

Unpaid Labour in a Globalised Economy: Legal Recognition, Economic Impact and Pathways to Justice

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Abstract

This paper explores the position of unpaid labour in a globalising economy and its treatment within law and justice frameworks. It situates unpaid care and domestic work within the historical devaluation of women's labour, from coverture in English common law to patriarchal family structures in India and beyond. The study examines how international instruments such as CEDAW, ILO conventions, and the Sustainable Development Goals engage with unpaid work, and how different jurisdictions – including Nordic states, Latin America, India, and Gulf countries under Shariah traditions – recognise or fail to recognise its value. It also considers the impact of globalisation, including the rise of care chains and the channeling of women into feminised sectors through education and migration. By foregrounding these dynamics, the paper raises questions about autonomy, recognition, and the meaning of empowerment in contexts where unpaid labour sustains both households and economies.

Keywords : Unpaid Labour, Patriarchy and Law, Women's Autonomy, Globalisation

Research Rationale And Methodology

Unpaid labour has been the subject of significant scholarly attention, yet its treatment in law and policy continues to be marked by silence or half measures. Scholars such as Nancy Folbre have

emphasised that unpaid care underpins economies while remaining excluded from economic accounting, while Arlie Hochschild's work on the "second shift" highlights the double burden carried by women who combine wage labour with caregiving. Comparative studies have explored recognition in constitutional texts, judicial pronouncements, and international instruments such as CEDAW, the Beijing Platform for Action, and the Sustainable Development Goals. At the same time, case law — from Indian courts on compensation for homemakers to European jurisprudence on parental leave — has acknowledged unpaid labour, though often only in derivative ways. This literature establishes that unpaid work is visible in scholarship and policy discourse. However, the gap lies in how empowerment is framed: recognition is extended, but nearly always on terms set externally by patriarchal institutions. The literature does not fully explore whether empowerment can be genuine when women themselves are excluded from defining the criteria of autonomy.

It is this gap that provides the rationale for the present research. The problem is not the absence of recognition, but the conditions under which recognition is permitted. This raises the central research question: whether empowerment in the context of unpaid labour can exist without self-determination, or whether externally defined recognition merely reproduces dependency. The objectives of this research are to examine how unpaid labour has been

situated historically and normatively, to compare approaches across jurisdictions and traditions, to consider the impact of globalisation in reshaping care, and to explore models that allow for women's self-determination in defining empowerment. The guiding hypothesis is that empowerment in the context of unpaid labour cannot be genuine if autonomy is not self-determined but mediated by law, policy, or culture.

The study employs a doctrinal methodology, relying on treaties, constitutional texts, case law, and secondary scholarship, supplemented by comparative analysis and informed by feminist jurisprudence. This approach makes it possible to interrogate not only what recognition exists, but on whose terms, it is constructed.

I. Introduction

For much of history, women's work inside the home was not recognised by law or society. In English common law, the doctrine of coverture meant that a married woman's identity was merged with her husband's, leaving her unable to own property, enter contracts, or control her wages.¹ In India too, until independence, family law and custom gave the male head of the household authority over women.² Women's voices were excluded from political life as well, with the vote and public participation secured only after long struggles. The adoption of universal adult suffrage in 1950 was a turning point, but even this was achieved through years of social movements and sacrifice.¹

These legal and political changes created new ideas of women's empowerment. Today, empowerment is often associated with higher education, formal employment, and visibility in public life.

Yet the expectation remains that women must also take care of household work and children. Success is measured not only by achievements outside the home but also by the ability to combine them with unpaid care.⁴

This situation exposes a double burden. A woman who focuses only on her career may be labelled selfish or unwilling to fulfil her role. A woman who chooses homemaking may be seen as traditional or "backward" or insufficiently modern.² In both cases, women continue to navigate standards of empowerment that are shaped by competing expectations.

Globalisation has made these contradictions sharper. Labour markets reward the "ideal worker" who is free of care duties⁶, while families and societies continue to depend on women's unpaid and emotional labour,³ and economic systems themselves are sustained by it.⁴ By placing unpaid labour at the centre of debates on law and justice, this study highlights how recognition without redistribution has become one of the central challenges of women's empowerment in a globalising world.

II. Legal Recognition of Unpaid Labour

A. International Recognition

The recognition of unpaid labour in international law did not appear overnight. It came slowly, carried forward by campaigns and compromises, always moving but rarely disrupting the structures that kept such work invisible.

In the 1970s, feminist movements began to press the international system with a simple truth: women were carrying a

¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 46–47 (Oxford Univ. Press 1966). ⁴ Int'l Labour Office, *Care Work and Care Jobs for the Future of Decent Work* xxvii–xxx (Int'l Labour Office, Geneva 2018).

² Naila Kabeer, *Reversed Realities: Gender Hierarchies in Development Thought* 102–110 (Verso 1994). ⁶ Joan Acker, *Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations*, 4 *Gender & Soc'y* 139, 149–52 (1990).

³ Arlie R. Hochschild, *Global Care Chains and Emotional Surplus Value*, in *On the Edge: Living with Global Capitalism* 144 (Will Hutton & Anthony Giddens eds., Jonathan Cape 2000).

⁴ Nancy Folbre, *The Invisible Heart: Economics and Family Values* 5,11 (New Press 2001).

double burden. They were expected to join the labour force and, at the same time, to continue all the domestic work at home.⁵ This pressure reached the United Nations when the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) was drafted. The treaty required states to reconcile employment with family responsibilities and to address stereotypes about women's roles.⁶ Yet its framing left space for states to decide how far they would go, marking recognition without redistribution.

Soon after, the debate entered the world of labour standards. The International Labour

Organization adopted Convention No. 156 (1981) on workers with family responsibilities.⁷ This was an important step: for the first time, unpaid caregiving was treated as a matter of international labour law. But the negotiation table was still dominated by male government and union delegates, with women underrepresented in ILO governance at the time.⁸ The

outcome reflected that reality: the Convention called for supportive policies, but not binding entitlements.

The push did not stop. In 1995, the Beijing Platform for Action captured the energy of women's organisations across regions.⁹ It urged states to conduct time-use surveys and to integrate the value of unpaid work

into national accounts. Civil society shaped the language, but the drafting remained in the hands of foreign ministries and delegations where men held most of the authority.¹⁰ The final text echoed feminist demands, though softened into aspirational language.

By 2015, the Sustainable Development Goals brought unpaid care firmly into the development agenda. Target 5.4 called on states to "recognize, reduce, and redistribute" unpaid labour through public services, infrastructure, and shared responsibility within households.¹¹ At the same time, treaty bodies deepened the message. The CEDAW Committee's General Recommendation No. 17 (1991) had already urged states to measure unpaid work,¹² and more recently, in a joint General Recommendation/Comment with the CRC (2014), both committees identified gender stereotyping as the root of harmful practices and pressed states to intervene through law and policy.¹³

B. Comparative Perspectives

i) Latin America, Europe, and India: Recognition and Its Limits.

Latin America has made constitutional advances. Ecuador's 2008 Constitution and Bolivia's 2009 Constitution¹⁴ classify unpaid domestic work as productive labour, granting

⁵ See Arlie Russell Hochschild, *The Second Shift* 3–10 (1989) (introducing the concept of women's "double shift" combining paid work and unpaid domestic labour); see also Int'l Labour Org., *Women at Work: Trends 2016*, at xii–xviii (2016) (noting persistence of the "double burden" globally).

⁶ Convention on the Elimination of All Forms of Discrimination Against Women art. 11(2)(c), Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981).

⁷ Workers with Family Responsibilities Convention (No. 156), June 23, 1981, 1331 U.N.T.S. 295 (entered into force Aug. 11, 1983).

⁸ See Int'l Labour Off., *Gender Equality at the Heart of Decent Work: 90 years of ILO Action* (2009) (noting that women's participation in ILO governing bodies and delegations during the 1970s and 1980s was minimal, with most negotiations conducted by male representatives).

⁹ Report of the Fourth World Conference on Women, Beijing, ¶ 206(f), (i)–(iii), (g) U.N. Doc. A/CONF.177/20/Rev.1, at 87–88 (1996).

¹⁰ See Karen Aggestam & Ann E. Town, *The Gender Turn in Diplomacy: A New Research Agenda*, 21 Int'l Feminist J. Pol. 9, 21–22 (2019) (noting male dominance of diplomatic services in the 1990s).

¹¹ G.A. Res. 70/1, *Transforming Our World: The 2030 Agenda for Sustainable Development*, Target 5.4, U.N. Doc. A/RES/70/1 (Oct. 21, 2015).

¹² Comm. on the Elimination of Discrimination Against Women, Gen. Recommendation No. 17: *Measurement and Quantification of the Unremunerated Domestic Activities of Women and Their Recognition in the Gross National Product*, ¶¶ (a)–(c), U.N. Doc. A/46/38 (1991).

¹³ Comm. on the Elimination of Discrimination Against Women & Comm. on the Rights of the Child, Joint Gen. Recommendation No. 31 of CEDAW and Gen. Comment No. 18 of the CRC on Harmful Practices, ¶¶ 17, 55, U.N. Doc. CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1 (Nov. 14, 2014).

¹⁴ Constitución del Estado Plurinacional de Bolivia, Feb. 7, 2009, art. 338, translated in *Constitute Project*, https://www.constituteproject.org/constitution/Bolivia_2009.pdf

homemakers rights to social security.¹⁵ Venezuela adopted similar provisions.¹⁶ These reforms were driven by feminist mobilisation during constitutional change.¹⁷ Yet implementation has lagged. Pension coverage for homemakers is minimal, and budgets rarely account for unpaid work.¹⁸ Women continue to face the “double burden” of paid and unpaid labour.¹⁹

In Europe, judicial rulings have been central. In *Petrovic v. Austria*²⁰, the European Court of Human Rights allowed the State a broader “margin of appreciation” and to introduce changes gradually in par with societal evolution. Later, in *Konstantin Markin v. Russia*²¹, the Court ruled that excluding fathers from parental leave was discriminatory. These cases challenged the presumption that care is women’s work. But weak childcare infrastructure, particularly in Southern Europe, leaves women with disproportionate responsibility.²² India illustrates recognition without systemic change. The Constitution enshrines equality (Arts. 14–16) and directs the state toward social justice (Art. 39). Courts have acknowledged domestic

labour in specific disputes. In *Kirti v. Oriental Insurance Co.*²³, the Supreme Court held that a homemaker’s work carries economic value. In *Kannaian Naidu v. Kamsala Ammal*²⁴, the Madras High Court emphasised the significance of domestic contributions in property disputes. In *Sunita v. Vinod Singh*²⁵, the Delhi High Court recognised the tangible worth of household labour. Yet these rulings are context-specific.

India has no legislation providing pension credits or redistribution for unpaid labour.²⁶

ii) Nordic and Shariah Perspectives: A Contrast.

The Nordic countries offer one model of redistribution. Sweden’s parental leave scheme with “daddy quotas” pushes men to share caregiving.²⁷ Surveys confirm Nordic men spend more time on unpaid work than in most other regions.²⁸ But uptake is uneven. Wage gaps and workplace resistance discourage fathers, producing what scholars describe as the “maternal wall.”²⁹

Shariah law begins from a different premise. Classical jurisprudence did not impose domestic labour as a legal duty on

¹⁵ Constitución de la República del Ecuador, Oct. 20, 2008, art. 333, translated in Constitute Project, https://www.constituteproject.org/constitution/Ecuador_2008.pdf.

¹⁶ Constitución de la República Bolivariana de Venezuela [Constitution of the Bolivarian Republic of Venezuela], Dec. 30, 1999, art. 88, translated in Constitute Project, https://www.constituteproject.org/constitution/Venezuela_2009.pdf.

¹⁷ U.N. Women, Progress of the World’s Women 2011–2012: In Pursuit of Justice ch. 3, 64–65 (2011).

¹⁸ Juliana Martínez Franzoni & Diego Sánchez-Ancochea, The Double Challenge of Market and Social Incorporation: Progress and Bottlenecks in Latin America, desiguALdades.net Working Paper No. 27, 8–15 (2012).

¹⁹ See supra note 9, at 3–6 (Hochschild introducing the “double burden”).

²⁰ *Petrovic v. Austria*, App. No. 20458/92, Eur. Ct. H.R. (1998), <https://hudoc.echr.coe.int/eng?i=001-58146>.

²¹ *Konstantin Markin v. Russia* [GC], App. No. 30078/06, Eur. Ct. H.R. (2012), <https://hudoc.echr.coe.int/eng?i=001-109868>.

²² Maurizio Ferrera, The “Southern Model” of Welfare in Social Europe, 6 J. Eur. Soc. Pol’y 17, 21 n.8 (1996).

²³ *Kirti v. Oriental Insurance Co.*, (2021) 2 SCC 166.

²⁴ *Kannaian Naidu v. Kamsala Ammal*, (2001) 3 CTC 407 (Madras High Ct.).

²⁵ *Sunita v. Vinod Singh*, 2008 SCC OnLine Del 974 (Delhi High Ct.).

²⁶ Shrestha Das, Unpaid Care Work and Indian State Policy, 9–10 Nat’l Serv. L. Rev. 33, 38–39, 50, 52 (2019).

²⁷ Sweden guarantees equal parental leave rights to both parents under statute, Lag (1995:584) om föräldraledighet [Parental Leave Act] ch. 1, §§ 3–5 (Swed.), and government policy documents clarify that of the 480 days of parental benefit, 90 days are earmarked specifically for each parent and non-transferable. Gov’t Offs. of Swed., Social Insurance in Sweden 4–5 (Aug. 2016).

²⁸ Anne Lise Ellingsæter & Ragni Hege Kitterød, Towards More Gender Equal Parental Time Allocation: Norway, 1980–2010, 28 Community, Work & Fam. 1, 3–4, 17–19 (2025).

²⁹ See Joan C. Williams, *Unbending Gender: Why Family and Work Conflict and What to Do About It* 69–71 (Oxford Univ. Press. 2000); Jessica Nisén, Anni Erlandsson & Marika Jalovaara, Gendered Relationship of Childbearing with Earnings Accumulated by Midlife in Two Nordic Welfare States, 46 J. Fam. & Econ. Issues 685 (2025).

women; men were obligated to provide for the family (nafaqah³⁰). Prophetic traditions describe Muhammad (sallallahu alayhi wa sallam) assisting with household tasks, setting a precedent for shared responsibility.³¹ Reformist scholars argue these sources support recognition of unpaid labour and men's participation.³² Yet patriarchal practice has reshaped this potential. Gulf states often assume women's domestic role as natural, while reforms such as Saudi Arabia's Vision 2030 emphasise women's workforce entry without redistributing care.³⁷

III. Economic Impact of Unpaid Labour

A. Unpaid Labour and National Accounts

Unpaid care and domestic work form a structural foundation of economies but remain largely unmeasured. Time-use surveys consistently show that women devote several times more hours to unpaid work than men, providing care and household services that sustain both families and markets.³³ In India, official data indicate that women spend over five hours each day on unpaid tasks, compared with less than two hours for men.³⁴ Despite its scale, this work is absent from national income accounts. Conventional GDP measures count only market transactions, leaving unpaid household production invisible.³⁵ The result is economic statistics that systematically

understate the true cost of social reproduction.³⁶ This matters because fiscal and labour policies are designed on the basis of such data; what is excluded at the counting stage is easily neglected in law and policy. The paradox is that labour indispensable to growth is categorised as "non-work," raising the question of why tasks performed within households are not recognised as legitimate employment in their own right.³⁷

B. The Care Penalty in Labour Markets

The invisibility of unpaid labour in economic accounts translates directly into disadvantages in the labour market. Women's participation rates are consistently lower than men's because the time absorbed by household responsibilities restricts entry into paid work.³⁸ Where women do enter, they often cluster in part-time or flexible jobs that accommodate unpaid duties but offer lower wages and weaker protections.

This pattern creates a measurable "care penalty." Mothers face wage reductions compared to childless women, while men often experience a "fatherhood premium" through increased earnings and greater employer trust.³⁹ The disparity is not only cultural but institutional: workplaces are structured around the "ideal worker" norm, defined as someone fully available to the market and unencumbered by care obligations.⁴⁰

The economic consequences are broad. Lower earnings accumulate into weaker

³⁰ Asma Barlas, *Gender Justice and Qur'anic Hermeneutics*, in "Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an (Univ. of Tex. Press 2002).

³¹ Sahih al-Bukhari, hadith No. 676, Book of Manners (al-Adab) translated in 7 Sahih al-Bukhari (M. Muhsin Khan trans., Dar-us-Salam 1997).

³² Ayesha S. Chaudhry, *Domestic Violence and the Islamic Tradition: Ethics, Law, And the Muslim Discourse on Gender* 41, 47, 49–50, 55 (Oxford Univ. Press 2014). ³⁷ Kingdom of Saudi Arabia, *Vision 2030* (2016), https://www.vision2030.gov.sa/media/rc0b5oy1/saudi_vision2030.pdf.

³³ Int'l Labour Office, *supra* note 4, at xxx.

³⁴ Gov't of India, Ministry of Statistics & Programme Implementation, *Time Use in India – 2019* 26 (2020).

³⁵ Marilyn Waring, *If Women Counted: A New Feminist Economics* 95, 102, 104–113 (Harper & Row 1988).

³⁶ Nancy Folbre, *supra* note 8, at 66–67, 73, 79.

³⁷ See *id.* (Noting that unpaid household labour is treated as "non work"); see also United Nations Entity for Gender Equality and the Empowerment of Women (U.N. Women), *Progress of the World's Women 2019 – 2020: Families in a Changing World* 143–146 (2019) (explaining that unpaid care sustains economies but is excluded from employment categories).

³⁸ Organisation for Economics Co-operation and Development (OECD), *OECD Employment Outlook 2020: Worker Security and the COVID – 19 Crisis* 44–45 (2020).

³⁹ Michelle J. Budig, *The Fatherhood Bonus and the Motherhood Penalty: Parenthood and the Gender Gap in Pay*, 66 *Am. Socio. Rev.* 204 (2001).

⁴⁰ Joan C. Williams, *supra* note 33, at 1–5, 139.

pensions, limited savings, and greater vulnerability in old age.⁴¹ At the macro level, entire economies underutilise female labour potential, reducing growth and productivity.⁴² The persistence of the care penalty also leaves intact the expectation that women must add waged work to their existing unpaid responsibilities, rather than having the latter acknowledged as a sufficient and valuable occupation.⁴³

C. Corporate and Globalisation Dimensions

Globalisation has magnified the effects of unpaid labour by embedding it in corporate and transnational structures. Multinational firms rely on the “ideal worker” norm that assumes employees are unencumbered by care, shifting the cost of social reproduction onto households.⁴⁴ The availability of unpaid household labour makes it possible for markets to function as if workers had no competing responsibilities.

This reliance extends beyond national borders. The global demand for care has generated large-scale migration flows, where women from lower-income countries provide domestic services in wealthier states.⁴⁵ These global care chains supply affordable labour to households and corporations but leave behind care deficits in migrants’ own families, often filled by unpaid work of other female relatives.⁴⁶

The distribution of care in this way illustrates how global markets externalise costs onto women at multiple levels. While

states and corporations capture the benefits of labour mobility and productivity, the unaccounted burden of care remains concentrated in private households.⁵² The persistence of this framework reflects a deeper refusal to recognise unpaid care as a standalone form of work, thereby ensuring that even when women contribute to economic growth from within the home, their labour is excluded from the category of “employment.”⁴⁷

IV. Pathways to Justice

Across jurisdictions, the language of recognition for unpaid labour has grown more visible. Yet what appears progressive in law often conceals the persistent hand of patriarchy in practice. Recognition is offered only in ways that preserve male-dominated authority, shaping women’s labour not as autonomous work but as an extension of roles assigned to them. States, courts, and markets valorise unpaid labour only when it aligns with patriarchal priorities: family stability, national accounting, or the supply of disciplined workers for global labour markets.⁴⁸

In India, courts have acknowledged the value of domestic labour, but almost exclusively in posthumous compensation cases such as *Kirti v. Oriental Insurance Co.*⁴⁹, where recognition is calculated for dependents rather than the woman herself. In the Gulf, Islamic sources historically treated household work as voluntary for women, with men obligated under *nafaqah* to provide materially,⁵⁰ yet contemporary law recasts domestic labour as an assumed duty while market participation is promoted as empowerment.⁵¹ Even in

⁴¹ Progress of the World’s Women 2019–2020, *supra* note 42, at 142.

⁴² World Bank, *Women, Business and the Law* 2022 12 (2022).

⁴³ See Folbre, *supra* note 8, at 66 (describing unpaid care as devalued, requiring women to combine it with waged work).

⁴⁴ Int’l Labour Office, *supra* note 4, at 72–76.

⁴⁵ Arlie R. Hochschild, *supra* note 7, at 140–143.

⁴⁶ Nicolas Yeates, *Global Care Chains: A State-of-the-Art Review and Future Directions in Care Transnationalization Research*, 12 *Global Networks* 135, 136–138 (2012). ⁵² Progress of the World’s Women 2019–2020, *supra* note 42, at 227.

⁴⁷ See Folbre, *supra* note 8, at 66–67; Waring, *supra* note 40; Progress of the World’s Women 2019–2020, *supra* note 42.

⁴⁸ Progress of the World’s Women 2019–2020, *supra* note 42, at 145.

⁴⁹ *Kirti v. Oriental Ins. Co.*, *supra* note 27.

⁵⁰ Ayesha S. Chaudhry, *supra* note 36.

⁵¹ Mona Kareem, Book Review, A Most Masculine State: Gender, Politics and Religion in Saudi Arabia, by Madawi Al-Rasheed, 22 *Arab Stud. J.* 312, 313 (2014);

Nordic states, where parental leave policies formally encourage redistribution, wage disparities and workplace cultures deter men from taking leave, leaving women as the default caregivers despite neutral statutes.⁵⁸

These gaps extend beyond the household and into education, where patriarchal mediation takes a different but equally entrenched form. States promote basic literacy and vocational training but overwhelmingly channel women into feminised sectors — teaching, nursing, and social work — that extend unpaid caregiving into the waged economy.⁵² Elite education and professional authority in law, finance, or science remain disproportionately male domains, and even women who cross these thresholds often exit once family care demands arise. Globally, the paradox sharpens: migrant domestic workers across the Gulf and Europe are often graduates, yet their education is disregarded as they are confined to domestic service.⁵³ Education here does not dismantle care burdens but professionalises them, producing disciplined labour for patriarchal economies at home and abroad. Globalisation compounds the inequity. The same states reluctant to redistribute care internally draw heavily on migrant women to cover their deficits. In the Gulf, kafala systems bind South and Southeast Asian women into conditions of near-total dependency.⁵⁴ In Southern Europe, Filipina and Latin American migrants fill eldercare and childcare roles, while states resist investment in public infrastructure.⁵⁵ In

India, courts valorise homemakers only symbolically, while the state exports women into global nursing and domestic labour markets. This transnational “care chain” externalises burdens onto poorer households, where unpaid work is absorbed by relatives left behind.⁵⁶ Patriarchy thus operates locally by denying recognition, and globally by commodifying women’s labour when useful to markets.

The result is an empowerment trap. Women who devote themselves to caregiving are labelled traditional or “backward”; those who pursue careers without combining them with domestic labour are branded selfish; and those who perform both roles are celebrated but exhausted.⁵⁷ Autonomy remains absent, because the criteria for empowerment continue to be set by male-dominated legislatures, courts, and economic systems. Consent, in this framework, is insufficient: a “choice” to work or stay home is never freely made when stigma, law, and policy police its terms.

Alternatives reveal that patriarchy is neither natural nor inevitable but a historically imposed structure. Kerala’s marumakkathayam system, prevalent among Koyas of Kozhikode, vested property in women and organised kinship through the female line. In this system, lineage and inheritance flowed through mothers, and households were anchored in maternal property (taravad). Women’s unpaid labour of caregiving was not treated as dependency but as central to the preservation of household property and continuity. Men, rather than being diminished, moved into their wives’ homes and retained roles as maternal uncles (karnavan), acting as managers and protectors of the household’s collective property. This arrangement stabilised the

Vision 2030, supra note 37, at 37–39. ⁵⁸ Int’l Labour Office, supra note 4, at 281.

⁵² U.N. Educ., Sci. & Cultural Org. (UNESCO), Global Education Monitoring Report 2020: Inclusion and Education – All Means All 239–242 (2020).

⁵³ Nicola Piper, *Feminisation of Migration and the Social Dimensions of Development: The Asian Case*, 29 *Third World Q.* 1287 (2008).

⁵⁴ Ray Jureidini, *Migrant Labour Recruitment to Qatar* 101–04, 113–14 (2014).

⁵⁵ Helma Lutz, *The New Maids: Transnational Women and the Care Economy* 19 (Polity Press 2011).

⁵⁶ Hochschild, supra note 7, at 140–143.

⁵⁷ Sylvia Walby, *The Future of Feminism* 56–58 (Polity Press 2011).

economy: property could not be fragmented by patriarchal succession, ensuring that resources remained intact and under the custodianship of caregiving units.⁵⁸ The system provided women with residential and financial security, preventing the dispossession so common in patriarchal inheritance regimes. When the colonial state codified family law in Travancore and Cochin, it deliberately dismantled matriliney in favour of patriarchal succession, not because it was inefficient but because it conflicted with colonial ideals of male authority.⁵⁹

The Minangkabau of Indonesia, the world's largest surviving matrilineal society, operate on the principle that ancestral land (*harto pusako*) cannot be alienated and must pass through the maternal line. This arrangement secures women's economic autonomy and ensures that the household economy remains stable across generations. Women's caregiving is structurally tied to land security, which sustains the farming economy and community life. Men retain significant roles as lineage chiefs (*panghulu*), maternal uncles (*mamak*), and external negotiators, but they do not monopolise ownership.⁶⁰ Instead, authority is shared, and men's dignity is preserved through responsibilities that complement, rather than displace, women's economic security. This demonstrates that redistributing property to women strengthens, rather than weakens, social cohesion and economic resilience.

The Mosuo of China provide a further example of how matriliney revalues unpaid labour. Known for their "walking marriages," the Mosuo maintain maternal households where women head families,

and children take the mother's surname. Property is inherited through women, and caregiving is seen as central to the continuity of family and community. Men do not dominate households but contribute as maternal uncles, participating in communal work, childcare, and protection.⁶¹ Because property and lineage are secured through women, caregiving is supported materially and socially, not relegated to invisibility.

Rwanda offers a contemporary political parallel to these matrilineal arrangements. With women comprising over 60 percent of its national parliament — the highest in the world⁶² — Rwanda demonstrates how lawmaking shaped by women produces qualitatively different priorities. Policies on childcare, gender-based violence, and social protection are not peripheral but central to governance. The legislative presence of women ensures that unpaid care is placed at the heart of the state's agenda.⁷⁰

Taken together, these examples show that pathways to justice require more than textual recognition. Empowerment cannot be reduced to education pipelines into exploitation or token workforce participation.

V. Conclusion and Reflections

Across history, women have been measured in relation to others — as daughters, wives, and mothers — but rarely as persons with authority over their own labour. The struggles that secured suffrage, education, and access to waged work were not gestures of generosity from society but victories won through resistance and sacrifice. Today, these gains are packaged as "empowerment." Yet the

⁵⁸ Aleena Sebastian, *Matrilineal Practices along the Coasts of Malabar*, 65 *Sociological Bull.* 89, 97 (2016).

⁵⁹ *Id.* at 96.

⁶⁰ J. S. Kahn, *Tradition, Matriliney and Change among the Minangkabau of Indonesia*, 12 *Indonesia* 71, 71–76 (1976).

⁶¹ Eileen Rose Walsh, *From Nü Guo to Nü'er Guo: Negotiating Desire in the Land of the Mosuo*, 31 *Mod. China* 448, 452–56 (2005).

⁶² Claire Wallace, Christian Haerpfer & Pamela Abbott, *Women in Rwandan Politics and Society*, 38 *Int'l J. Soc.* 111, 113–14 (2008–09). ⁷⁰ *Id.* at 121–23.

question lingers: empowerment on whose terms?

In the private sphere, little has changed beneath the surface. Generations ago, women were told not to step outside the home; now they are encouraged to study and work, but still expected to cook, clean, and care. Fathers are celebrated as “family men” for doing what mothers do daily without acknowledgment. The law, when it finally spoke, did so only after pressure from feminist movements. And even then, it spoke cautiously – recognising unpaid labour only in compensation claims, in parental leave clauses, or in international platforms that praise women’s contributions while refusing to restructure men’s responsibilities.

Globalisation has deepened this paradox. Care has become a tradable resource: migrant women sustain households abroad while their own families shoulder new burdens at home. Education, once denied, is now expanded, but often to prepare women for roles that mirror unpaid care – nursing, teaching, domestic service – while the highest offices of decision-making remain guarded.

The pattern is unmistakable. Recognition is extended, but rarely on terms set by women themselves. Autonomy is permitted only when it fits existing hierarchies. Women are applauded when they manage both paid and unpaid labour, dismissed when they choose one over the other, and drained when they attempt both. What is called “empowerment” too often looks like adaptation to patriarchal priorities.

True justice cannot end at redistribution. It requires protecting the freedom to choose – to pursue waged work, to undertake care work, or to combine them – without stigma or penalty. That choice must belong to the woman herself, not to families, states, or markets. Far from undermining households or economies, such autonomy strengthens them. Matrilineal societies show that when women author the rules of property and

caregiving, men are not diminished, and communities do not fracture. On the contrary, economies stabilise and resources circulate more securely.

Until societies are willing to accept this trade – relinquishing patriarchal control in exchange for shared security and resilience – empowerment will remain conditional. Justice will begin only when women’s unpaid labour is valued as autonomous work, defined on their own terms.

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