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The Construction of Illegality: Basotho Migrant domestic workers' experiences.



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This research report is in fulfilment of the requirements for the award of a degree of Masters in Anthropology Ethics protocol number H14/08/40

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DECLARATION

I declare that this is my own work and has never been submitted for any other degree at any other University and that full referencing has been done on ideas and thoughts that do not belong to me.

Mantuna Makoro Date

ACKNOWLEDGMENTS

To all who have supported me throughout this Journey, My Family and Friends and my Supervisor Prof Coplan. Thank You

ABSTRACT

The following research is a study on migrant Basotho Domestic workers. This research details their reasons for migrating by looking at socio economic and cultural factors that are at play in Lesotho. It documents their journey to South Africa by studying the border and how it constructs their illegality. This paper argues that by labelling migrants as illegal, South Africa is in fact perpetuating Basotho's vulnerability and exploitation by South African employers. It also shows that there is a contradiction between South African labour, ILO convention 189 and Immigration act as the two former laws aim to protect migrants which the Immigration Act does not favour migrant domestic workers.

TABLE OF CONTENTS

Abstract 4

Table of contents 5

Chapter 1: Introduction 6

Chapter 2: Literature Review 11

Chapter 3: Methodology 21

Chapter 4: Findings

4.1 The Situation at home 29

4.2 The Journey to South Africa; construction of illegality 39

4.3 How illegality produces vulnerability: i) Agencies 56

ii) The relationship between employer and domestic worker 60

Chapter 5: Conclusion and recommendations 71

Bibliography

Chapter one: Introduction

In July 2013, I conducted research on the nature of domestic work in post-apartheid South Africa for my honours project. This research looked at the relationship between domestic workers and their black employers and in order to understand this relationship, I took up a job as a domestic worker and embarked on full-on participant observation. It was during this time that I discovered why the employer had hired me. She preferred foreigners, particularly people from Lesotho just as I was. The reason for this as she said was that South African domestic workers are lazy and they complain too much. I then asked what they complain about she said about time. "When it's time to leave they cannot even stay 5minutes, and when they are asked to maybe come on a Saturday for a few minutes they want to be paid for it" she said. Once again, a few days later, upon the completion of my field work I told my employer that I was leaving. She then proceeded to ask me if I knew of any Mosotho domestic worker looking for a job, I told her I would keep my ears open for her.

The preference for Basotho domestic workers was not new to me. Among the many things Lesotho is known for in Johannesburg, Basotho domestic workers are amongst the forerunners. Often when I'd meet people for the first time and told them I was from Lesotho, they often excitedly say "really, our helper is also from Lesotho" and I'd sarcastically reply "oh that's nice" before proceeding to ask them how they relate with their "helper" of which they reply "oh she's nice, she doesn't talk much but she's nice". What they don't know is that these people do talk. They talk about how much they don't like their employers and how their employers' children are left to disrespect them but find that they cannot discipline them themselves or do anything about

it because they don't want to lose their jobs. I hear most of these conversations in taxis from Noord Johannesburg to Lesotho which I often take when I go home. It's almost as if the journey from Johannesburg to Lesotho is a therapeutic outlet for these Basotho domestic workers as they paint a totally different image from that of their employers. Their experiences entangled in a web of exploitation of which they are well aware of come out in almost all their conversations. It was for this reason that I decided to extend my honours research to include migrant Basotho domestic workers.

This research report is therefore a story of migrant Basotho domestic workers working in South Africa. Their lives in Lesotho, their eventual migration to South Africa and their experiences as migrant domestic workers in South Africa are captured in this report. The report not only takes into consideration the push and pulls factors that propel these women but also the structural State institutions/ apparatuses that attempt to keep them out of South Africa. These include the border, immigration policy and state actors that are appointed to uphold the constitution of the State as evidenced in an interview which I will refer to later in the report. It is important to look at these state institutions as they affect migrant domestic workers' experiences in South Africa. These institutions label them as 'illegal' migrants and because they are undocumented, they suffer exploitation at the hands of their employers. By looking at these structures, the paper will show that there's a contradiction between policy and national labour law. It will show that the system works to entrench migrants in a sector that exploits them by exposing them to vulnerable relationships within the host society. Exploitation has become a byproduct of a system that does not favour their presence in a country that is said to reserve jobs like domestic work for its citizens.

Historically, the increase in Basotho female migration to South Africa can be attributed to the decline of migrant Basotho men's opportunities in South African mines. It is reported that half of the growing number of female migrants from Lesotho are domestic workers in South Africa of which this report is interested in, while the rest are spread between the informal sector (9%), commercial farm work (5%), self-employed businesses (6%), the professions (5%) and skilled manual work (5%) (Crush, Dodson, Gay, Green & Leduka: 2010). Abject poverty due to the unemployment crisis in Lesotho is the sole cause of migration of Basotho women to South Africa who travel in the hope of providing a better life for themselves and their families back home. Because they are not skilled, domestic work seems to be a readily available alternative. When they arrive in South Africa though, their status as "illegal migrants" among other things, further exposes them to an unequal relationship with their employers and in turn suffer exploitation in the hands of their employers.

The South African labour law that supposedly works to protect all workers regardless of legal status has failed them as it directly contradicts the South African Immigration Act of 2002 that criminalizes migrants' employment. The criminalization of migrants' employment hinders the attainment of their labour rights. A contradiction is further seen in South Africa's ratification of the International Labour Organization (ILO)'s convention 189 that promotes decent work for all workers. Article 6 of this convention states that " Each member shall take measures to ensure that domestic workers, like workers generally enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy" (ILO 2013:9). These policy contradictions are played out on the ground level and become evident within the unequal relationship between employers and domestic workers.

Furthermore, any attempts by the Lesotho government to get South Africa to loosen its immigration laws have proven futile as South Africa is said to reserve jobs in this sector for its citizens. However, in an interview conducted with South African domestic workers asking them whether they felt Basotho were in direct competition with them, they replied;

Joyce: (disagrees) I don't see it in a bad way, because that person also has children just like me, she wants something for her children. It's the same as me going to Zimbabwe or Lesotho to look for work, that person in Zimbabwe has to treat me nicely. It is not bad

Busi: they don't do it to themselves. It's their government that doesn't provide for them and so when they come here they make some of us angry, when they get jobs we say maybe that could have been me, it their government, they don't do it to themselves. If they had jobs in their country, they wouldn't have come here.

Joyce: And also because we… if you give me a job right now and say ausi Joyce please wash my slippers for 5 bop (50 cents) I would never do it, but that other foreigner, for that 5 bop they will wash those slippers, for 5 bop. But us, we are picky.

Busi: they don't do it to themselves, it's their government.

Joyce reveals that foreign domestic workers accept low wages from employers which hinders South African's chances of getting anything above the minimum wage. But for foreign workers the little that they get in South Africa is far better than what they would get in their home countries which is why they are willing to suffer in the hands of their employers.

The question that this paper asked is **How can the historically exploitative relationship between the domestic worker and employer, which is informed by the illegal status of**

Basotho, be reformed to allow a more mutually, satisfactory and less unequal relationship to emerge?

Thesis Outline

Chapter one of this paper is a brief introduction discussing the current nature of migrant domestic work in South Africa. Drawing on South African policies and laws such as the South African labour, ILO's convention 189 and the Immigration Act (2002), this chapter looks at how these might be contradictory in turn hindering the provision for decent work for all domestic workers in South Africa that the country advocates for. Chapter two is a literature review detailing the historical migration from Lesotho to South Africa, the current state of domestic work in South Africa and how other writers have represented migration for domestic work in South Africa. The themes illegality and vulnerability are explored. Chapter three looks at the methodology carried out when conducting this research. This included ethnographic observations supplemented by interviews with migrant domestic workers, key stakeholders such as Home Affairs officials from South Africa, Migrant labour liason Officer from Lesotho and the secretariat of the Lesotho Trade Union Cooperation as well interviews with Agency owners. Chapter four looks at the findings of this research. The first part looks at the situation at home (in Lesotho) the factors that propel women to migrate to South Africa while second part looks at border crossings by Basotho Migrant women, and how the border produces their illegality. The third part looks at their experiences in South Africa as domestic workers. This part looks at how illegality produces migrants' vulnerability which in turn informs how they interact with their employers and agencies. Chapter five looks at recommendations and conclusions of the research.

Chapter Two: Literature Review

Migration for the purposes of domestic work whether transnationally or with internally is a widely written about topic. Coble (2006) traces the history of domestic work in New York City from the world war period up until the 2000s revealing the major problems to be that of unequal domestic service relations between employer and employees during the world wars to the problems of illegal immigrants in the 2000s. This hierarchical relationship is also revealed in studies carried out in Southern Africa by Cock (1980) and Hansen (1989) against the backdrop of colonialism and apartheid. Cock (1980) established that the relationship between the domestic servant and her employer was characterized or was part of the 'microcosm' of the bigger political ideology of apartheid as it was after the legalization of apartheid that black women were subjected to domestic service as their only form of employment as the law did not permit them to work anywhere else without passes. . During this time (the 1950s onwards), the relationship between the master and servant became an exploitative one characterised by race, class and inequalities as servants were viewed as commodities and made to work very long hours for very little wages (Cock 1980).

Hansen(1989) also explores the unequal relationship between employers and their servants in Zambia by historically tracing the social and political changes that informed this relationship.

King (2007) and Ally (2009) focus on how democracy in South Africa and the rights that came with it have affected this relationship between domestic worker and employer, revealing that not much has in fact changed as the South African state, through its laws has not been able to address the hidden meanings of the relationship between employer and employee. In Asia, Constable (1997) focuses on the historical and socio-cultural patterns that have contributed to the

oppression of Filipina migrant workers in Hong Kong. She looks at power as it interplays between these migrants, their employers and structural forces within the State. Parrenas (2001) and Lutz (2011) focus on how globalization has shaped the domestic service industry by making migration accessible to migrants.

Taking after constable (1997), I am more interested in how structural factors, in this case socio cultural factors in Lesotho that cause the migration of women and how immigration policy in the host country (South Africa) contributes to Basotho migrant domestic workers' exploitation by employers. To understand how this migration came to be, a historical account of Lesotho's migration to South Africa needs to be provided.

Historical Migration to South Africa

Lesotho and South Africa have had a unique relationship. This is attributed to the fact that geographically, Lesotho is within South Africa tying both countries to each other culturally and economically. Their relationship goes as far back as pre-colonial times, when no boundaries or borders existed to separate the two countries. This relationship at the time was only characterized by cattle raids but not land raids. Quoting from Germond (1967) Coplan (2000) shows how Moshoeshoe, the founder of the Basotho nation was opposed to any idea of boundary making as it robbed him of thousands of his people. Germond writes;

> Moshoeshoe's hostility to boundaries is fundamental. He fears their finality. What they- the legitimate owners- lose, they will lose forever and who knows where the process will end? These white people [Afrikaners] have an insatiable appetite for land: 'We robbed cattle, they rob land- and land is everything'. Besides what right have they to divide up the land, as if it were their own? ((Germond 1967: 175) in Coplan 2000: 192)

Moshoeshoe's fears came to life when his land was conquered by Afrikaners and the loss finalized in the 2nd treaty of Aliwal North on 12 February 1869 (Coplan 2000:193). Boundary

lines were then drawn up but these lines ignored ‘interactive, complex and malleable indigenous realities that existed before’ (Weisfelder 2014:110). It is because of these lines that we find four million Sesotho speakers living in South Africa and only two million in Lesotho which then makes it harder for South Africa to treat Basotho (from Lesotho) as foreigners (Weisfelder 2014). The artificial borders have only come to reify relationships among the Basotho and its neighbours instead of keeping them out like white settlers would have wanted.

The Basotho’s labour migration which has defined Lesotho’s relationship with South Africa until now is seen to have been characterized by three pivotal events as shown by Murray (1981). These are 1) the treaty of Aliwal North of 1869 where Lesotho lost most of its Free State Land. 2)Decline of Agriculture due to a loss of land and famine 3)the discovery of diamonds which led to mass migration and solidified Basotho as migrant labourers. It is argued that these events were not coincidental and therefore cannot be understood in themselves but rather against the backdrop of apartheid in South Africa.

Murray (1981) asserts that Basotho’s land had been lost during wars with the Boers of the Transvaal and a treaty of 1869 finalised this loss. It was here that the current border of Lesotho was drawn, separating Basotho from the greater South Africa even though they would still migrate freely, without having to present any documents while crossing the newly established border. The discovery of diamonds however called for a massive migration to South Africa and during this time men from Lesotho migrated to try their luck at finding jobs. It was also at this time that Lesotho experienced a boom in its economy as men exported grain, maize, wheat sorghum and bags of wool to meet the needs of distant mining camps. Unfortunately, however, this was short lived as by 1893 “the Orange Free State attempted to impose tariff on grain from Basutoland in order to protect the market of the while farmers who had turned from stock rearing

to growing crops" (Murray 1981:13). "White farmers in South Africa had long complained that the black farmers were more successful. When there was economic recession in South Africa - as part of the general international recession these complaints were articulated in political terms" (Strom 1986:27). Strom quotes an extract from General Hertzog to the secretary of state.

> We find it increasingly difficult to resist the daily pressure on the part of the people of the Union for measures restricting competition in our local markets from territories outside the Union. The depression, as you might well imagine, has much accentuated this demand. (Letter from General Hertzog to the Secretary of State J.H. Thomas, kept at Roma University library) in (Strom 1986:27)

The imposition of tax on Basotho's exports saw the decline of Agriculture amongst the Basotho as they could not afford the exorbitant rates. To counter this, most young men left to go work in the mines as evidenced by the "substantial increase in the number of labour passes issued which reflected steadily declining per capita income from agriculture" (Murray 1981:14). At this time it was only the men who were permitted to migrate for work in South Africa while an influx control prohibited women's migration. As Guy (1980) shows, with South Africa's strict influx control measures particularly since the 1960s, Basotho women were denied the opportunity for legal employment and were forced to settle for limited employment opportunities in Lesotho. Women found themselves having to rely on the male migrant labour economic system that has prevailed to this day, leaving them to support and look after families that were left behind. This gave them an identity associated with a stay-at-home status as a wife or daughter as they were left to perform household duties (James, 2001:100). If they were not looking after their families, they were traveling with their husbands to supplement the migrant labour wages which were not enough for their households. Some of these migrant women were known for their business of brewing beer, 'wherever men were recruited for work, women followed using clandestine means' (Gay, 1980: 284). It was only in the late 1990s and early 2000s after the 1960s legal

restrictions on women's migration to South Africa took over in large numbers. This was as a result of retrenchments on the gold mines which led to a massive drop in employment of foreign contract male workers and of the new hope of the democratic, rapidly growing South Africa (Maloka, 2004).

In trying to explain South Africa and Lesotho's migrant labour relationship Murray (1981) writes that overlapping phases in the incorporation of Basotho as wage labourers have to be understood. The first phase, he explains lasted for about

> "one hundred years from 1870s to the early 1970s, was one of the rapid albeit uneven industry expansion in the core areas of South Africa, initially in mining…wages were poor and the conditions of migrants' residence and employment was rigidly controlled by the notorious pass laws… the second phase is marked by the establishment of border control posts between South Africa and Lesotho in 1963, the formal proscription of all foreign migrants in sectors of employment other than mining and agriculture and the exclusion of Basotho from the South African labour market." (Murray 1981:22)

In the above, Murray (1981) shows how South Africa exploited the labour of Basotho to fill the gaps in sectors that South Africans were not willing to occupy. Much like the Mexican- USA relationship, Bach (1978:536) writes that "the availability of jobs for immigrants has been related historically to the need to supplement the domestic work force during periods of labor shortage." He further goes on to show that the "basic structural characteristic of immigration stems from the requirements of capitalist production" of which we have seen with Basotho mine labourers who were responsible for building South Africa's capitalist economy. After the establishment of border control posts in 1963, South Africa created Lesotho to be a country dependent on it much like a periphery is dependent on a core economic country.

In addition to this, Gay (1980) argues the exclusion of Basotho women from South Africa's labour market was deliberate as it coincided with the traditional jural and family system of Lesotho which kept women under the control of men as they were forced to be dependent on remittances from them. Despite this as, we have seen, some women migrated to South Africa illegally in order to support themselves. Gay (1980:283) reports that 'both Basotho men and women who went to seek work in South Africa were driven by economic necessity as their need for cash grew as the productivity of agriculture declined. For women, however, this economic necessity was inseparable from their insecurities as dependents upon long-absent migrant working husbands'.

Apart of the work of Gay (1980) and Griffin (2010), the literature on labour migration from Lesotho to South Africa mainly is mostly in relation to men's migration and silences the role women played. There is not much written on Basotho women alone and this research aims to fill this gap by documenting their experiences. Bonner's (1990) work as cited in Maloka (2004) briefly mentions Basotho women in the context of the role they played while the men were at the mines. Looking at the reasons as to why Basotho women migrated to South Africa, Bonner (1990) shows how these women were 'victims of land shortages and casualties of the migrant labour system' as the women that migrated were mainly women that had been abandoned by their husbands in one way or another. Coplan's work on Basotho women was also in relation to the migrants working in the mines. He states that the purpose of his study was 'to persuade social scientists and historians that performance was a rich, even indispensable, resource for understanding the role of consciousness and agency in the interplay of southern African forces, structures, processes and events' (Coplan, 1994:xvi). In his study, women appear within a broader framework of the impact migrant labour had on Basotho's families. Today as we will

see, retrenchments of men from the mines have caused a shift in migration pattern as more and more women are migrating to South Africa to find work as domestic workers.

Domestic Work in South Africa

Domestic work in South Africa has its roots in the colonial period. In the mid-to late eighteenth century, slaves whom not only comprised of local black population, but also Africans from as far as Madagascar and Asia, served as domestic workers. White migrant labour was available but the Dutch farmers thought whites were too superior to be doing any work that was described as cheap labour (Ally, 2009). Black African families worked on the Boer farmer's land, land which they themselves had owned but had been dispossessed off upon the arrival of the Dutch. The Dutch employed African men and women and also khoi san children as their domestic servants and agricultural servants (Ally 2009). This became one the defining engagements between the coloniser and the colonised.

Historically Van Onselen (1982) and Swaisland (1993) provide rich insights as to how domestic labor developed as a result of colonial structural changes in the period of 1886- 1914 and 1820-1939 respectively. Van Onselen (1982) described the domestic service sector as the most important sectors of a rapidly developing capitalist economy. This is because it serviced and produced (although not recognized at the time) workmanship from within the household. At the time white servants were preferred because 'indigenous people adapted only slowly to domestic work and also due to the so called 'Black Peril' scares' (Swaisland 1993: 70). Relationships of power soon emerged as white laborers were found to be problematic. 'These women were hardly suitable material for molding into a docile servant class' (Van Onselen 1982:5) and so black

male labor was sought despite the widely accepted assumption that domestic work is meant for females. In order to negotiate and situate their position in society, black male servants would take up roles as gangsters by night in an effort to reclaim their masculinity.

In Gasa's (2007) *women in the South African History*, a story about Martha, a young woman who lived on a Boer farm is related to us, showing the conditions at which her and her family worked under. She recounts:

> "The *boeremense* where my father was, they were horrible". As farming became more commercialised, the farm owners squeezed more productivity out of their labourers. They favoured large black tenant families- the more children, the more free labour… Those tenants unable to provide the required scale of labour were evicted. In Martha's family, the older boys worked as farm labourers and the daughters in domestic service. (Gasa, 2007:157)

The above shows the exploitative ways of servitude in the early colonial period. Black families were put up on the Dutch farmers' land and expected to work for free. At the awake of British colonialism, domestic service began to shift as colonialists brought their domestic servants with them as they were better trained in their cultural tastes (Ally 2009). This made them the preferable choice as domestic servants. The demand for domestic servants however quickly far outweighed the supply of white immigrants because many women soon found marriage after their arrival and decided to quit their jobs.

Initially though, in the 1890s, 'white female servants were replaced by Black African men. While these shifts were connected to the patterns of capitalist development as well as employer and employee preferences, the shift was also conditioned by the state which played a significant role in managing the raced and gendered character of domestic service throughout this period' (Ally 2009:26). Freund (1984) further explains that the worker, when organised in the pursuit of specific objectives or as a class, necessarily takes on a special political importance. He goes on to

argue that 'whether or not that organisation exists, labour has a fundamental economic role to play' (Freund 1984:1). In this we see the role the State played in creating colonial servitude to perpetuate capitalism. During this period, women's urbanisation was to be curbed as to maintain the capitalist's rural economy in what was called the native reserves but this was later revised with the boom of the mining sector. African men were called to do dangerous, low paying jobs in the mines and women quickly dominated the domestic service sector (Ally 2009).

The demand for mine laborers soon brought a decline of male workers in the domestic service sector as men left to pursue other opportunities. This saw the rise of females entering the domestic service sector and trained to fit the category of a docile servant. These historical literatures show how capitalist and racist structural conditions were conditioned to place black domestic workers as vulnerable persons dominated because of lack of opportunities or alternatives. Ironically this is still what we see in post-apartheid South Africa.

Gordon (1985) chronicles domestic workers' life stories and their reasons for entering the domestic sector. The book is about the domestic workers' harsh experiences working for white employers under apartheid and subsequently treated like commodities. In the book, Thoko, a domestic worker related her experience as the following:

> The people were English, they were all right, didn't shout at me or anything, but treated me like something…something not human, you know. It's appalling. No greeting at all in the morning… (Gordon 1985: 97)

This empirical work highlights some of the difficulties that domestic workers were faced with solely because they did not have alternatives. The structural laws that they were subjected under left them with no choices. The law confined them into a position of servitude which prevailed across generations. Citing Dr Mamphele Ramphele and building on Van Onselen, Gordon shows

that ‘things happen to the poor, they don’t decide’ (Gordon 1985: xvii). These laws included the pass laws which restricted black people’s movement thereby limiting alternative employment opportunities.

Gordon goes on to show how the nature of domestic work in its privatized form hides the emotional baggage that comes with performing the job. Domestic workers are paid to offer emotional support to their employers, sharing the burden of entertaining guests or developing bonds with the children they look after. Some of the workers if not all that were interviewed cited reasons for entering into domestic work as a hope that their children would have better lives

Laura Phillips followed the same methodology as Gordon in the way that she carried out life history interviews to understand domestic workers’ experiences. ‘The study brings together the realities of family life and domestic work as a topic in itself by examining how domestic work both shapes and is shaped by specifically female dominated cross generational, child centered familial networks in which the male presence is quite importantly and interestingly peripheral and fleeting’ (Phillips 2011: 30). She documents how familial networks are useful as they enable women to go to work while they stay behind and look after children at home.

By looking at the history of domestic work in South Africa, we are able to make linkages between the then apartheid South Africa and the state of migrant domestic work in South Africa. Cock (1989)’s study revealed how domestic work was characterized by exploitation of employees by employers because they did not have rights which is what we see in today’s South Africa in relation to migrant domestic work. Migrants are exploited by virtue of them not be being citizens of South Africa therefore not having rights. Their illegality is used against them much like the apartheid era domestic workers.

Chapter Three: Methodology

During the year, about half way into my Masters' programme, I was hired to work as a researcher on a migrant domestic work project for the African Centre for Migration and Society (ACMS) at Wits University. I was chosen because of the previous research work I had done on domestic workers and their employers in my honours year of which this research builds on. In carrying out that research I took on the role of a participant observer by working as a domestic worker in order to full understand the relation between black employers and domestic workers. In order to have an authentic experience, I posted a job advert on the website gumtree and soon afterwards I was contacted by a lady that wanted me to work for her of which I did. I then decided to expand on that research to include migrant domestic workers, particularly Basotho migrant domestic workers for my Masters research. The interviews were carried out in Sesotho and translated. It is also important to note that these interviews were used by ACMS but they do not express ACMS' views or position but my own.

The aim of this research was to understand Basotho women's motivations for seeking employment as domestic workers in South Africa, their migration experiences and ultimately their experiences working as domestic workers as well as their relationship with their employers in the hope of finding amicable solutions to this exploitative relationship. The Basotho women's experiences are documented in three stages in this paper. In order to fully understand the processes they go through, a larger context within which migration takes place had to be studied as subjects, in this case Basotho migrants, are seen to act responding to the structures set in place. These structures include 1) the socio economic factors that cause migration, 2) the border and immigration controls that attempt to curb this migration but fail and instead produce docile bodies that are labelled as illegal once these immigration controls are bypassed. And finally the

socio economic environment within the host country that enables the employment of these "illegal docile bodies" are studied. By studying these larger contexts we are able to have a deeper understanding of the relationship between structure and agency. Using this framework also helps when one is studying people who are on the move and it is for this reason that this research took the form of a multi sited approach. As Gupta and Ferguson show, the problem of studying people within a locale is that;

> 'the assumed isomorphism of space, place and culture results in some significant problems, first, there is the issue of those who in inhabit the border, that 'narrow strip along steep edges' (Anzaldua 1987:3) of national boundaries. The fiction of cultures as discreet, object like phenomena occupying discreet spaces becomes implausible for those who inhabit the borderlands. Related to border inhabitants are those who live a life of border crossings- migrant workers, nomads and members of the transnational business and professional elite. What is 'the culture' of farm workers who spend half a year in Mexico and half a year in the United States? Gupta and Ferguson in (Robben & Sluka 2007:338)

By following Basotho migrants, I got to understand how social processes and structures shaped their experiences first as Basotho and then as 'illegal migrants' which then informed their relationships with their employers. The research was carried out over 4 months from October 2014 to January 2015. It was carried out in Lesotho at the Maseru border gate, at North Riding, a suburb in Randburg South Africa and also in Soweto, at a domestic workers' agency.

Research Techniques

Methodologically, the nature of domestic work makes it difficult to get access to domestic workers as the work is performed in private homes. It is for this reason that I had to resort to multiple research methods which fall under the banner of ethnography were used in order to have

access to participants. Participant observation which was supplemented by qualitative semi structured interviews was carried out. Focus group discussions were held at a domestic workers' agency in Soweto and in addition a radio interview was conducted with Lesedi fm to have an insight into domestic workers' problems.

On the 11th October 2014, I attended a workshop organized by the International Labour Organisation (ILO) aimed at promoting decent work for migrant domestic workers. There were a lot of domestic workers in attendance and so I made sure I established contacts with them. Angelina was among the women I exchanged contacts with. She was the only one from Lesotho who had attended the workshop. At the time of our meeting, she had been a working as a domestic worker for 10 years. I had subsequent meetings with her since I could not shadow her at her job. I also gave her a diary in which she recorded her daily activities, any feelings she experienced while at her job, and also her relationship with her employer, the causes of fights they had and how they were eventually resolved. I met with her a few times and would ask her to elaborate on whatever she had written in the diary and she would. This was important for me since I couldn't observe domestic workers at their place of work since I didn't have access to this privatized space. Angelina's story is told and substantiated with additional 10 in-depth interviews.

On the 31st October 2014 I decided to go to Lesotho to do observational research and interviews at the Maseru border gate. I chose to go on this particular day because it was on a Friday of the end of the month. Most Basotho migrants usually go back home every month end either to renew their visitor's permits or give their families some of what they earned while in South Africa. I

also decided to take a taxi from a taxi rank in Johannesburg, Noord all the way to Lesotho. This is because domestic workers and other migrants mostly use taxis to Lesotho and I hoped I would get some insights into their experiences in South Africa as most of them engage in such conversations without any prompting. I did get a bit of information which guided my interview questions.

When one arrives at the border of Lesotho, as soon as you step out of the taxi, you are met by young Basotho men asking whether you might need help with your passport or crossing the border. This is the norm at this border as the majority of Basotho migrants have either exceeded the amount of days (30) given on their visitor's permit or their passports are 'beyond repair', a term I will bring up later in the paper as explained in an interview with one of the young men that used to help these migrants cross the border. I observed the interactions at this border, who talks to whom and in what manner, the way the immigration officer interacts with travelers was observed while I waited to get my passport stamped. On the other side of the border, the Lesotho side, there are other people waiting offering transport services to anyone coming from the South African side and right next to these people is an entrance to an open room used by travelers as a waiting room. If they arrive in Lesotho at night time, they use this space for shelter during the night and continue on their journey when day breaks. I conducted interviews at this place at the border with women who were waiting to continue on their Journey as some lived in other further parts of Lesotho, like Thaba Tseka.

Other subsequent observations of the border and how it operates were carried out. These will be discussed later in the paper.

While in the process of conducting interviews, a friend told me about an agency in Soweto that places Basotho women for jobs as domestic workers. She told me I must go to an area called Sgodiphola and there I must find the train station, once there I must enquire about this agency as it is famous for placing Basotho women. I did exactly that and people knew the place I was looking for and helped me until I found the agency. I was welcomed by a lady who was sitting in front of a sewing machine, working on a dress of a lady that would later show up to pick it up. In the room there were other women in the room about 4 of them. I told the lady that was sewing my reason for being there and she replied looking at the other women in the room; "there they are, you can talk to them and ask them questions". These women were there looking for jobs as domestic workers. They were waiting for potential employers to come and while I was there, one employer arrived. The lady that runs the agency later arrived and she was very hostile towards me. She asked how I got to know about her agency of which I replied "a friend told me about it". She went on to enquire why I specifically chose her agency while there were other two agencies just on the same street. I replied by telling her that I had no idea that there were other agencies and while she was walking me out she showed me the two other agencies she was referring to. After she had calmed down, she agreed to do an interview with me with regards to how she runs her agency. The interview took place in the weeks that followed. She told me that she does not keep domestic workers within her premises, that whenever within a day they are placed somewhere such that they don't have to stay at her place. She then told me the agency just next to hers' houses domestic workers and if I want to conduct any more interviews I should go there, of which I did. It was at this other agency that I conducted a focus group discussion with the domestic workers there.

Access to participants is important in research and so I had to rely on contacts and friends in meeting other participants. Other interviews were conducted at North Riding, a suburb in Randburg at a complex where a friend of mine resided. My friend and I spoke to the security guard at this complex and told him to send Basotho domestic workers to our house number where we would conduct interviews. A number of them responded including South African domestic workers. They were not turned but instead incorporated into the research as well as I thought a brief comparative analysis on some of the themes that were coming up in Basotho interviews would be worthy to include. It is however important to note that this research does not set out to compare the local and the migrants, it is a research on Basotho migrant domestic workers' experiences.

The final technique used to get access to participants was through a radio interview on Lesedi fm radio station. Lesedi fm is a South African national radio station catering for all Sesotho speaking people. It also broadcasts in Lesotho and as a result it has a huge following of Basotho nationals who listen to the station even when in South Africa. I invited Mrs Salome Molefe a representative from the South African Domestic Services and Allied Workers' Union (SADSAWU) to talk about the union and problems they face as a union, we then invited domestic workers to call in and share their problems with us. Mrs Molefe also left her numbers so people would call her if they had any other problems or if they would like to join the union. After the interview a number of people called Mrs Molefi stating their problems and seeking advice on a way forward. The interview was carried out on the weekday 9-12 slot specifically because that is usually a time when domestic workers are cleaning and listening to the radio in the background. I emailed the programme producer of the show and he agreed to do the interview with us. The interview was important as it not only gave us access to domestic workers

but also it was a chance to urge domestic workers to join the union as migrant workers are also represented because of their status as workers. The radio interview was an important tool as it reached masses and whom we would have access to if we just went to their place of work. Also most of them are not comfortable when visited by union officials at their employers' homes because they fear losing their jobs. With the radio interview, they were comfortable to call in and remained anonymous also giving them an opportunity to call the union official in their own time, even after the interview.

In- depth interviews were also conducted with stakeholders. In Lesotho, an interview with a migrant labour liaison from the Ministry of labour was conducted, an interview with a South African home affairs official was also conducted, an interview with the Secretary of the Lesotho Trade Union Corporation was conducted, Agency owners as well as an interview with one young man who used to work as at the border gate of Maseru helping migrants cross the border was conducted. These interviews were carried out in order to capture the broader context in which domestic work is carried under.

Ethical considerations

All the participants in this study were informed about the research. I guaranteed full confidentiality and anonymity. Real names were not be used in the write up of the research except for stakeholders who did not have a problem with their real names appearing. All data of which some is in the form of ethnographic notes, is confidential and kept safely. The participants were told that participation is totally voluntary and they could withdraw from the research at any point they wished to. The participants were told that the research will not comprise their jobs in any way as all information provided will be kept confidential. They were informed of any voice

recordings that took place during interviews as their consent was required and finally, there were no promises of jobs or any payment or incentives for participation in the study.

Chapter 4 Findings

4.1: The Situation at home

In this section, I reveal how patriarchy has in some instances betrayed and deprived Basotho women causing them to find alternative sources of income. Patriarchy supposes that one sex has dominion over the other thereby giving the supposedly dominant sex, the male, full power over the female. This power is extended to the government where a "the military, industry, technology, universities, science, political office and finance …are entirely in the male hands (Millet, 2000:25). Millet (2000) further asserts that patriarchy prevails through the socialization of both sexes by them assuming certain traits with regard to their temperament, role and status. She writes that;

> As status, a pervasive assent to the prejudice of male superiority guarantees superior status in the male, inferior in the female. The first item, temperament, involves the formation of human personality along stereotyped lines of sex category ("masculine and feminine") based on the needs and values of the dominant group and dictated by what its members cherish in themselves and find convenient in subordinates; aggression, intelligence, force and efficacy in males; passivity, ignorance, docility, "virtue" and ineffectuality in the female. This is complemented by a second factor; sex role, which decrees a consonant and highly elaborate code of conduct, gesture and attitude or each sex. In terms of activity, sex role assigns domestic service and attendance upon infants to the female, the rest of human achievement, interest and ambition to the male. (Millet 2000:26)

Millet goes on to show that "patriarchy's chief institution is the family. It is both a mirror of and a connection with the larger society, a patriarchal unit within a whole" (Millet 2000:33). This is synonymous with Judith Gay's study on Basotho's women's place within the society. Gay (1980) found that in Basotho's politics, and traditional laws, women are excluded from greater

participation within the society. Women are not permitted to attend the *pitsos* (traditional court proceedings presided over by the chief), they are not permitted to own land except through their husbands and the only way they get financial support is through their husbands or their fathers. Quoting from Duncan (1960), Gay shows that women are treated as minors whom the law forces complete dependence on the males. Duncan (1960) explained that

> Traditionally, the position of women, throughout their lives, is that of minor children. Before they are married they are children of their fathers; after their marriage they are the children of their husbands; and during their widowhood they are children of their heirs. That is the old African tradition ((Duncan 1960:4) cited in Gay 1980:4).

The above is evident in rural Basotho societies in the present day. The women interviewed in this study were around the ages of 30 to 55 meaning they grew up around the time Gay (1980) conducted her study in Lesotho. These women grew up and lived under patriarchal notions of how a girl or woman should behave. Domesticity and docility masked as respect were more of a priority than education as evidenced by the interviews. All the women interviewed had not completed high school education and most opted for marriage when they could no longer continue with their schooling.

'Matumo is an old lady who was born in 1945 in Lesotho in the Quthing district. She grew up with 6 other siblings and was raised by both her parents. Her father had cattle and used it as a source of income while her mother was unemployed. She did not get the chance to finish her primary schooling. When asked the reason for this this, she kept quiet for a long time, almost as if a sudden wave of sadness and regret overcame her. The question was repeated and after a few minutes she replied that she had to stay home and help her mother. "I was the oldest at home, and my mother had just given birth, so I had to stay home and help her" (Interview, December

2014). She then revealed that soon afterwards she got married to a man who worked in the South African mines. Her husband would send money regularly for the running of the household which 'Matumo was responsible for taking care of. She explained that in the time her husband worked at the mines she herself had never been employed in any way. What she would do from time to time or during harvest season would be to harvest from her in laws' land and get a bit of food. It was only after her husband had passed on that she moved to Johannesburg South Africa to work as a domestic worker, leaving her children in the care of her in laws. When asked why she chose domestic work she replied that it was the only alternative available to her.

In the above, Matumo describes domestic work as the only available job for her as that's what she grew up doing. The cultural environment in which she grew up in taught her that a girl has to take care of the house by carrying out cleaning duties. When she could no longer continue with her schooling she got married soon afterwards to carry out her duties as a homemaker and during this time her source of income was from her husband's remittances and food from her husband's family's agricultural land and not her own as women were not permitted to own land. Coplan (1987: 424) reaffirms this when he writes that "while only marriage can gain a woman access to fields and livestock, wives are responsible for their management in their husbands' absence. Women are constantly faced with decisions for which they are accountable to husbands who may not appreciate their problems". This patriarchal system entraps women and leaves them with no alternatives.

In another instance, Mathabiso, a Mosotho lady from the Semonkong district, born in 1962 had also resorted to domestic work after her husband lost his job in the mines. She had dreams of completing her education in the hope of becoming a teacher but instead stopped her schooling when she was doing Form B (grade 9 in South Africa) because her family "had other needs" she

said. She also said within her family she was the lucky one to get that far as her other siblings did not even go through to secondary level. Her father made income by selling wool from sheep they owned while her mother was unemployed. After she dropped out of school she went on get married and only moved to South Africa in 2006 to work as a domestic worker. When asked why she chose domestic work she replied that in Lesotho there are no opportunities and domestic work gave her the prospect of something better with regards to wages.

Both these cases reveal that as much as education was desired, these women could not continue with their studies because their families could not afford it. Mathabiso had dreams of become a teacher but her dreams could not be fulfilled due to lack of funds and a patriarchal system as Coplan(1987) explains that is "inherently incapable of fulfilling women's individual needs and aspirations, that subjects them to intolerable restrictions and social dependency, and that gives them major responsibilities without effective authority and makes little use of their productive potential" (Coplan 1987:424). Both women grew up and got married around the 1960s and 70s, a period in which Gay (1980) and Murray (1981) record as a time when Lesotho went from being a "granary to a labour reserve" whereby Lesotho went through a massive economic depression before depending on remittances from the mine labourers. It was during this period that the families of both 'Matumo and Mathabiso could not afford to take them to school as their parents were part of the generation that depended on livestock and agriculture that was at this time diminishing. Marriage then followed as it was seen as a means to alleviate economic destitution in an era where Matumo and Mathabiso's male peers were looking at migrant labour as a lucrative source of income. The women however at this point did not have opportunities either in Lesotho due to the notion that women are homemakers or in South Africa due to South Africa' s influx control measure denying women legal employment in South Africa. Gay

(1980:8) then writes that " just as the traditional jural and family system has kept women dependent upon and under social control of men, so the modern economic system of male migrant labour has made women dependent upon the wages earned by fathers, brothers, husbands, lovers and sons". In this, we see the consequences of both traditional and historical processes being played out in Basotho women's present experiences in that women have to find alternatives due to the fact that they have been let down by this patriarchal system.

In recent time times, both Basotho males and females have had to resort to alternative sources of income due to massive retrenchments from the South African mines. Francis (2010) shows that 'when migrancy no longer looks like a safe option, rights, responsibilities and powers must be renegotiated. Changes in the sources of livelihood raise new issues in rural households, and intensify old ones. Deteriorating economic conditions require households to construct livelihoods from many different resources and activities, throwing into question the material basis of household construction and maintenance, and also power relations within households' (Francis 2010:169). In the instance of Basotho households that depended on remittances from men who were working in the mines, responsibilities and power relations between men and women had to be renegotiated after the many men's retrenchment from the mines. In order to ensure survival of the households, the women had to turn to paid domestic work as it was the only sector available to them. The lack of job opportunities or poor wages in Lesotho did not help Basotho women as they had to sort to work outside of Lesotho, particularly in South Africa. Most of them, if they stay in Lesotho find themselves working on road constructions or at the Chinese owned factories. Both these options do not pay well and some have to go for years without work due to the scarcity of work and work offered based on rotation. As many revealed when asked of any jobs

they had taken up in Lesotho and why they sought work in South Africa, low wages or lack of jobs in Lesotho was the answer given.

Interviewer: Before you worked in South Africa where were you working?

Respondent: I worked at the factories so I left because the money there is little.

And another one;

Interviewer: Why did you leave Lesotho?

Respondent: because there are no jobs, Isn't it you see that there are a lot of people there at the factories, they are queueing , so I left because of this reason that you are queueing the whole day and then you don't get a job. I came here because I was looking for work.

Another respondent;

Interviewer: Why did you leave Lesotho?

Thakane: because there are no jobs. Our fathers are also back from mines because there are no jobs it's only a few that have jobs and there's no way those few people can carry the whole community, that is why we are here, because there are no jobs in Lesotho. There's a certain time when we harvest the fields, the whole day, only to get R20. And you will find that harvesting doesn't even take a week because there's a lot of us and we are all hungry, you will find that the next day you are done and there's no work anymore, the owner of the field will come and tell you there's no more work. It's not everyone that can plough because you need money to plough.

And another

Interviewer: And why did you stop working at the factories?

Lipalesa: R800? They give you R800 for standing the whole day, I used to wake up early to go to work, at 4, because I used to walk to work and then after that I work the whole day, and have to walk back home because I did not have taxi money.

And finally

Interviewer: Why did you leave Lesotho?

Lisemelo: there is no money in Lesotho. If we plough, there will be food but no money. Even if we say there are jobs, there is no money. You find that there's no Mosotho who works more than a month. You will find that you are working for R970 for 1 month, and you have to leave to give others space, apart from that you can sell in town but there's no money because everyone is selling in town, and if you go to work as a domestic worker in Lesotho you will only get R400. That's when someone says they are paying you.

Interviewer: And how much do you get in South Africa?

Lisemelo: R1200

The same notion that men are the providers has stripped women of any chance at bettering themselves and subjected them to a life of servanthood as they had to accept their role as domestic workers which was often a last resort due to the low paying rates in this sector.

In a brief conversation I had with a young lady that works as a domestic worker in Lesotho, the narrative of domestic work as a low paying job was told. She told me she works on Mondays and Thursdays and gets to go back home to her child and gets paid R500 per month. Some domestic workers are not in this situation, some are forced to be live in domestic workers, working day and night for R400 per month. When asked whether she would like to go to South Africa for

work. She replied 'No' because then she would have to look for someone to take care of her child and that would be an added expense. Unlike many in Lesotho, she doesn't have relatives she trusts to take care of her child while she's away working in South Africa therefore for her, migrating is undesirable. For others, they have no choice but to migrate and leave their children under the care of family members.

According to an ILO report, the minimum wage for domestic work in Lesotho in 2011 was R350.00 per month for employees who've worked for less than 12 months with the same employer and R386.00 after 12 months with the same employer (ILO report, 2011). To date, an interview with the secretary of the Lesotho Trade Union Corporation, Martha Mosoang, revealed that there hasn't been a significant increase. This is what she had to say;

> **Interviewer**: Is there a minimum wage in Lesotho, for domestic workers?
>
> **Respondent**: Yes there is.
>
> **Interviewer**: how much is it?
>
> **Respondent**: I think its 400 and something right now?
>
> **Interviewer**: really?
>
> **Respondent**: yes, their wage is very low. Let me ask ntate to get you an exact figure. (she makes a phone call to enquire about the exact figure, the person tells her to call back in a few minutes of which she did)
>
> **Interviewer**: Is that why they leave?
>
> **Respondent**: Yes, there's nothing else, it the little money they get here because here at home according to our study, there are those that get paid R1500 but those work for embassies like American embassy and so forth. Apart from that, no! They are even underpaying them. That minimum wage that is set, they don't even pay it.

The minimum wage for domestic work in Lesotho was confirmed to be R468.00 in 2014. This is barely a living wage and it is for this reason that most Basotho women migrant to South Africa where they are guaranteed more money. In some instances, Phillips (2011) revealed that some women resorted to working as domestic workers after failed marriages or after the loss of a husband and labels men as "transient" in these women's lives. She shows that " the particular gendered economic push into waged labour suggests that this became an option for most of the women only when they were burdened with responsibility and the stability of waged labour offered the most secure path" (Phillips 2011:33) as we have seen with Basotho women. Paid domestic work became an option for them after their husbands had lost their jobs or after the death of a husband or failure of a marriage as husbands could no longer bring in secure income.

Crush and Franyne (2010) reveal that the number one reason for migration of Basotho to South Africa is poverty. This is due to the absence of jobs in Lesotho, lack of food and job losses by husbands at the mines (Crush & Franyne: 170). Similar sentiments were shared in the interviews I carried out, economic factors as Massey et al (1993) suggests, are some of the reasons why people migrate. In their theories, they show that "potential migrants estimate the costs and benefits of moving to alternative international locations and migrate to where the expected discounted net returns are greatest over some time horizon" (Massey et al 1993: 434). This was clear in one of the interviews where a respondent replied that she left Lesotho because she used to get R400 while in South Africa she gets R1200 for the same job. This suggests that people move based on rational choices and expectations of monetary returns which they cannot get while residing in their home countries. For Basotho migrants, domestic work offers these returns as they remit some of the money they make to their families back home.

This chapter has looked at patriarchy as a system that entraps women leaving them with no alternatives but domestic work as they grow up learning that a woman's job is to keep house. This was evidenced by looking at the two of many women's historical background in this study. Marriage was seen as the next step in a girl's journey when parents couldn't afford to further a girl's education as it provided a source of income. It was however revealed that the dependence of women on men did not offer full security as revealed by the men's retrenchments from the mines. Women now had to go out and find formal ways of bringing in money but the lack of real wages (by law, the minimum wage for domestic worker is R468.00 in Lesotho) and lack of opportunities in Lesotho caused them to migrate to south Africa for jobs as domestic workers as these women were unskilled. Migration to South Africa revealed the rationality in the women's decision making as domestic work in South Africa offered more returns than if the same job was performed in Lesotho. I now turn to the journey to South Africa and the strategies these women employ to get to where their destination.

4.2: The Journey to South Africa: Production of illegality

Various scholars in the social sciences have shown that the decision to migrate is often taken when actors know that migration may present better offers or opportunities on the other side, that is the host society. Cyrus in Lutz (2008:178- 179) labels this as a "migration opportunity structure" shaped by factors such as "accessibility and connectivity". This model will be used to ground our understanding of migration. Accessibility, he argues is characterized by firstly geographical distance. Now, as has already established, Lesotho is completely surrounded by South Africa and so South Africa is the obvious destination choice. It is fairly easy to get to South Africa as public transport is readily accessible. The second factor he argues, are "obstacles to entry imposed and politically defined by national visa and residence permit requirements. Third, the infrastructure, i.e.travel agencies and human smuggling operations, created in response to these first two factors, also shapes accessibility" Cyrus in Lutz 2008:179). In the case of Basotho, when they travel to South Africa, they present their passport to the immigration officer whom will then issue a 30 day visitor's permit provided that their passports are valid. This already gives them access to South Africa without having to apply for a VISA because Lesotho is within the SADC region. If however a traveler does not have a passport or a passport shows an unpaid fine then the third factor will come into play- Infrastructure or operations that work to bypass the mentioned requirements will be utilized to make South Africa accessible. For Basotho, these often come in the form of bribes either to immigration officers or the police. All participants who were asked what strategies they use to cross the border if their 30 day permits had expired and wanted to avoid paying fines replied that they resort to bribing immigration officers. This is what they said;

Interviewer; Ok, do you have a passport?

T: Yes I have a passport.

Interviewer: And how do you cross the border, do you get it stamped?

T: Yes I stamp it. What I am about to tell you is a secret, it is a secret. You know we only get a month to be in South Africa?

Interviewer: Yes

T: except if you at going to school in South Africa, or if you have a work permit and all that, when we work because we don't have work permits we get a month, when we get a month after that month you have to come back, if you leave on the 25th of January, on the 25th of February you have to come back. So we don't do that because of money issues, going up and down and all that. What happens is that when we get to the border gate… well it is not something you can just do, I think you have also heard of it. We pay R200s for them to fix your passport for you. It is not something to give out openly.

Interviewer: How do you do it? What do you do when you get to them?

T: aaah… sometimes, policemen, when you get there you will see maybe just one standing around, or others are already known for that, that a certain person can help you, he will take it and give it to another person then give it back to you.

In a focus group discussion conducted, the migrant women had similar comments;

Interviewer: so how many times do you go home in a year?

Respondent 1: 3 times

Respondent 2: the law says we must come every month.

Respondent 1: But it is not possible to go every month because I don't have money.

Interviewer: So if you can't go every month, what do you do? If you are given a month, and you don't come home every month, what happens when you get to the border when you eventually decide to come?

Respondent 1: they check the passport, they see that we have broken the law, we give them a few sweets to pay for those exceeded days.

Respondent 2: otherwise if you don't pay they destroy that passport.

Respondent 3: even before you get to the border gate, there are those that we meet along the way, and you give them money, by the time you get home, there won't be any money left.

Respondent 2: or he can tell you that he doesn't want the money he just wants to lock you up. And of course you will talk to him and eventually he will take the money, which is what he wanted in the first place.

Interviewer: And do you pay that money?

Respondent 2: yes if you don't want to get arrested you do pay the money.

The migrants bribe the immigration officers or the police in order to get their fines scraped. These fines are incurred if the migrants exceed the number of days they are given to be in South Africa, which is 30 days and because they cannot not afford to come back to Lesotho every month to renew their stamps, they overstay. If they do not pay the fine, then they will not be able to leave Lesotho and so they resort to bribery so that they can go back to their jobs in South Africa. In an interview with a home affairs official who wished to remain anonymous, the fine was anything from R3000.00 depending on the number of days exceeded but now according to the new Immigration Act which came into effect in 2014, fines are no longer issued but rather migrants that over-stay are declared undesirable for a year, meaning they will not be allowed to enter south Africa for a year. This is however on paper but does not actually happen in reality as migrants have reported to still pay a R200 bribery fine in order not to be declared as 'undesirable'.

Still on Cyrus (in Lutz 2008)'s migration opportunity structure, immigration laws and requirements that are set up to hinder Basotho's migration to South Africa are in effective as these women find ways to bypass them either through bribing immigration officials or through the help of border landers. Cyrus mentions that a third character to migration accessibility is the infrastructure and mechanisms in place to assist migration. We have seen through interviews how Basotho bypass immigration laws and requirements. What they also do is pay border

landers to help them cross the border either through the Mohakare river (Caledon river) or by smuggling travelers in a car. The following interview excerpts with a borderlander that helps migrants cross the border illegally, a Home Affairs official and an ethnographic observation the working of the border and how Basotho women maneuver their way into South Africa. These interviews are not separate from each other as they each give a particular perspective of what the border is and how it should function.

An interviewer with one border lander, a young man that makes his living by smuggling travelers into South Africa had this to say when asked how the smuggling works;

> Interviewer: ok. So how do you approach people? How do you know who to approach?
>
> Respondent: When you get to a customer, you can see when a person is in trouble, you can see them.
>
> Interviewer: how can you tell?
>
> Respondent: when a person needs help, you see, they will be looking around, lurking so that's when I'll approach. "M;e or Ntate do you have any passport problems, yes I do, ok come I'll help you"
>
> Interviewer: And then how do you help them?
>
> Respondent: I will look at the passport and see that she or he has overstayed or sometimes they don't have a passport at all, or sometimes she is travelling with a child and the child doesn't have a passport.
>
> Interviewer: And then you help them cross?
>
> Respondent: Yes, or when they don't have a passport, you help them cross and talk to the South Africa police as well as the Lesotho police. But if they have a passport you make sure that it is fixed in the South African side.

Interviewer: So you talk to the Lesotho Police you also have to talk to the South African Police?

Respondent: Yes

Interviewer; And do you pay them?

Respondent: Yes

Interviewer: So these officers already know how It works?

Respondent: Yes they already know.

Interviewer: So you work with the police?

Respondent: Yes

Interviewer: Then you pay them?

Respondent: Yes we pay them.

Interviewer: how much do you pay them?

Respondent: 50/50

Interviewer: ok and how much does a person pay you guys?

Respondent: A lot of the times there's no fixed price. Sometimes you charge a person a lot of money, they'll complain. Let's say I charged them R500 they'll say no I have R300.

Interviewer: wait you charge them R500?

Respondent: It depends on the economy, how people are doing at that particular time.

Interviewer: Are you serious? and they give it to you?

Respondent: they give us because they are desperate, they want to leave.

Interviewer: R500?

Respondent: yes sometimes even more.

Interviewer: when does it ever become more?

Respondent: right now we don't have 6 months permits anymore so there's something called an employment contract that allows you to stay in South Africa as much as you like. It is R2000

Interviewer: What is it all about?

Respondent: with the contract, they give us the name of the company they want to work for in South Africa, Then we put it on record and go to TEBA, you know TEBA?

(The Employment Bureau of Africa (TEBA)

Interviewer: Yes

Respondent: we go there and they give us a serial number, of which they will find to be legit when they scan at the border post.

Interviewer: So you do all that for them?

Respondent: Yes

Interviewer: So those people working at the border gate, that sit at the window to stamp passports work with you?

Respondent: those ones that sit at the window take us to others in the offices.

Interviewer: And do you also help with work permits?

Respondent: Yes we do. Employment contract works like a work permit.

Interviewer: so do you just work with miners or with domestic workers as well?

Respondent: A lot of the times its miners, we have a market with them because you will find that they don't really go to the mines but construction companies that maybe build houses in South Africa, maybe RDP houses.

Interviewer: oh the men are from Lesotho?

Respondent: Yes, they are from Lesotho.

Interviewer: Ok and what about women that work as domestic workers in South Africa.

Respondent: Those women are given 30 days to be in South Africa, before the 30 days expire, they organize themselves and their passports then they send them to Lesotho where they'll be given another 30 days, to avoid being fined for exceeding the 30 days.

Interviewer: And you help them when they've exceeded the 30 days?

Respondent: We do help them.

Interviewer: And where do they usually cross?

Respondent: there two ways you can cross, it's at the river or directly to the officials or we put them in a car.

Interviewer: So if it's at the river do they pay you higher or Is it all the same price?

Respondent: If they opt to cross at the river it is less, if they want to go straight by officials it is more because we have to share the money with the police but if you cross at the river we don't share at all but it is risky because soldiers are always patrolling that side.

Interviewer: Have you ever been caught or arrested?

Respondent: No!

Interviewer: how come?

Respondent: we send people to do the river crossings.

Interviewer: Have they been arrested?

Respondent: Yes

Interviewer: And what happens to them? What do you have to get them released?

Respondent: They spend 30 days in detention at ladybrand.

Interviewer: And after the 30 days, do they come back to work?

Respondent: yes.

Interviewer: Even after they've been arrested?

Respondent: Yes, they still come back, you have to understand that for some of them, that is their job. That's how they support their family, that's their job. In the morning when they leave their homes they know they are going to work and in the evening they knock off.

Interviewer: But the very same police that arrest them know that it is an everyday thing.

Respondent: A lot of the times you find that the police rotate, today or this month there's a certain squad working, you get to know them get used to them and start working together. But when you think you've made friends/alliances with them they are sent back and new ones arrive.

Interviewer: How do you get to know them?

Respondent: you speak to them. You approach them. You tell tell them er ntate I have a person here and they don't have a passport but they want to give us R400, he will say come with him, we'll see what we can do.

Interviewer: So they already know that that's how it usually operates?

Respondent: they already know. When they first get there, the ones that had already been there, tell them that this is how it works here.

This interview extract reveals what Coplan (2000:108) calls the 'business of the border' whereby border control is neither fully effective nor effectively non-existent. He argues that "if efficient, there would be inadequate opportunity for and unwelcome monitoring of profitable exchange; if uncontrolled, no one would pay for the privilege. Either situation would have the effect of

spoiling the border as a business. Further- more, the central immigration departments can carry on conveniently under-funding the border service, secure in the knowledge that their staff can easily supplement unavoidably meagre government salaries" (Coplan 2000:108). The home affairs official interviewed for this research revealed that his department knows about the practices that go on at this border and he thought it to be a challenging situation that comprises the security of South Africa as a country. He had a different take on how a border should operate and when asked how they deal with this bribery, this is what he had to say;

> We have systems in place that are going to help eradicate that. Such as a programme that we have got currently that is called cadet. It teaches every employee in home affairs to be patriotic. If you go onto google, you will find that the former Minister of Home affairs removed staff at O.R Tambo because they were corrupt, and we won't lie to you and say it was only them that were corrupt, it is all the borders. We found that there are those rotten potatoes and they are there not to make a port what it is but a toll gate.
>
> Interviewer: Would you say people crossing without documents are criminals?
>
> Home affairs official: Definitely! There's no question about it. If you cross the border, any border for that matter. If you go anywhere outside South Africa, Australia ,USA, they are now starting to close off their borders, no one is allowed to enter, if you are a foreigner, you are a foreigner. If you want to work there, they give you a critical skills permit to work for a certain time not permanently, you are going to transfer the skills that you have and then go back to your country. That is what South Africa is going towards. I think South Africa is too lenient when it comes to port of entries.
>
> Interviewer: But won't you say with the relationship South Africa has with Lesotho, I mean Lesotho is inside South Africa, it should be lenient in my opinion.
>
> Home affairs official: To take you back, Lesotho is a sovereign country, Namibia is a sovereign country, used to be part of South Africa but not anymore. Once a country stands on its own, it's a country and we recognize it as a country, it has its own currency

and we have our own, then it means that South African rules and regulations will not apply in Lesotho, we can't have Lesotho nationals coming to South Africa, in fact we have a problem with them, we are trying to get rid of them in South Africa due to two things some of them get grants in south Africa…so really Lesotho is foreign and it must stay foreign like that. If a country is foreign it must be treated as such. Any one from Lesotho Swaziland and even Mozambique is a foreigner.

Interviewer: So you maintain that South Africa must have tighter restrictions?

Home Affairs official: Yes. When they come we must treat them like Zimbabweans. There is no difference. When we treat people we have to treat people the same. Why because there is no one who is bigger than the other, so long as you are within South Africa and you have your country, what you must have are documents.…I think the immigration officers that are there (Lesotho border) don't know what the immigration Act is, never mind that they have made friends in Lesotho, so everyone just passes, some they just great, some they tell you " we've got days we just passed here yesterday we were given 30 days so it's not necessary for me to stamp again today". In South Africa we have got MCS (Movement Control System) so everyone that passes must be recorded.

Another thing that I think is really wrong with that border, not just Maseru even Ficksburg is that Lesotho nationals don't think they are foreigners, they don't know that they are foreigners it must be instilled in them that they are not South Africans and that when they just cross that border they must know that you can't question our own laws and you can't cross them, I think it is really embarrassing for us South Africans to be bribed, compromise our safety, the country of our own children and our future for a R500 or R100 or R150, to just allow an illegal person to pass, to move around, without knowing what the person is transporting in and out

Interviewer: Did your operation succeed while you were there in December?

Home Affairs official: 60% we failed 40% we succeeded. 2 problems we had was that there was only 10 of us. And that port is so big and has so many working stations. And so many things were happening, you can't be in two places at the same time. So if you are

> trying to be at the gate and trying to see whether everyone was stamped, there's something that is happening inside, people that overstay are treated as PR holders.
>
> PR holders are Permanent Residents. If a person has overstayed, you can just over write on the system, the person is a PR then you can't say that person over stayed because he's a permanent resident in South Africa, without an ID or a letter that says this person is a PR. So those were the things that were being done and many immigration officers were charged. And we are not going to stop until South Africa is respected and our own laws are respected. Honestly are think we are short of people that are patriotic, not xenophobic but patriotic.

This attests to Coplan's (2008) analysis of the border as a business as as evidenced by what the Home Affairs official said when referring to the border which is used as toll gate by immigration officials. The official was also adamant that Basotho are foreigners by law as Lesotho is a sovereign country which criminalized their migration. This way he was constructing Basotho's status as illegal immigrants. What he failed to take into consideration is Lesotho's unique positioning as it is totally surrounded by South Africa, its history with South Africa both political and socio cultural. In the treaty of 1848 Lesotho lost part of its Free State land to South Africa of which it had to fully relinquish in 1869 after annexation from the British (Coplan:2008:86). This pushed Lesotho's boundary to be what it is today but separated Basotho families that were living in the Free State from one another. The Lesotho border is a good example of arbitrary borders drawn by Europeans separating the already existing ethnicities from each other. The Home Affairs official emphasized that Basotho do not see themselves as foreigners in South Africa, this is partly because they know their historical beginning and for a long time Basotho never had to present documents while entering South Africa, it was only after 1963 that they had to do so after South African apartheid government introduced strict border controls (Murray 1981) The Home Affairs official also neglected the fact that Basotho had long been migrant labourers in South

Africa and that this migration of women was not a recent phenomenon. He also mentions that South Africa will not stop controlling the borders until it got the respect and recognition it deserves. Herbst (2000) shows that immigration controls are efforts made by governments to legitimize themselves while creating categories of citizens and non-citizens. He writes;

The most dramtic evidence of the new tenuousness of migration in Africa is the emergence of mass expulsion orders as a legitimate way to treat foreigners. In Ghana, a country that had long standing stranger communities, the pressure of independence and the need to protect newly defined citizens caused the government to expel two hundred thousand foreigners in 1969. Similarly Nigeria decided to expel three million aliens in 1983, despite the Economic Community of west Africa's attempts to secure the free movement of people in the region, a glaring reminder of the salience if citizenship laws" (Herbst, 2000:229).

The Home Affairs officer as an agent of the government wants to legitimize the State. Another perspective of how the State is legitimized and made illegitimate by bribes and the workings of the border is revealed in the ethnographic observation that I undertook.

On the 4th January2015, I went to the Maseru border gate. A perfect time to study the business of a border as almost every Mosotho migrant worker leaves home to go back to work in South Africa after the December/ Christmas holidays. It is at this time that the border is at its busiest. As one approaches the border, you are met by Basotho women selling traditional Basotho hats and other traditional merchandise like blankets and Basotho wooden walking sticks otherwise known as *melamu.* There are also young men waiting to assist travelers in finding lifts to where ever they might be going. This ofcourse comes at a price as after all everyone at the border is either a traveler or an ordinary businessman. I make my way towards the entrance where I have

to present my passport in the hope of getting it stamped. Instead of entering the building, I stop at the patio and search through my bag, and come out with my passport. I straighten up and turn to watch the people going in to get their passports stamped. Within a few minutes a man dressed in an official police uniform with a sjambok in hand, walks towards me, uttering something that needed my response, I'll call him officer Fuma. I asked him to repeat what he said as I had not heard it, instead, he proceeded to ask me where I was going, I replied " ladybrand" which is a town just outside Maseru in the Free State. I held my passport out so he could see it, in so doing legitimizing my story. Trying not to be found out, I told him I was waiting for my sister to arrive so we could go. There was a bit of fear that overcame me as he was a policeman. His uniform represented authority and I thought if he found out that I'm actually a researcher, I was going to be in a lot of trouble. He stood next to me trying to start a conversation about marriage and why he never wants to get married. I figured I should entertain this talk not only to cover up the real reason I was there but also to get him to lighten up and be open towards me. I think he was trying to do the same with me.

While standing on the patio, I watched as people made their way into the building and just before they entered, they would stop to acknowledge the police man with a greeting, a greeting that somewhat looked forced like it came from a place of nervousness or intimidation. As people were going in, an older looking woman made her way past all the other people in the queue, officer Fuma quickly called her out, asking her where she was going, whether she hadn't noticed the other people in the queue. The woman explained that she was there earlier, she had to go back for something so she was not really jumping the queue. This she said very apologetically, looking at the sjambok that was being waved around. Officer Fuma let her go, turning his attention back to me, as we continued our conversation. In no time, a young man interrupted us,

asking to speak with the officer, the officer looked at me, as if he needed a go ahead from me, he turned to the young man and told him to ask for permission from me if he wanted to talk to him. The young man looked like he had something important to tell the police man, almost urgent, I was curious to hear about this and so I played along, told him to give the young man his time as I turned my back towards them, leaning against a railing and looking out at cars making their way through the border. I made sure I gave them privacy, but not private enough that I couldn't hear what they were saying. The young man tried to be careful with what he was saying, almost as if he didn't want what he was saying to be heard by other people other than the person he was talking to.

"I have 5 people", the young man said. "How much are they paying?" The officer asked

"1 5"

"No" officer Fuma said, dismissing the young man, "go away, don't come and play here"

The young man tried to plead with officer Fuma, he wouldn't budge, citing that the money was too little. The young man explained that they will put them in a car, but the policeman didn't want to hear it, he dismissed him explaining how he has to get back to me.

There were many other interruptions, his colleagues came and joined us and then left to do their job. We were then interrupted by an incoming call from the officer's cellphone. He answered. The person on the line was asking me where he was of which he replied he is at work. He explained to the person that he was wearing a police uniform, "eena ae Mosisili ea khale, eseng e ncha", translated to mean the old one from Prime Minister Mosisili's government, not the new one. He then laughed and told the person that he was standing with a lovely lady next to him.

Within minutes, a lady came straight to us. This was the lady that had called the officer's cellphone.

"You see I told you will find me, you see I'm wearing what I said I was wearing and here's the lovely lady standing next to me" the officer remarked. The lady laughed sheepishly. Again I turned my back to give them privacy. The lady was there to ask for help crossing the border. She told the officer that she has R150 and she is travelling with one other person. The officer then told her to wait a bit, he would call her when a car is ready. The woman left. The conversation turned back to me, again the officer asked where I was going I told him I am quickly going to ladybrand and coming back. He wanted to know about me. I gave him brief details about myself, where I stay and where I go to School. He told me he knew me from somewhere, this ofcourse was his way of trying to get me to open up to him more, to give him a chance but I was adamant he did not know me. In that time the young man came back again, and the officer made it seem like he was not welcome, almost as if he was about to say 'what do you want now'! The young man told him that his people are still around. Officer Fuma asked him if they were male or female, he replied female. Then officer Fuma quickly responded saying he doesn't want to work with females, "they are risky". The young man persisted, the officer told him to go to the other side of the border, they would talk later, he then dismissed him, as if he was irritated.

A number of issues arise here; first we see a performance of the making and unmaking of state law which is at play between the police man, the people helping travelers cross the border, and the travelers themselves. The policeman is holding a sjambok and conveniently waves it around when he wants to perform his job sealing what Weber says about the State and its monopoly on violence. The policeman is also undoing the state at the same time legitimizing it. The fact that he works with smugglers to assist Basotho migrants when while at the same time doing his job as

a police officer is not unique at this border. Cyrus (2008) shows that by effective tightening up border control, the state does not solve the problem of unwanted migrants. The police as well as smugglers assist in the breaking of these controls thereby fulfilling the third factor that characterizes migration. Cyrus in (Lutz 2008). The evasion of these immigration controls however produces illegal migrants as evidenced by the interview with the home affairs official even going as far as labelling illegal migrants criminal. Cyrus also mentions that in order for migration to be feasible connectivity has to play a role. This is what De Haan (2010) refers to as networks.

Networks

Networks or what De Haan (2000) refers to as 'social capital' play an important role in the decision to migrate. He writes that 'the term captures the idea that social bonds and social norms are an important part of the basis of people's livelihoods' (De Haan 2000: 13). All participants were asked how they secured their current jobs in South Africa and all revealed that there was someone, either a relative or friend who helped them get a job. They explained that what happens is that when one is looking for a job, she tells a friend who is already in Johannesburg to help her look for a job and when the friend hears of an employer looking for someone, she calls her friend in Lesotho and informs her about the job. For some, once they are in South Africa, they establish connections with other domestic workers and should they want to change employers either because they are not happy with their wages or the way they are treated, they inform their friends and ask them to help look for jobs and when the friends hear of something, they inform her. De Haan (2000) writes that 'social analyses of migration have shown how access to migration depends on social capital or contacts, how links between home and host community are maintained, and how migration helps to increase the migrant's social capital, through experience

gained abroad, and his or her investment in social relations…' (De Haan 2000: 14). This is true of Basotho migrants, networks or social capital, provide access to livelihoods in this case domestic work. Furthermore, it also helps that some Basotho have relatives in South Africa and so their relatives' homes provide temporary solace while they search for jobs.

This chapter has looked how migration becomes possible by using Cyrus's (2008) migration opportunity structure. He mentions that accessibility and connectivity also called networks are two factors that matter when deciding on migration. Accessibility as a factor is characterized by geographical location, obstacles imposed and politically defined which in Basotho case is immigration laws and control and thirdly mechanisms used to bypass these obstacles which in Basotho's case were bribes, and smuggling. Unfortunately bypassing these obstacles produces an illegal migrant as evidenced in the interview with the Home affairs official who was adamant that Basotho are foreigners despite whatever relationship Lesotho and South Africa had in the past. The official is coming from a political perspective where the law takes precedence over people as Glenn (2011) shows. Law and political science she writes, usually view citizenship as a formal status defined by legal documents and state policies' (Glenn 2011:2). This places the focus on the notion of citizenship from a right based perspective. The socio cultural life of the border does not however reflect these laws. The Maseru border has a life of its own in that it is seen to be a business. Basotho migrants participate in this business and suffer greater when in South Africa as they constantly have to hide from the police as they are given an illegal status. Employers use this vulnerability and exploit them by paying them less than the minimum wage in South Africa Anderson (2013) also states that migrants can become illegal by the act of crossing of borders and by filling out false information to be granted entry in a country. This kind of illegality is seen as a construction, the same way citizenship is a construction in order to

legitimize a nation state. The next cases will highlight how illegality produces vulnerability which then leads to exploitation.

4.2 How illegality produces vulnerability: i) Agencies

On a Saturday afternoon, I visited an agency in Soweto. A friend had given me directions to this place and told me to ask for directions to an agency that specializes with Basotho women when I got to a certain garage. She told me that this is a famous agency so I wouldn't get lost and indeed almost everyone I asked knew what I was talking about. I found out that they were 3 agencies on the same street but only one had domestic workers living within their premises. I decided to go to this one.

I opened the gate and wondered around the yard, at the back of the yard, there was another house that looked like a hall. I knocked and a lady came out. I explained to her that I was looking to do some interviews with domestic workers but she quickly responded, saying that the owners were not present at the time. I asked to wait for a few minutes and this lady referred me to another agency that I could go to just next door, of which I did. After conducting an interview with the owners of the next door agency I went back to the first agency asking whether the owners were back yet. I noticed that there were many other women in the house and I immediately asked whether they themselves would mind being interviewed. They told me that they are not allowed to talk to anyone. These were women around the ages of 30-50. One woman suggested I call the owners to let them know of my presence but she was quickly stopped by another woman. This other woman suggested that they call the owners themselves instead of giving me the owners' numbers, and so they made the phone call.

Within seconds this woman was done on the phone and told me that the owners were on their way, I should give them 20 minutes or so. I didn't mind waiting. While waiting, I tried to make out what was going on with the other house in the yard and soon realized that this was where the women were staying. The poorly lit hall looking like house had bunk beds inside. One woman came out and asked if I was looking for someone to employ. I replied no. she expressed her disappointment saying that she was almost happy because she thought she was going to get a job.

Minutes later the owners arrived. One had a concerned look on her face as she greeted me. She asked to put her plastic bags inside before we could talk, of which she did. She then led me to another room, her office. These were young women who could be in their 20s. I told them about the research and they both glanced at one another with suspicious looks. The other spoke first saying "Is it something that can be done". The other one replied "Yes" she didn't see a problem in it but they first had to get permission from the domestic workers.

One of them stepped out to talk to the workers and within minutes she came back with a response. "They can do the interviews but they don't want to be interviewed individually", she said. I tried to make her see reason in doing individual interviews but she was adamant that they did not want to be interviewed individually. I relented. I then had a focused group discussion, in the presence of the two owners and when we were finished, I asked to interview the owners themselves. They did not mind.

About the agency- how it operates

The agency was established in the 1990s by the current owners' grandparents. It is not clear how it started and for what reasons. The owners are Lesotho born nationals in their 20s. They deal with employers from all backgrounds and ethnicities, Black White, Indian etc but only specialize

with Basotho domestic workers. What happens is that a potential employer will make an appointment to see the domestic workers. On the given day, Basotho women introduce and 'market' themselves as they relate their previous work experiences to potential employers. The owners justify this by saying the employers need to see whom they'd be compatible with. When the marketing is over the employer makes a decision and picks a domestic worker of her choice. Upon employment, the domestic worker leaves her passport at the agency and takes a copy with her. While withholding someone's passport is illegal, the agencies say this is done to make sure that the domestic worker does not steal and run away to Lesotho with any valuables. By keeping the domestic workers' passports they further perpetuate their vulnerability as domestic workers are 'stuck' in a country and can only leave (for whatever reason) when they have permission from the agencies.

The agency negotiates a salary for the domestic workers, after 3 months of working, employers have to increase the salary to R1600. If there are any disagreements between the employer and the domestic worker, they can go to the agency where these disagreements will be resolved. The agency plays a role of a mediator, one agency owner went as far as describing themselves as the union when I asked whether they have any relationship with the union for domestic workers. He said "we are the union". He explained that their primary aim is to fight for domestic workers therefore that gives them an identity of a union.

Domestic workers have to come back to the agency at the end of every month where their problems with their employers and any other problems are solved. These 30-50 years old domestic workers have curfews. If for any reason they arrive at the agency after 7 pm, they are locked outside only in exceptional circumstances such as being late becomes one is from work, will they be allowed in. They are not allowed to be picked up in cars, if they have a friend

coming, the car must be parked kilometers from the gate. The owners cited the reason for this as not wanting to promote prostitution or something of that nature. They are doing it for the reputation of their agency as they said.

For domestic workers to be part of this agency, a registration fee of R250 is paid annually. When I asked the women what they liked about the agency, this is what they said;

> **Interviewer**: Do you think domestic worker recruitment agencies are making any positive difference to your situation?
>
> **Respondent:** They get us jobs, and they give us a place to stay
>
> **Respondent**: Also if your employer {she used the phrase *lekhoa la hao* directly translated to mean your white master, this shows traces of apartheid or even slavery} plays around with you, agencies are able to speak on your behalf.

Domestic workers agencies exploit the fact that Basotho have no other options but to remain within the domestic work sector. They house them under poor conditions of which they themselves would not live under. Constable (1997) argues that by controlling domestic workers, agencies produce docile bodies that are obedient when it comes to interacting with employers. She shows that domestic workers also adhere to the demands of agencies and employers because they know that they do not have alternatives. Constable (1997) sees this as power at play from both sides, the migrants and agencies. The agencies exploit migrants but at the same time the migrants are not ignorant to what is happening. They too succumb to whatever requests the agencies asks of them while making sure that they keep their jobs in order to provide for their families back home.

ii) The relationship between an employer and a domestic worker

Nthabeleng is a 37 year old woman who was born in Lesotho. She grew up with 7 other siblings who were supported by her father who was working as a construction worker while Nthabeleng was growing up. Her mother was unemployed, Nthabeleng described her to be a '"house wife" because she took care of all the household duties and raising her and her siblings. She moved to South Africa in 1993 after she found out that she could not complete her high schooling as her father could no longer afford it. She was just 17 years old when she moved to South Africa and there she stayed with her uncle. She told me that her first job was at a shop just in the area where she stayed. She took up this job because she wanted to finance her studies but then found that her father was no longer employed and therefore had to take up the role of a financer in her home. It was only in 2004 when she started working as a domestic worker in South Africa as she had to find other means to support her son who by this time had been born. she describes her first experience working as a domestic worker in this way; "It was difficult, it was my first job, I had never worked for another woman before so it was difficult, having to take all those orders, you have to do that, you can't do this, it was not easy."

Currently, Nthabeleng works Monday to Friday and gets paid R1650 per month. She gets to work at 6:30 in the morning and leaves at 5pm or waits until her employer has come back from work. Her employers have asked her on several occasions to work as a live in domestic worker but she prefers to be a live out because she has to go back home to her son whom she stays with at Lawley 2, just after Lenasia, south of Johannesburg. Her employers have dismissed her before without notice but called her again when they found that they didn't like the domestic worker they employed as a replacement for her. She went back to work but says she does not like the work that she does. She sees it as her only option because she's not educated. She said had she

had the chance to finish school she would have liked to have an office job as she likes the idea of working with computers.

With regards to her relationship with her employer she said her employer does not trust her as whenever anything goes missing she accuses her of stealing it. This is evidenced in a notebook she keeps where she writes all her grievances with her employer. The following is what she wrote;

On the 29th Feb 2012, I was waiting to get my monthly payment from Mariam (employer) but she came and accused me of stealing her slippers that she had put on the table on Friday. I then asked her why she had kept quiet about her missing slippers all along and only bringing it up days later when she has to pay me. She then told me she's going to take R100 from my payment and I said its fine and even if she finds them I don't want it back because she's used to doing it even when I never saw the slippers. Every time when she can't find something she always says I took it and when she finds it she never apologises and now it doesn't even surprise me. On the 5th March 2012 she came with a R100 note in hand and said she's sorry she found the slippers. I then told her I have 2 years working for her but still she does not trust me. She then told me that her previous employee stole things from her so that's why, she apologized and I forgave her but told her I will not take the R100 but she pleaded with me until I took it. I then told her I am not her previous employee and when I say I did not take something I mean it.

On the 16th May 2012 when I arrived at work in the Morning Edward (husband of employer) told me that he wants me to start living with them because he can't manage with the children and I told him I cannot because I could not leave my son by himself at home and then he said I must make a plan and I asked him how will I pay for someone to look after my child when he doesn't

want to raise my wages. He went on to tell me that winter is approaching and he has to wake his child up in the morning and that I should look for someone who will stand in for me in the next 3 coming months; June July and August and I would come back to work in September and we will talk about him increasing my wages when I got back. I told him I will get a replacement. My last day at work was on the 31 May. It was on a Thursday and he said he would call me on Sunday for a meeting with my replacement.

They met on the Sunday but did not agree on the terms of employment. He called me again on the Monday of the 4th June 2012and told me to find someone else for him and I told him I would look for someone. He called me again during the day and I told him I did not find anyone, he then said I would have to come in the following day and I asked whether he would pay me the increase they had promised me for the month of April and May which they did not deposit and just now they wanted me to stop working for 3 months yet they still owe me money. I told him that they should first give me the money they had promised me before I can come back to work. That's how we ended it.

On the 7th August 2012 on a Tuesday afternoon, Edward called me from his wife's number asking me whether he should continue with the person they were currently working with or will I be coming back. I told him I would come back on the Monday of the 13th August he then asked what time will I be getting there and I told him at 06:30 and he told me to come with a photocopy of my I.D and we will talk when I arrived.

I arrived at work at 06:25. When I arrived, he did not say anything to me, I then gave him my passport and he said he was going to make copies of it and that was it. I continued with my work for the day, he never mentioned anything about my salary until month end on a Friday of the 31st

August when he and the wife arrived at the same time from work to give me my payment. The wife gave me the money and I put it in my bag and when I got home I counted it. It was R900.00. I had worked for 3 weeks, for 15 days.

On the Monday of the 3rd September, I arrived and did my work like I usually did. When I was preparing her lunch, I put the lunch box in the bag and put a domestic workers' book in the bag without saying anything because she was busy. At 9:00 I sent her a 'please call' and she called me and I told her I was not happy with the money I got on Friday. She asked me how much it was and I said R900.00 for 15 days. She then asked me how much I used to earned and I said R1300.00. I told her I thought they had called me back to work because they were prepared to increase my wages like they had said, she then said no and I told her to look t at the book I put in her lunch box bag and read it so we could sit and talk because when I talk to them they don't hear me. She then got angry and said I can't tell her about a book and that no one can tell her what she must do or not do, that she will pay me what she can afford to pay me and that she even takes a packed lunch to work. I told her I can also take a packed lunch to her house only if she would pay me since I had asked for an increase last year in September and she said she would increase it in January because I was going to start taking the child to school. When January came she then said April but she never increased it and yet I know she can afford what I was asking for. I told her I know my rights and that when she buys a loaf of bread for R10.00 I also buy it for R10.00 and that because I'm a domestic worker it does not mean I get items for less from the shops.

She also said she's not afraid to pay me R200.00, and that if she wanted to give me R10.000 she could give me, but now why was she not giving me what I asked for and also because she always

says I do a good job. She then said I should pick a day we will sit and talk about this, than she dropped the phone.

In the evening when she arrived from work, she came in with such anger and rage and asked me what my problem was and I told her that it's the money. She then asked me how much does she pay me a day because she pays me R60.00. She then said she will pay me the R60.00 I worked for that day, that she no longer needs me and that I should go to those people that gave me that book and tell them she will not give me the amount of money I want. She told me the gate was open and I responded that the gate is always open, what would she like me to do about it she then she said I must leave she no longer needs me. I asked her "are you firing me?" and she said "Yes I'm firing you and you can go to those people that gave you this book and the CCMA and tell them I can't afford you. I'm not afraid of them and it wouldn't be the first time someone takes me to the CCMA."

I then told her I'll wait for the husband so they can both fire me as they had both hired me.

I waited for him and when he arrived he told me that he was the one that told the wife to give me the R60.00 and that I should leave and that he called his lawyer and he said I do not have a case against them because when they first I hired me I had agreed to live with them but I did not fulfill that agreement and they never reduced my wages because of that. I then asked him why didn't they fire me at that time and that they wouldn't have reduced my wages because that amount was already little even if I was going to be a live in worker and that we had not signed anything. Also with the money that they kept promising me, they just said it by mouth and nothing was written. Edward then said he would call me to let me know whether I was going to come back to work or not.

The following day, on the 3rd September in the evening I received a message that said "Hi Angie, I will call u in the week, just need 2 get some clarity on a few things thx"

Then on the 10th September, during the day, I called Edward and Told him that I still have my things at his house and he said I can come collect them on Saturday the 15th and that he took his children to his mother's and hired transport for them to take them to school because there is no one who can look after them and that he would call me at the end of the month. I never went to collect my things that Saturday.

On the 28th September in the afternoon, I went to Edward's house to collect my things and I found his wife and another woman that they had employed. I told them I was there to collect my things of which they gave me and I left. They didn't call me back.

There were number of times when items that went missing were found but her employer did not apologise or inform her that she had found them. She said there is hardly any communication between her and her employer. She also said she often hears of employers that treat their workers well but she never experiences this herself. From what Nthabeleng has written in her book, trust, wages, food and contracts and immediate dismissals are issues that are evident in her story. It is also important to note that her employers refer to her as Angelina or Angie instead of her Sesotho name, Nthabeleng.

First the issue of the name, in her thesis, Dilata (2010) brings up the question of the importance of a name. She however only looks at the title afforded to domestic workers. That is whether they are referred to as maids, helpers or workers. But in this paper, I am concerned of those domestic workers that have to succumb to using English names even though they are not called

by those names at home. This was also something I observed while coming from Lesotho to Johannesburg in a taxi full of domestic workers that were coming back to work. At the end of journey, these two ladies that had been sharing their experiences of being domestic workers in South Africa decided to exchange numbers as they were soon going to part. The other lady then said, you must save them as Kelello because that way "I will know that you are someone I met from Lesotho. She went on to explain how people in South Africa know her as Mariam while people in Lesotho know her as Kelello. Upon realizing that Nthabeleng's employers referred to her as Angelina, I proceeded to ask why this was so. She then explained that her employers insisted on her using an English name as they had asked her whether or not she had an English name of which they proceeded to use. The stripping away of someone's name is another act of robbing someone of their identity and also reveals 'illegal' domestic workers' subservience. This further perpetuates the unequal relationship between domestic worker and employer.

Food was also another issue that came up even though not so explicitly. Nthabeleng and her employer were arguing about giving Nthabeleng an increment. Her employer then brought up the fact that she takes a packed lunch to work which could have implied two things: i) she wanted her domestic worker to see that she could not afford to give her an increase by showing her that money is tight so much that she takes a packed lunch to work instead of eating out. ii) She wanted her domestic worker to bring her own food to work as well like she did at her work place which resulted with the domestic worker saying she could also bring her own food to work if only her employer had paid her enough.

In this case, food was used by the employer as an exemplifier of economic status. Archer (2011) through her study shows how food is "a particularly powerful site of the hierarchies of classification that define social distinction" (2011: 67). Drawing from Mary Douglas (1980)

Archer (2011) goes on to show that "food consumption is a crucial information code, expressive of the patterns of social relations within which they are embedded" (Archer 2011:67). Nthabeleng's employer used the fact that she took a packed lunch to work as a bargaining tool to try to convince her domestic worker to stop asking for a raise. Even though the employer did not mean her domestic worker should bring her own food to work, Nthabeleng took her statement as that and used food the same way her employer used it to further her mission of wanting a raise, of course neglecting the point that the home as a workplace is never the same as a formal workplace environment due to the nature of domestic work. Food provision or lack thereof is indicative of the type of relationship the employer and domestic worker have. Archer (2011)'s findings on her study revealed that employers often associated food provision with the value of the domestic worker in that domestic workers that were described as good or trustworthy were not restricted to the type of food they could have. In the case of Nthabeleng and her employer, food was used as a bargaining tool immediately when relations turned sour and therefore indicative of power relations at play within the domestic worker- employer relationship.

Another theme that came up in Nthabeleng's case was the issue of wages which was echoed by many other participants. By law whether a person is a migrant or not a domestic worker has to be paid the minimum wage while working in South Africa. Already this is not enough but employers do choose to pay the domestic workers low wages. Nthabeleng's employer fired her on the spot and even went as far as saying she does not care as she had already been taken to the CCMA before. This disregard of Nthabeleng's plea to have her wages increased is exacerbated by the fact that she is an illegal migrant. Furthermore there is a question of distrust as Nthabeleng is always accused of stealing when items go missing and at the end her money is deducted at the end of the month. This deductioSn takes place without proof of whether Nthabeleng took these

items or not. The fact that money can be deducted without proof can be seen as unlawful as it goes against the South African labour laws but the employee cannot do anything about it because of her perceived lack of rights in South Africa (Griffin 2010). Lutz (2011) questions the distinction between trust and exploitation. Nthabeleng's employer told her that her previous worker used to steal from her and therefore when something goes missing her first thought would be to think the worker stole it. But why the need to withhold wages before ensuring that indeed the worker stole it. In this we see how the lack of contracts and illegality enables exploitation of the employee by the employer.

Transnational Motherhood

Many Basotho women I interviewed in South Africa revealed that they left their children in the care of their parents back home. For them it was a painful sacrifice but one that had to be done in order to provide for the family. Taking into consideration studies carried out by Parrenas (2001, 2002, 2005) Lutz (2011) defines transitional motherhood as 'a descriptive term which characterizes the efforts of biological mothers to perform social mothering across wide geographical distances, with all the entailed constraints, and in this way to combine *caring about* their children with *caring for* them' (lutz 2011:114). Lutz (2011) goes on to dispute the normative assumption that a child thrives best when raised by a biological mother. This belief, she argues, stems from the emergence and later the fascination with the concept of a nuclear family as the standard. This follows a universal definition and in doing so ignores the fact that child rearing practices follow certain cultural patterns. Ie. Children left in the care of their grandparents or other family relatives still gain a lot of from these people. Lutz (2011) goes on to state that by believing in the normative nuclear family concept, mothers that leave their children for work tend to have a sense of guilt and feel like they are uncaring mothers and in turn feel like

they are inadequate mothers. This is however not the direction I'm going to take. Basotho Mothers that I spoke to did not feel guilty for leaving their children instead they see it as something that had to be done, a sacrifice. But what happens when one has to care for a child that is not hers, being expected to offer emotional support daily but cannot even do the same for one's own children? Parrenas (2001) recounts this contradiction as she writes that 'the pain of family separation is further intensified by caregiving tasks in domestic work. Taking care of children is not just taking care of children when, in the process of doing so, one cannot take care of one's own family' (Parrenas 2001:122). The fact that woman have to leave their children to go work shows sacrificial love and a willingness to do whatever it takes to ensure one's children have better futures and opportunities. In one of my taxi rides from Lesotho to Johannesburg, one woman who works as a domestic worker in Johannesburg was relating a story of how badly she was going to miss her children. She explained how on a week day she told her children not to go to school because of how cold it was that day. This was however not the real reason she wanted them to stay home. She simply wanted to spend more time with them as she said. The following day was the day she had to leave and she made sure she washed their laundry for them and cleaned the house like she did at her employer's home but this time she wanted her children to come home to a clean house and clean clothes for a change. She said she felt a bit better knowing that she had that for her children. These are the contradictions and complexities that come with the nature of domestic work, as emotionally taxing as it is, these women have to endure in the hope of giving their children better futures.

In this chapter, I revealed how illegality produces vulnerable workers who are susceptible to exploitation. This was revealed in how agencies are run, also taking advantage of the fact that Basotho migrants are not documented. The profile of Nthabeleng showed how the nature of her

relationship with her employer was based on the fact that she also was not documented. When the participants were asked whether they had reported their employers, all revealed that they had never as they were afraid of losing their jobs. They were also asked whether they had ever applied for work permits, some replied yes they had but were denied work permits. An interview with the Migrant Liason Officer in Lesotho revealed that the South African government does not want to give Basotho domestic workers permits as they say jobs in this sector are reserved for South Africa. When South Africans were asked whether they felt Basotho were taking their jobs they replied that yes, only because they agree to getting paid low wages which hinders their chances of ever getting the wages they deserve as South African, let alone the minimum wage. Lesotho nationals on the hand only accept these low wages because they have no on the alternatives.

Chapter 5 Conclusion and Recommendations

This paper aimed at understanding the hierarchical relationship between employer and employee and it was revealed that this relationship is exploitative due to the fact that the South African government labels migrant Basotho domestic workers as illegals. By labelling them as illegal migrants they become vulnerable in that they are always hiding indoors in an attempt to evade law enforcers. Their vulnerability exposes them to exploitation by employers as they are not paid wages that they deserve and stay in such situations because they will be worse off in their home countries.

It was also revealed that the immigration act is in direct contradiction of the labour law even though the labour laws offers protection for all workers, immigration law say Basotho are not supposed to be working in South Africa in the first place.

The recommendation is therefore that 1) South Africa give Basotho domestic workers legal work permits like they did with mine labourers. This will decrease their vulnerability as they will no longer be classified as illegal desperate migrants.

2) Ensure that the minimum wage is adhered to as a way to avoid competition with South African domestic workers and also a regular inspection by labour officials be carried out to ensure that domestic workers are treated with dignity as the ILO convention 189 advocates.

Conclusion

Once again policy ratification can be seen as another act by South African as a tick in box to make sure South Africa maintains its standing as one of the most liberal countries in the world. The reason for this as we have seen is that policy does not address the people it intends to protect. The system in South Africa is fundamentally created so as to marginalize migrants and low skilled South African workers driving them to a sector that exposes them to inequalities between the employer and employee. In order to change conditions for domestic workers in South Africa, South Africa has to change the structures in place, i.e border movement restriction against Lesotho as we have seen that Lesotho and South Africa have a long history extending pre-colonial times.

This paper has revealed that Basotho migrants are forced into migration by economic situations in their home country. It was also revealed that the patriarchal system in Lesotho that left women dependent on their husbands let them down, leaving them with no alternatives as many of them did not get the chance to finish their schooling.

It was also revealed that there are no employment opportunities in Lesotho, the little that are the do not pay enough wages to cover a whole month's needs. Migration to South Africa has then become an alternative for Basotho women.

It was then revealed that efforts made by the South African government to keep Basotho out of South Africa have failed due to the activities that take place at the border. The border is not viewed in the same way by law enforcers as it is by migrants. Some view it as a boundary separating one sovereign country from another while others view it as a business. Even though migrants get to bypass these border restrictions they are however labelled as illegal migrants as

soon as they start working as domestic workers in South Africa. There employers are aware of their status and so use it against them by exploiting them and not paying them full wages. South African domestic workers do not however see Basotho as illegal migrants. They are in the same situation of exploitation but Basotho get it worse because they are illegal.

Having revealed these, in order for an equal and mutual beneficial relationship to emerge between Basotho and their employers, Basotho should be given legal status, but not only that but regular inspections should be implemented by labour officials to ensure adherence to labour laws. Employers should also recognize that domestic workers are human too and not servants.

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