

Book Review

Katherine Eva Maich (2025)

Bringing Law Home: Gender, Race, and Household Labor Rights

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Professor Katherine Eva Maich's *Bringing Law Home: Gender, Race, and Household Labor Rights* takes us to two major metropolitan cities in South and North America. A sociological examination of paid domestic work in Lima, Peru, and New York City in the United States, Professor Maich's qualitative, comparative case studies, for which she conducted 120 interviews between 2012 and 2014, question to what degree the law is a guarantor of rights in certain contexts and in relation to different people. She asks, "How does the implementation and specifics of legislation come to bear on the lives of those it attempts to protect, offer benefits to, or bring into social and political inclusion as real workers" (p. 4)? Maich contends that there is a disconnect between what the law purports to do and the practical rights that workers enjoy.

As she showcases throughout her book, domestic workers – a predominantly female, racialized, vulnerable and/or migrant group – do not reap the full benefit of labor laws meant to protect them. This is tied to the weight of historical discriminations and resulting socioeconomic placements, as well as to present-day institutions that shape social and political behavior. Professor Maich makes her case across six chapters.

Chapter 1 establishes the book's contribution as one that dialogues with, and amplifies, the scholarly work on "domestic work, labor informality, and the nature of household labor" (p. 5), reasserting the home as a site where ideology, social hierarchies, labor, and the law compete. Maich presents the two case studies here, arguing that workers are maintained in vulnerable and often precarious employment, not despite the law, but by way – or at least by the form – of the law itself, which in these cities has remained notoriously weak, positioning workers in a condition of "structural vulnerability."

In Chapters 2 and 3, Professor Maich disaggregates the experiences of household workers in Peru. As she previewed in Chapter 1, workers' treatment in this country is attributable to its history of coloniality, – harking to Quijano (2000) and Lugones (2008) – leaving a legacy of "colonial domesticity." Combined with exclusionary labor legislation, this situation has created what the author denotes as "insider vulnerability." On this score, Maich observes how the discriminating triangle of "race, space and gender" (p. 79) normalize the architecture of closet-size rooms in employer homes (Ortiz 2012; Pérez 2022), or embody inequality (Casanova 2013) as workers are marked in the public space by the ubiquitous use of distinctive uniforms.

In Chapters 4 and 5, domestic workers' experiences in New York are contrasted as

“international domesticity” different from Peru due to the high number of immigrants who do this work, but alike given historically exclusionary legislation for this labor sector. As opposed to Lima, and precisely because of the mostly international condition of the workers, Maich deems their experiences as one of “outsider vulnerability.” In this way, she draws a parallel to the similarly peripheral positioning of a workforce that is intersectionally discriminated by gender, migration status (whether as internal or international migrants), and ethnicity. Maich also notes the historic link between domestic workers and African American women in the United States, both in the time of slavery but also post emancipation. Professor Maich further documents the increased immigration of domestic workers from Asia and from Latin America, arguing that the law “universalizes the experiences of domestic workers in New York, negating the industry’s specificity of domestic vulnerability and condensing a divergent domestic worker population into one common social position” (p. 148). Thus, neither in Lima nor in New York City is the law on the side of these workers. As the New York case further suggests, the law might be dividing workers, serving only some who are better positioned to reap the law’s benefits.

In the concluding Chapter 6, the author comes full circle in her analysis of the home as a place where labor rights are yet to be upheld; instead, it remains the site of social hierarchy and continued structural vulnerability for the women who work there.

This book is well-written, inviting, and thought-provoking. Professor Maich’s references to films on the subject, as well as her use of interview data, included strategically throughout the manuscript, is masterfully achieved. Her scholarship is a valuable contribution to the literature on segregated labor rights; specifically, the partial application of the law in the domestic work sector, perennially in demand, chiefly done by women, but also notoriously scorned.

One observation is that Professor Maich’s data is from more than a decade ago; specifically, the Peruvian law examined is more than 20 years old, and has been overturned since 2020. Thus, one may wonder whether Maich’s observations would stand had she analyzed this new development under the same questions posed for Law 27986 (2003). As she notes, Law 31047 has yet to be fully respected, underscoring her argument that legislation – as applied in private homes – is only as good as existing institutional predispositions that foster compliance. But Law 31047 – vis-à-vis Law 27986 – dictates full *de jure* rights. A deeper discussion of the role of coloniality, social authoritarianism and culture in Peru (Pérez 2021) might have helped to explain the toothless nature of the new law, and the differences between this one and the previous, which clearly codified differentiated treatment for domestic workers. In Peru, a former vice-royal country where the notion of *obedeço, pero no cumplo* (I obey, but do not comply) broadly still stands, this policy winks at employers and gives them the upper hand (IDWFED 2024; Pérez 2021).

Additionally, Professor Maich suggests that the law has not only failed a mostly female workforce in the home, but in the public space. Specifically, the 2003 Peruvian legislation did not explicitly protect “workers’ bodies outside of the home” (p. 84). While the obligatory use of the uniform in public is illegal, the State – then and now – does not actively enforce this. The idea that these discriminations follow women positioned in either colonial or international domesticity into the public square, as Maich has argued, are important observations that merit further scholarly attention.

One last consideration for future research is on the question of sexual harassment at work. The author provides comparatively more space to this subject in the Peruvian case – harkening to the historical roots and impunity associated with this practice. One of the reasons that this was so rampant – beyond the history of intersectional discrimination that Maich does a good job of recounting – is the fact that women began this work as children or adolescents. Since the time of Professor Maich’s analysis, however, the number of underage workers has been dropping, as are

“live-in” arrangements, and Law 31047 prohibits child labor. Akin to the core argument of this book, however, -- that the law has scantily protected workers because it is shaped by the very discrimination that it is allegedly addressing -- a lingering question is whether the new jurisprudence in Peru, as well as existing legislation in the United States protects children. Or, do these instead push them further under the radar? In a context of continued human trafficking in the United States and in the world, in which young women are still overrepresented, this question bears further inquiry for domestic work in private homes.

Professor Maich’s book gives us a noteworthy schema for how histories of discrimination and social ordering have erected institutions that make the law’s application either difficult or meaningless for domestic workers in both the global North and South. Her matrix, furthermore, has different possible applications to other cases in both the private and public spaces where women work.

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