemployed. Saskia Sassen states this proposition in the following question: "Does domestic service—at least in certain locations—become one of the few alternatives

Of 21 million children under the age of six in the United States in 1995, 12 million were in daycare. Of infants less than one year old, 45 percent were in some kind of daycare. Mothers seek this care in a market where wealthy, nonworking mothers, highly paid professionals, ordinary working women, and mothers pushed off welfare into the labor market at minimum wages, not to mention government agencies seeking to place foster children, are all competing for alloparental care, a commodity not in abundant supply to begin with.

Id. at 369.

196. Parents with disposable income maintain private services in their homes rather than supporting public child care or joining the struggle to gain family friendly work policies.

197. See generally Sheila M. Neysmith, *Networking Across Difference: Connecting Restructuring and Caring Labour*, in *RESTRUCTURING CARING LABOUR: DISCOURSE, STATE PRACTICE, AND EVERYDAY LIFE* 1-28 (Sheila M. Neysmith ed., 2000).

198. See generally ANTHONY H. RICHMOND, *GLOBAL APARTHEID: REFUGEES, RACISM, AND THE NEW WORLD ORDER* (1994).

199. See Gatmaytan, *supra* note 84, at 246-48 (discussing the Filipina perceived as "docile and manipulable" as factory workers who are commodified into the image required by the international maid market); see generally Ontiveros, *supra* note 192.

200. See Gatmaytan, *supra* note 84, at 246.

201. See HONDAGNEU-SOTELO, *supra* note 10, at 19-20.

202. See generally HARRY BRAVERMAN, *LABOR AND MONOPOLY CAPITAL: THE DEGRADATION OF WORK IN THE TWENTIETH CENTURY* 385-86 (1974).

and does it, then, function, as a privatized mechanism for social reproduction and maintenance of a labor reserve?"²⁰³ The transnational export of women from global south to the rich industrialized countries of the north has resulted in promoting domestics as a major "export product."²⁰⁴ Transnational division of labor is determined "simultaneously by global capitalism and systems of gender inequality in both sending and receiving countries of migration."²⁰⁵

A prominent feature of globalized reproductive labor is commodification.²⁰⁶ Parreñas argues that, "Commodified reproductive labor is not only low-paid work but declines in market value as it gets passed down the international transfer of caretaking."²⁰⁷ However, Anderson argues that the commodification process in globalization is not limited to the labor but is extended to the worker. In her work on the global politics of domestic labor, she points out that employers "openly stipulate that they want a particular type *person* justifying this demand on the grounds that they will be working in the home."²⁰⁸ Having hired the preferred racialized domestic caretaker on the basis of personal characteristics rather than former experience or skills, the emotional labor required is not recognized by the employer but the worker's caring "brings with it no mutual obligations, no entry into a community, no 'real' human relations, only money."²⁰⁹

Employers' hiring preferences for employees who are a particular race, ethnicity, and nationality contributes to the hierarchical chain of domestic caretakers.²¹⁰ Hondagneu-Sotelo notes that African Americans are no longer the preferred employee in Los Angeles homes because they are portrayed as "bossy" and with "terrifying images associated with young black men."²¹¹ Similar images are applied to Caribbean women in New York and are cautioned against coming

203. SASSEN & APPIAH, *supra* note 135, at 116.

204. Lutz, *supra* note 30, at 101.

205. PARREÑAS, *supra* note 10, at 72.

206. See ROMERO, *supra* note 5, at 50-53 (discussing housework as unpaid labor); see *id.* at 130-41 (discussing physical and emotional labor incorporated into structure of paid labor). Katharine Silbaugh notes two policies that are a consequence of perceptions of domestic service to women's unpaid labor in the home: "the paid worker is denied the benefits of labor law" and "[b]y not taxing unpaid home labor, the competitive price of paid home labor is reduced" because "the paid domestic worker competes for a wage against a tax-subsidized unpaid worker." Silbaugh, *supra* note 177, at 115.

207. PARREÑAS, *supra* note 10, at 73. See generally NOELEEN HEYZER ET AL., *THE TRADE IN DOMESTIC WORKERS: CAUSES, MECHANISMS AND CONSEQUENCES OF INTERNATIONAL MIGRATION* (1994).

208. ANDERSON, *supra* note 10, at 114 (emphasis in original).

209. *Id.* at 123-24.

210. ROMERO, *supra* note 5, at 7.

211. HONDAGNEU-SOTELO, *supra* note 10, at 56.

“across in interviews as being in any way aggressive.”²¹² Latina immigrants in Los Angeles are perceived as “responsible, trustworthy, and reliable” workers as well as “exceptionally warm, patient, and loving mothers.”²¹³ In the case of Filipina women, Dan Gatmaytan argues that their labor is distinctively featured in international division of labor as “docile and submissive,” and thus, ideally packaged to be imported “by other countries for jobs their own citizens will not perform and for wages domestic citizens would not accept.”²¹⁴ Parreñas’s findings suggest that employers view Filipinas as providing a “higher-quality” service because they speak English and generally have a higher education than Latina immigrants.²¹⁵

However, without state regulations of labor and immigration policies, employers’ preferences are irrelevant in the racialization of reproductive labor in the United States.²¹⁶ Joy Mutanu Zarembka, director of the Campaign for Migrant Domestic Workers’ Rights, argues that the estimated four thousand special visas issued annually for third-world immigrant women contributes to commodification of these workers into a “maid to order” in the United States.²¹⁷ Three visas perpetuating the subordination of immigrant women of color as live-in domestic workers are:

A-3 visas to work for ambassadors, diplomats, consular officers, public ministers, and their families; G-5 visas to work for officers and employees of international organizations or of foreign missions to international organizations and their families; and B-1 visas to accompany U.S. citizens who reside abroad but are visiting the United States or assigned to the United States temporarily for no more than four years, or foreign nations with nonimmigrant status in the United States.²¹⁸

In contrast to special visas given primarily to third-world immigrant women, the J-1 visa is increasingly used to bring young and middle-class European immigrant women as nannies or *au pairs* with “educational and cultural exchange” their primary purpose.²¹⁹ Under this

212. WRIGLEY, *supra* note 32, at 10.

213. *Id.* at 57.

214. Gatmaytan, *supra* note 84, at 246-47.

215. PARREÑAS, *supra* note 10, at 178.

216. Iglesias, *supra* note 141 (applying the concept of structural violence to features of legal interpretation and practices subordinating women of color); Berta Esperanza Hernández-Truyol, *Las Olvidas - Gendered in Justice/Gendered Injustice: Latinas, Fronteras and the Law*, 1 J. GENDER RACE & JUST. 353 (1998) (discussing Latina immigrant women’s invisibility as a class of persons).

217. Zarembka, *supra* note 84, at 26-28.

218. See Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 4.

219. Zarembka, *supra* note 84, at 27-28; see also Stanley Mailman, “Au Pair” - Valid Visitor or Unauthorized Worker, N.Y.L.J. 1-2 (1982). *Au pair*:

visa, each nanny receives an orientation session and is placed in geographical locations near other nannies. After her placement, she attends an orientation session and “receives information on community resources, educational opportunities and contacts for a local support network.”²²⁰ Counselors have monthly sessions with each employer and nanny to “report any problems and resolve disputes.”²²¹ “In contrast, with the G-5, A-1 and B-1 domestic worker programs, there are no official orientations, no information, no contact numbers, no counselors, and no educational programs. In practice, as well, there is often no freedom—many are systematically (though illegally) forbidden from contacting the outside world.”²²²

Human Rights Watch further asserts that special visas intensify workers’ vulnerability to abuse²²³ and facilitate the violation of other human rights.²²⁴ Procedures, guidelines, laws, and regulations governing special domestic worker visas construct circumstances that tolerate and conceal employer abuses, and restrict workers’ rights. Among the problems cited by Human Rights Watch are the lack of INS follow-up monitoring or investigations to verify employer compliance with employment contracts, and the Department of Labor’s lack of involvement with administering these visas. Consequently, no governmental agency is responsible for enforcing contracts.²²⁵ Zarembka asserts that the secrecy of the whereabouts of G-5, A-3 and B-1 workers makes “them some of the most vulnerable and easily exploited sectors of the American workforce” and violation of human rights is

refers to the relationship in which a young person, not a domestic - servant by vocation, joins another family for a relatively short period with the understanding that she will share family chores and take part in family activities. The family is often in another country and her prime purpose is usually to learn something of the foreign language and culture.

Id.

See, e.g., Melissa Tonelli, *Mistaken Identity Teaches Mom a Lesson*, NEWSDAY, May 10, 2002, at A51 (“When I picked him (son) up from school, I was usually the only parent. His classmates were met by their nannies: young Italian women here to learn English and explore the Manhattan nightclub scene.”).

220. Zarembka, *supra* note 84, at 27.

221. *Id.* at 27-28.

222. *Id.* at 28. See also Human Rights Watch, *Hidden in the Home*, *supra* note 11; *Campaign for Migrant Domestic Worker Rights*, *supra* note 57.

223. See Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 1; See *Campaign for Migrant Domestic Worker Rights*, *supra* note 57.

224. See Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 2; See *Campaign for Migrant Domestic Worker Rights*, *supra* note 57.

225. See Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 22-25; *Campaign for Migrant Domestic Worker Rights*, *supra* note 57.

silenced by their invisibility.²²⁶ In addition to low wages, long hours, and the lack of both privacy and benefits that are common among live-in conditions, immigrant women experience other abuses. They include passport confiscation,²²⁷ limited freedom of movement and ability to communicate with others,²²⁸ employer threats of deportation,²²⁹ assault and battery,²³⁰ rape,²³¹ servitude,²³² torture,²³³ and trafficking.²³⁴ Changing employers under live-in conditions has always been difficult for workers, and for women with employment-based visas, they are faced with weighing “respect for their own human rights and maintaining their legal immigration status.”²³⁵ For similar reasons, women are reluctant to report abuse because they

226. Zarembka, *supra* note 84, at 27; *see also* Campaign for Migrant Domestic Worker Rights, *supra* note 57.

227. Zarembka, *supra* note 84. *See also* Human Rights Watch, *Unfair Advantage*, *supra* note 11; Christine Herera & Rita Villadigo, *Abused Maids Fight Back in Jordan*, *HK, NY, PHIL. DAILY INQUIRER*, July 20, 2002, at 1.

228. Zarembka, *supra* note 84. *See also* Human Rights Watch, *Hidden in the Home*, *supra* note 11; Human Rights Watch, *Unfair Advantage*, *supra* note 11; Campaign for Migrant Domestic Worker Rights, *supra* note 57.

229. *See* Human Rights Watch, *Hidden in the Home*, *supra* note 11; Human Rights Watch, *Unfair Advantage*, *supra* note 11. *See also* Stephanie Armour, *Special Report: Some Foreign Household Workers Face Enslavement*, *U.S.A. TODAY*, Nov. 19, 2002, at 1A; Campaign for Migrant Domestic Worker Rights, *supra* note 57; Douglas Pasternak, *Slavery in the Capitol's Shadow*, *129 U.S. NEWS & WORLD REP.* 19, Nov. 13, 2000, at 37.

230. *See* Human Rights Watch, *Hidden in the Home*, *supra* note 11; Human Rights Watch, *Unfair Advantage*, *supra* note 11. *See, e.g.*, Blaine Harden, *Case of Princess Accused of Pushing Maid Downstairs Reveals Failing of New Law*, *N.Y. TIMES*, July 2, 2002, at A14.

231. *See* Human Rights Watch, *Unfair Advantage*, *supra* note 11.

232. *See* Human Rights Watch, *Hidden in the Home*, *supra* note 11. *See also* Helena Smith, *Slaves in the Land of the Free*, *NEW STATESMAN*, Sept. 9, 2002, at 36; Romy Varghese, *Struggling for a New Life After Escaping Nightmare: Woman was Imprisoned in Nigeria and New York by Own Family*, *NEWSDAY*, Aug. 28, 2002, at A41; John Marzulli, *Says She was a Slave: Maid Sues Qns. Exec Over Bad Pay, Abuse*, *DAILY NEWS*, Aug. 27, 2002, at 3; Phuong Ly, *Pair Convicted of Enslaving Housekeeper: Md. Couple Brought Teen From Cameroon Illegally*, *WASH. POST*, Dec. 21, 2001, at B01; Stephanie Armour, *Many Immigrant Workers Flee Abuse Only to Fall Victim Again*, *U.S.A. TODAY*, Nov. 20, 2001, at 1B; Margaret Ramirez, *Domestic Workers Seek Wage, Personal Protection*, *NEWSDAY*, Oct. 6, 2002, at A18.

233. *See* Bonnie Pfister, *Women Guilty in Confined Girl Case: Laredo Housewife Convicted on 7 Counts*, *SAN ANTONIO EXPRESS-NEWS*, Oct. 19, 2001, at A1.

234. *See* “Desperate Cargo,” *ECONOMIST*, Mar. 2, 2002; Anne-Marie O’Connor, *Gathering Fights Those Who Deal in Human Lives: Border: Social Workers, Law Enforcement and Human Rights Activists Meet to Devise Strategies to Combat Criminals who Prostitute Thousands of Women and Children*, *L.A. TIMES*, Aug. 25, 2002, at 10; James Pinkerton, *Immigrant Crime Victims Await Relief Under New Visa*, *HOUSTON CHRON.*, Aug. 5, 2002, at A1; Leonel Sanchez, *Federal Authorities Drop Charges Against Riverside Brothel Suspects*, *SAN DIEGO UNION-TRIB.*, Dec. 21, 2001, at NC-2, NI-2.

235. Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 1; Zarembka, *supra* note 84, at 27 (“As one neighbor who helped a Haitian domestic worker escape said, ‘When she ran away, she was out of a job, out of money, out of a home, out of status and, quite frankly, out of her mind, with fear.’”).

fear losing their jobs, deportation,²³⁶ unfamiliarity with the American legal system,²³⁷ social and cultural isolation,²³⁸ and fear that “their retaliation powerful employers will retaliate against their families in their countries of origin.”²³⁹

Exclusion from a number of labor policies contribute to the hardships immigrant women experience as live-in domestics. They are excluded from overtime provisions provided in the Fair Labor Standard Act, from the right to organize, strike, and bargain collectively in the National Labor Relations Act, and from regulations in the Occupational Safety and Health Act.²⁴⁰ “In practice, too, live-in domestic workers are rarely covered by Title VII protections against sexual harassment in the workplace, as Title VII only applies to employers with fifteen or more workers.”²⁴¹

Third-world immigrant domestics experience first hand the inequalities of caregiving as they provide labor for parents in rich industrialized countries while leaving their own children.²⁴² Sarah Blaffer Hrdy equates mothers leaving their children with relatives in their homelands to European infants left in foundling homes or sent to wet nurses during the eighteenth century: “Solutions differ, but the trade-offs mothers make, and the underlying emotions and mental calculations, remain the same.”²⁴³ Anderson notes that immigrant women’s care for their children is limited “in the fruits of hard labour, in remittances, rather than in the cuddles and ‘quality time’ that provide so much of the satisfaction of care.”²⁴⁴ Transnational mothering cannot provide the “physical closeness, seen as healthy and ‘normal’ in the Western upbringing of a child, are not given, because most of the

236. Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 2. See, e.g., Harden, *supra* note 230.

The maid, Ismiyati Soryono, whom the prosecutors had subpoenaed to testify against the princess, cannot be court. After she went home to Jakarta in May for her mother’s funeral, the United States Embassy there denied her a visa to return to Florida and testify on the grounds that she might try to stay in this country illegally.

Id. at A14.

237. Human Rights Watch, *Hidden in the Home*, *supra* note 11. See also *Campaign for Migrant Domestic Worker Rights*, *supra* note 57; Zarembka, *supra* note 84.

238. Human Rights Watch, *Hidden in the Home*, *supra* note 11.

239. *Id.*

240. See Iglesias, *supra* note 141.

241. Human Rights Watch, *Hidden in the Home*, *supra* note 11, at 2.

242. See Robert Frank, *Child Cares: To be a U.S. Nanny, Ms. Bautista Must Hire a Nanny of Her Own*, WALL ST. J., Dec. 18, 2001, at A1; Fitzpatrick & Kelly, *supra* note 190, at 68-69 (discussing the separation of workers from their own children).

243. HRDY, *supra* note 195, at 370.

244. ANDERSON, *supra* note 10, at 118.

women are not allowed to take their children with them.”²⁴⁵ These conditions reduce mothering to the basic function of economic support.²⁴⁶ In her research on Filipina women in Rome and Los Angeles, Parreñas observed the impact of economic ties rather than affective ties between mother and child departed from each over a long period of time. The use of material good, financial assistance, and school tuition result in commodifying family relationships and motherhood.²⁴⁷ Inequalities in the distribution and quality of domestic labor and caregiving is a cost borne by the children of live-in workers.²⁴⁸ The absence of retirement benefits pension assures that workers will not be able to contribute financially to their children’s future, but rather will need their assistance.²⁴⁹

VI. CONCLUSION

Before the September 11 attacks, the Federation for American Immigration Reform (FAIR), Patrick Buchanan, Pete Wilson and others vilified immigrants as the cause of all problems in the United States.²⁵⁰ Homeland security has further fanned the flames of xenophobia and support for vilifying immigrants. Yet, within the intimacy of many American homes, immigrant women (primarily Latina and Caribbean immigrants) continue to provide assisted reproductive labor that fulfills the basic tasks of maintaining families of dual career couples and contribute to middle-upper- and upper-class lifestyles. Popular culture functions to normalize the hiring of immigrant women by depicting domestic service as a bridging occupation that offers social mobility, opportunities to learn English, and other cultural skills that assist in the assimilation process. The characterization of nannies and private household workers in *The Nanny Diaries*, as well as in films and sitcoms, serves to reduce the significance of immigrant women in

245. Lutz, *supra* note 30, at 99.

246. See Tyche Hendricks, *Wiring Cash Costly for Immigrants*, S.F. CHRON., Mar. 24, 2002, at A23.

247. PARREÑAS, *supra* note 10, at 88. 249. See generally Rhacel Salazar Parreñas, *The Care Crisis in the Philippines: Children and Transnational Families in the New Global Economy*, in GLOBAL WOMAN (Barbara Ehrenrich & Arlie Russell eds., 2002).

248. See Romero, *supra* note 167, at 1651; Tronto, *supra* note 167, at 45-46; see also Harvard School of Public Health, *The Project on Global Working Families*, available at <http://www.hsph.harvard.edu/globalworkingfamilies/ChildDev.htm> (last visited Feb. 28, 2002) (providing data on the relationship between children’s failure in school and parent’s flexibility in work schedule, evening and night work, and income).

249. Lutz, *supra* note 30, at 101.

250. See generally Johnson, *supra* note 5, at 1164 nn.92-94 (providing examples of anti-immigrant campaigns); Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 85 CAL. L. REV. 1395, 1409 (1997) (discussing “nativistic racism” following proposed California Proposition 187 and Federal Welfare Reform Act of 1996).

fulfilling childcare needs in the United States and to erase issues of employee rights from the American imagination. Instead, employers are classified as good or bad: good employers who are benevolent and provide immigrant women with a modernizing experience, or bad employers who are rich couples ignoring their children. Popular culture does not contextualize paid reproductive labor. Economic, political and legal structures surrounding the migration of Latina, Caribbean and Filipina women are ignored along with the circumstances that relegate their labor to low-wage dead-end jobs. Consequently, we can maintain our illusions of Latina domestics as sexually out of control and utterly colorful spitfire, the self-deprecating accented smart-mouthed, or the rosary-praying maid. We can continue to see these images and sing out, "Yes, that's what maids are like."

Labor and immigration regulations constructed along the work-family, public-private, and dependence-independence axes assigns immigrant domestic caregivers invisible and prolongs their subordination that is then passed on to their children. Solutions to improve working conditions for domestic caregivers call for reconceptualizing these axes. First, the employer's home—the employee's work site—must come under the domain of labor regulation. Second, worker protection laws and regulations must be extended to cover all resident workers in the country regardless of immigration or citizen status.²⁵¹ Collective organizing efforts currently under way have already demonstrated the significance in broadening the Fair Labor Standards Act to include the working conditions of all domestic caregivers.²⁵²

Centering immigration on questions of "belonging" (and related concepts, e.g., assimilation, ethnic differences, and ethnic loyalty) blinds us to inquiries into the role of immigration in sustaining systems of privilege and perpetuating myths and ideologies central to national identity. Immigration and labor regulations reproduce race, class, gender and citizenship inequalities and privileges. In the case of immigrant women employed as private household workers or caregivers, the social reproduction of inequalities begins in the employer's home. Managing the contradictions of intimacy and vilification of immigrants through cultural images that falsify employee-employer relationships, allows Americans to reap the benefits of retaining a vulnerable labor force unprotected from exploitation while arguing humanitarian posi-

251. See Gabrielle Meagher, *Is it Wrong to Pay for Housework?*, 17 *HYPATIA* 52, 62-63; HONDAGNEU-SOTELO, *supra* note 10, at 217.

252. See generally Human Rights Watch, *Hidden in the Home*, *supra* note 11; Campaign for Migrant Domestic Worker Rights, *supra* note 57.

tions.²⁵³ The popular version of nannies depicted in *The Nanny Diaries* assists in normalizing privilege and erases issues of economic injustice. Our complacency in the subordination of immigrant women is once again obtained by our fascination with chatty gossip on sex, drugs, money, and family values of the wealthy on Park Avenue. Moreover, our illusion that there is no greater state of being than Americans is further enhanced by denying the privileges gained by third-world assisted social reproduction.

253. ANDERSON, *supra* note 10, at 124-25 (discussing employer management of contradictions of intimacy and status through illusions of affective relations and rejection of commodification of human relations).

