

行政院國家科學委員會專題研究計畫 成果報告

新富雇主、跨國移工、認同政治(2/2)

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執行單位：國立臺灣大學社會學系暨研究所

計畫主持人：藍佩嘉

計畫參與人員：羅融

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「新富雇主、跨國移工、認同政治」(2/2)

New-Rich Employers, Migrant Workers, and Identity Politics

計畫類別：* 個別型計畫 整合型計畫

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執行單位：台灣大學社會學系

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一、中文摘要：

家務僱用關係弔詭地結合兩個特點，一是工作空間的私密性，二是社會資源的不對稱。勞雇雙方在生活上的親近可能導致社會區隔的混淆與曖昧，因而突顯畫界工作之日常儀式的必要性。僱用家務移工的家庭，因而成為探索台灣在引進外勞後的認同政治的重要研究場域。本研究針對三個不同面向的社會界線：階級、種族/國籍以及與性別相關的社會身分，來探討其中以區辨他者/他群(Other/them) 來指認自我/我群 (self/us)的認同政治。透過這些「新富雇主」的經驗與認同，呈現出台灣社會階級形構的重要切面、性別關係與家庭型態的轉變，以及隨著跨國接觸的增加，更為複雜的族群認同。

本研究引用「種族化」的概念來檢視檢視台灣仲介對於不同國籍的家務移工所施予的種族化論述，以及仲介如何透過招募、訓練過程來強化社會建構的族群差異。「種族化」指的是將特定社群的生物或文化特性標舉、界定為自然本質的社會過程。本研究透過經驗資料的收集針對菲律賓與印尼籍家務移工進行比較，由於近年來菲勞與印勞在此職業範疇中有數量上的相對消長，本研究探討造成此一現象背後的原因。仲介業者藉由類型化的刻板印象，建構出階層化的種族化他者，並且在移工的勞動市場中創造市場利基，以及工作內容、勞動權益上的區隔。

關鍵字：外籍勞工、家務僱用、社會界線、認同政治

二、計畫緣由與目的

本年度計畫延續上一年度，進行研究成果的整理與寫作，主要的研究目標在於完成我已經與 Duke University Press 簽約出版的一本專書，來全面探討在引進外籍勞工十餘年後，台灣社會在認同政治上的影響與變化。本研究在理論對話與分析層次上，一方面，參與移工、全球化的文獻中的辯論，強調全球化的在地影響，結合巨觀/結構的移民過程的分析以及微觀/互動層次的認同政治的重要性。另一方面，結合文化社會學界有關社會界線、畫界工作的討論，來觀察台灣社會的文化分類、人群關係，在跨國接觸的互動過程中所產生的重構變化。

三、初步發現與討論

「外籍勞工」一辭的正式出現約在八零年代後期，首先出現在報章有關非法打工、是否開放外國勞力輸入的議論中，隨後也成為就業服務法中的官定用語。純就字面上的意義(denotation)，此辭彙應該涵蓋所有非中華民國籍的勞工，然而，其言外之意(connotation)具有特定的階級與種族意涵，指的是來自於東南亞「低度發展」國家的低階藍領勞工。換句話說，所謂的「外籍」，並不包含所有的外國人。來自於歐美與日本等「高度發展」國家的白領工作者，並不在指稱之列；所謂的「勞工」，指的是製造業工人、營造業工人、漁工、家庭幫傭與監護，而不含工程師、經理人員與英文教師等專業雇員。

1992年頒布的「就業服務法」中，為外國人的聘僱提供了法律的基礎，其中的第五章明確地訂立了二元的區隔規範。專業白領外國人¹的聘僱，採取的是個別許可制，工作許可的取得沒有配額的管制、契約及工作居留的年限也無上限。而低階移工的雇用，採取的是所謂「客工」(guest worker)的模式，雇主的聘僱資格受到配額的管制，移工只允許在工作契約期間有最長到六年的短暫居留。²不同於可自由轉換契約的白領專業移，低階移工被剝奪了在地主國勞動市場流動的權力，他們只能為一個特定的雇主工作，除了少數例外條件，不得轉換雇主。³

衛生署也沿用就業服務法的分類把外國人分成了三個階層，要求不同的體檢內容，對不同「種類」的外國工作者進行差異性的公衛管控。2003年一月公布的「受聘僱外國人健康檢查管理辦法」，把多數專業白領列為甲類人員，得免除健康檢查合格證明，只有外僑學校及外國語文教師被列為乙類人員，被認為是與台灣學生有頻繁接觸、有必要嚴格管控的高風險群，申請聘僱許可及展延聘僱時需檢具體檢證明，體檢內容主要是針對HIV、肺結核、梅毒等傳染性疾病。低階的藍領外勞則被列為丙類人員，體檢的規定最為嚴格與繁瑣，除了申請聘僱、展延、轉換雇主時需檢具體檢證明，入境後的每第六、十八、三十個月也要定期接受健康檢查，項目也比乙類人員多，包括B型肝炎、寄生蟲、癩病、精神狀態。女性移工在申請聘僱時需做妊娠檢查，入境之後的懷孕檢查則在2002年11月後取消。

¹ 根據第46條，包括專門性或技術性工作、華僑或外國人經政府核准投資或設立事業之主管、外僑學校及外國語文教師、運動教練及運動員、宗教、藝術及演藝工作。

² 開放初期，政府批准移工契約的最長年限為三年（二年契約外加一年展延），而每人只能到台灣來工作一次。後來，為了要降低移工的逃跑數字，2003年五月頒布的新版就業服務法中，准許了「具有良好記錄」的移工，可以再來台灣一次，工作居留的上限成為六年。

³ 就業服務法第五十九條規定的例外情形，包括雇主或被看護者死亡或移民、雇主因為關廠歇業或不依勞動契約給付工作報酬、船舶被扣押沉沒而無法作業等原因。

雖然台灣長期以來作為一個以漢人/華人為主的社會，公民身分的取得採取的是血統主義 (*jus sanguinis*) 的原則，對於外族人口的歸化，採取嚴格的把關 (成露茜 2002)。然而，近年來透過國籍法與入出境移民法的修改，對於外國人的居留與歸化開了一扇窗口，然而這樣的管道仍是基於階級偏見而被篩選的。藍領的東南亞移工由於工作期限在台灣是有限的，因此很難有資格申請長期居留或公民身份。白領專業移工在台灣合法居留滿七年後得申請永久居留，⁴滿五年、無犯罪紀錄，並且「有相當之財產或專業技能，足以自立，或生活保障無虞」者，⁵便得以申請歸化入籍。

由勞委會、衛生署、以及籌畫中的移民署等政府機構，透過以上的法律政策，集體打造出一個如何定義「我們」與「他者」的體制，在進入勞動市場的管道控制以及居留/公民身分的規範上，採取的主要原則是根據原生 vs. 外來、公民 vs. 非公民進行區分的種族-國族主義 (ethno-nationalism) 模型，次要原則是階級主義與唯才主義 (meritocracy)，凡「符合我國國家利益」、「對我國有特殊貢獻者」、「為我國所需之高科技人才」，⁶即使是不具有共同血統的外國人，仍得以被接納進入台灣這個共同體。

我提出「階層化的他者化」(stratified Otherization)的概念，強調必須用關係性的架構來理解種族化的過程與結果，在涵括一系列族群他者的光譜中，不同遷移主體的分佈端賴於他/她們的社會位置與相應的文化想像。「階層化的他者化」的第一個主要的面向是把東南亞「外勞」視為低劣的他者，獨立於較為普遍、中性的「外國人」範疇，後者的文化想像則是來自西方先進國家的白領外勞，雖是族群他者，卻被認為具有文化與經濟上的優越性。如前所述，台灣的政策階層化地區分出不同階級的異族性 (foreignness)，白領移工是台灣有需要的「國外人材」、是歡迎歸化的，而藍領移工僅被認為是理想的僕人、卻不夠資格作台灣的公民。這樣的區分也普遍地出現在媒體報導之間，白皮膚的專業移工通常被尊稱為「外籍人士」，而來自東南亞的契約移工則被貼上「外勞」的污名標籤。固然，階級主義主導了接納外國人進入本國勞動市場與政治社群的相關規定，然而，當來自東南亞國家的低階勞動者被界定為與我們不可相容的他者時，職業分類與族群分類無形中被混為一談，衍生了曾熾芬 (2004: 45-46) 所謂的「種族化的階級主義」(racialized classism)。

⁴ 2003 年二月修定的入出國及移民法，第 23 條。

⁵ 2001 年六月修定的國籍法，第三條。

⁶ 2003 年二月修定的入出國及移民法，第 23 條。

我要進一步強調的是，這裡牽涉到的階級主義，不只是個人在職業分類上的階層位置，而且是個人的公民身分與其國家在世界體系中的階層位置。來自歐美日的管理階層、專業人員，其個人的遷移與跨國資本的輸入是平行的路徑，同樣的，低階勞工的來源之所以是東南亞的國家，也並非歷史的偶然，而是與台灣勞力密集產業的南進有著結構上的平行關係。核心國的資本、人才與發展成果是半邊陲所欲求模仿的，相對的，邊陲的貧窮國家則被視為填補廉價勞動力的後備軍產地。對於移工的人力資本的價值評估，也不可能脫離國際化的制度場域而獨立存在。在台灣，聘僱的外籍英語老師多來自美英澳，而非印度、菲律賓，反映出語言資本的社會鑲嵌有權力階層的高低。台灣的學生與家長急切擁抱的不僅是核心國的語言與文化，而且期待教授者有著淡膚色與「上國」口音。

不同於「上國」白領移工被視為優越他者，來自第三世界的移工被看作落後他者。在台灣社會新聞中，特別是引進外勞的初期幾年，充斥了種族歧視的刻板印象，把「外勞」視為危險、落後、不衛生、不文明的次等族類 (Cheng 2003; Author forthcoming)。媒體報導反映出一種「社會病理學」的論述 (吳挺鋒 1997)，「外勞」被建構成需要小心監視與有效管理的人種類屬和社會問題。相關的他者化論述中出現了逆反循環的因果邏輯，一方面，東南亞國家的經濟弱勢，被台灣民眾歸咎於其基因、或文化習性上的低劣，如有受訪的台灣雇主把菲傭的偷竊解釋為因為菲律賓人是「海盜的後裔」、認為這些國家的低度發展，實源於熱帶地區的人太過懶惰。另一方面，這些國家的經濟弱勢，又被認為是導致其人民在品格與習性上有缺陷的原因，例如，女性移工經常被污名化為進行「假打工、真賣淫」，為了逃脫貧窮而出賣肉體。地方新聞也屢屢報導荔枝被偷採、雞禽豬隻遭竊的事件，在沒有證據的情況下，遭竊的農民往往指控或暗示外勞為嫌疑犯，認為這麼便宜的東西只有外勞才會偷。⁷

台灣社會中賦予「外勞」、「外傭」的控制形象(controlling images)，呈現出兩種不同的邏輯：既是把他們當作理想的僕傭 (desired servant)，同時是被拒絕的公民 (rejected citizen)。弔詭的是，兩個既矛盾又共存的邏輯背後有著類似的種族化論述：來自貧窮國家的移工被視為不夠文明的落後他者，因而適合從事骯髒、辛苦、低賤的 3D 工作，成為台灣產業與雇主高度需求的廉價勞動力；然而，這些落後他者被假定是淪於貧窮、有

⁷ 聯合報，1999/12/7，「兩百多隻種雞 疑外勞偷走」；聯合報，1999/12/29，「德川家康大樓 成了小偷的最愛」；聯合報，2000/6/27，「撒麵粉當農藥 嚇阻偷荔枝」；聯合報，2001/8/20，「豬隻被偷又被殺 飼主真氣惱」。

犯罪傾向、衛生有問題、欠缺工作倫理等，因而被排拒於進入台灣社會的共同體，被認為沒有資格或能力同化，只能在角落裡暫時性地維持台灣家庭與社會的再生產。這些「控制形象」的內容也許是不協調，或甚至是相互矛盾的，但是合起來編織成了區辨「我們」與「他者」的種族化界線，不僅是意識形態的分類，也是分配政治資源與界定社會權益的框架。

爲了向僱主提出外來勞動力品質的保證，仲介必須折衷、化解有關「外勞」的矛盾形象(既是落後的他者又是卑微的僕人)；他們要把移工之不文明、落後的形象做進一步的轉化，以成爲有紀律的、服從的，而且現代化的「專業僕人」。本文指出，仲介業透過三項具體的組織實作，進行「理想女傭」的生產：經由選擇性的招募管道，仲介刻意尋找被認為溫順的、從屬於地方監控網絡的年輕農村女性；再經由規訓性的課程，來「文明化」、「現代化」這些鄉下女孩，以具備服務外國家庭的資格；並且，經由服裝、髮型與個性的管理，將女性移工呈現出一種去女性化、符應僱主期待與想像的僕人樣貌。

註解:

仲介業者在「外勞」的種族化過程中，扮演了關鍵性的角色。首先，仲介業者在現行的制度環境中，在招募與安置過程中有著高度支配性，作爲勞動力跨國遷移過程的守門人之一，他們在相當程度上決定了移工來源在國家、區域、人口特性等的分布。高額仲介費，是來台移工面對的最明顯直接的剝削，本文進一步指出，仲介其實是透過一系列組織化的實作，早自移工來台工作之前，也就是招募、訓練、簽約等階段，就積極確立了移工的從屬、弱勢的地位，並且透過社會網絡的控制等方式，來確保日後經濟剝削的取得。其次，仲介業者在市場行銷的過程中，生產、複製了不同國籍移工的刻板印象，因而在移工之間製造了工作上的市場區隔與勞動條件的階層畫分。仲介偏好印傭多於菲傭，因爲前者不僅是交換價值較高的商品(收取仲介費用的利潤較高)，也透過社會過程與結構機制(選擇性的招募機制，加上教養馴化的訓練過程)被規訓爲較順服的勞動力。

階層化的他者化具有重要的政治效應，阻礙了移工之間跨國籍的結盟。台灣政府的政策與仲介業的行銷論述中，都間接地造成不同國籍的移工之間演變成相互競爭的對立關係，例如勞委會不時用引進某一國家外勞的替代政策，來要求另一國家提出更符合勞委會要求的做法，仲介業者更經常用僱主改聘他國外勞的說法，來威嚇移工索求服從。Omi and Winant (1994) 討論種族化作爲一個政治過程時，強調不僅國家根據制度化的種族類屬來分配、組織社會資源，社會運動也可能提出對於種族意義的解構挑戰與重

新詮釋。在這個層面上，運動團體的發言、批判性的學術研究，以及移工主體經驗的自我呈現，都是陣地戰的場域，可持續提出將「外勞」去污名化的反論述(counter-discourse)。要在階層化的族群地景中實現平等與團結，有待法令制度層次的修訂來改變藍領移工邊緣化、暫時性的地位，以及超越宗教與語言藩籬的組織經營，始能建立更扎根立基的移工社群，促成跨越國籍的結盟陣線。

四、計畫成果自評

本研究為兩年期的計畫，第一年的主要成果有三部分，一是有關外勞政策的相關文獻的收集，第二部分是對於雇主的深入訪談，第三，我們訪問了五名仲介業者，了解不同國家仲介業者的合作模式、招募勞工的收費情形。第二年期間，我們開始對於訪談資料作深入的譯碼 (coding)、比較、分析，大部分的心力將放在專書的寫作，並且更深入地進行文獻的閱讀與對話。

本年度的主要研究成果有以下四部份：

一、完成一篇中文論文的修改與出版，主題是探討菲籍與印尼籍家務移工之差異建構與招募過程的比較：

2005，〈階層化的他者：家務移工的招募、訓練與種族化〉，〈〈台灣社會學刊〉〉 第 34 期，頁 1-65。

二、最重要的是完成專書的書稿，我已經於暑假期間完成潤稿的工作，本年底可以進行校對與以及 index 編訂的工作，將於 2006 年春天出版：

Global Cinderellas: Migrant Domestic and Newly Rich Employers in Taiwan. Durham: Duke University Press.

三、根據本計畫的人力及資源的協助，完成一篇中文期刊論文的校對與出版：

2004，〈女人何苦為難女人？雇用家務移工的三角關係〉，〈〈台灣社會學〉〉 第 8 期，頁 43-97，南港：中研院。

四、在吳大猷研究經費的贊助下，本年度我出席了三個國外研討會，一是 2005 年七月在瑞典舉行的國際社會學年會，二是 2005 年六月在韓國舉辦的 Women's World 2005, 9th International Interdisciplinary Congress on Women，三是東京聯合國大學舉辦的比較亞洲與拉丁美洲的家務移工的工作坊，我發表的論文，綜合全面地討論了家務移工在台灣處境，會議中藉由與來自各國的代表深入的討論，培養對於移工政策的比較性了解，我受益良多。

October 2005 “The Continuity of Paid and Unpaid Domestic Labor: Research Framework and Political Agenda.” Workshop on Gender and Migration: Domestic Workers from Asia and Latin America. United Nations University, Tokyo, Japan.

July 2005 "Fictitious Commodities in the Bounded Global Market: Recruitment of Migrant Contract Workers in Asia." Presented at the 37th World Congress of the International Institute of Sociology, Stockholm, Sweden.

June 2005 “Cinderella with a Mobile Phone: The Im/mobility of Migrant Domestic Workers in Taiwan.” Presented at Women's World 2005, 9th International Interdisciplinary Congress on Women, Seoul, Korea.

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