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# 11 Persistent unfree labour in French intensive agriculture

## An historical overview of the ‘OFII’ temporary farmworkers programme

*Frédéric Décosse*

One day or another you should see them, arriving en masse on special trains for the grape harvests, dishevelled and exhausted from three days of travel, burdened with their wretched luggage: a few poor clothes, the dish for the Sunday paella and bags of salted fish. No one is waiting for them, except a few farmers still in need of workers, who move from group to group. Those who have contracts, those who can be counted on, wait – interminably – to be collected. The women’s faces are tense with fatigue; the adolescents are amused and astonished by the new world around them. The names and addresses on the contracts are endlessly and carefully re-read.

(Privat, 1966, p. 43)

While the massive migration of whole families of seasonal contract workers in France described half a century ago by Privat (1966) is now largely a thing of the past, foreign labour remains a key element in present-day systems of intensive agricultural production. The importance for the farmers of the recruitment and ‘just in time’ mobilization of these migrant workers and of their willingness to work overtime thus justifies the maintenance of a temporary worker migration scheme, under contracts arranged by the OFII (*Office français de l’immigration et de l’intégration*), referred to in ‘emic’<sup>1</sup> (i.e. native) terms as ‘OFII contracts’.<sup>2</sup> It is true that the workforce systems of contemporary industrial agriculture are no longer based solely on this category of workers, since during the peak harvest period their employment is now combined with that of an army of casual workers hired on the ‘black’ (or ‘grey’) labour market or through employment agencies, and with a growing number of temporary workers, increasingly despatched to France by foreign companies, and mostly from non-European countries (Latin America and the Maghreb). Nonetheless, the persistence over time of this atypical form of mobilization of a foreign labour force invites the researcher to examine the history of variable capital in the process of intensification of French agriculture.

This chapter therefore aims to understand the OFII seasonal migrant worker scheme in its diachronic and utilitarian dimensions by analysing how it has been managed (and thus constantly reinvented and transformed) by the state and the producer organizations to meet the labour ‘needs’ of an agriculture which has

been intensified at varying rates over time and across the country. By focusing on the different types of agriculture that have historically resorted to seasonal foreign workers (sugar beet, rice, grapes and most recently horticulture), I aim to grasp a little known but central dimension of the process of ‘modernization’ of agriculture. The analysis covers the period from 1945 to the present, with the immediate post-war years marking the moment when the state created the *Office national d’immigration* (ONI) and the seasonal contracts to which, by metonymy, it gave its name, and when, with the Marshall Plan and the generalized use of tractors, France entered the age of industrialization of its agricultural production.

The present chapter draws on my doctoral research (Décosse, 2011). This was based on fieldwork in Morocco, Spain and Southern France between 2004 and 2010, during which I collected 160 qualitative interviews, conducted archival research and undertook several months of participant observation in the *Collectif de défense des travailleurs agricoles saisonniers* (CODETRAS, a network that coordinates the action of several trade unions and associations in the Bouches-du-Rhône). On the basis of this long-term research, my discussion is structured as follows: I start by outlining the OFII scheme, and then proceed to examine the pioneering role played by the sugar beet industry, and the subsequent importation of this employment system into the rice and wine sectors. I then turn to the question of seasonal contracts in the fruit tree and market gardening industries, before finally considering the mobilizations of migrants to free themselves from OFII status.

### 11.1 From migratory utilitarianism ... to unfree labour

Originally created by a ministerial decree on 2 November 1945 to regulate the entry and residence of foreigners, the OFII seasonal worker contract is a simplified employment contract through which a farmer requests from the state authorities the entry of a seasonal worker onto French territory for an employment period presently ranging from three to six months. However, for a long time this work permit also served as a residence permit (at least until the creation of a multi-year ‘seasonal worker’ residence card in 2007), thus reflecting the extent to which the presence of the foreigner was both legally bound and politically justified by his productive function. The scheme thus epitomises what Morice (2004) calls ‘migratory utilitarianism,’ in the sense that migration is understood and organized solely in terms of the economic advantage it offers to the ‘host’ country. Although this channel for the mobilization of foreign labour has historically concerned other sectors,<sup>3</sup> more than 90 per cent of the seasonal workers have been concentrated in the agricultural sector.

The term ‘OFII contract’ in fact refers to two distinct realities. First, it designates an atypical form of employment, which in legal terms signifies a short-term employment contract (*Contrat à durée déterminée*, CDD) without the benefit of certain rights, such as the payment of the ‘precarity bonus’<sup>4</sup> or complementary payments by the employer in the event of illness or a workplace accident. In terms of employment, then, the OFII contract constitutes a wage form with reduced rights, in which seasonality produces precarity. Second, it refers to the status of

a foreign worker brought into France on the basis of this system. While some farm labourers have worked for 10, 20 and even 30 years on the same farm, their entry and their right to work are conditional, on the one hand, on the employer's renewal of their contract and, on the other hand, on the outcome of the administrative procedure aimed at protecting the employment of local, national and EU workers, even if, in reality, this procedure is largely fictitious. Foreign nationality in turn removes a certain number of rights either directly guaranteed by the seasonal CDD (including the clause relating to the renewal of the contract from one year to another) or directly linked to the wage (such as family benefits and the allowance for the return to employment).

The OFII contract is thus the product of a combination of legal categories ('CDD', 'seasonal', 'foreigner') which legally create inferiorization and subjection in employment relations, and which are maintained and reinforced by mechanisms associated with this precarious status, such as individual recruitment by co-option dependent on family or village networks, paternalism, racism, and debt. Debt is both psychological – in the sense that it merges with a duty of loyalty towards the employer (Jounin, 2006) – and financial, in that the majority of contracts are bought, which generates a 'black market in rights to emigrate to and work in France' (Berlan *et al.*, 1991, p. 56). This in turn represents a windfall that is exploited both by the employers themselves and the supervisors who hail from the same villages as the labourers and double up as labour brokers. Such brokers have long been an important link in the system of recruitment and management of teams in the workplace, to the extent that over time this figure has assumed different names according to the waves of migration that the contracts have successively structured: for example the Belgian *ploegbaas* of the immediate post-war period were later followed by the Italian *caporali*, who in turn were replaced by the Spanish *enganchadores*.

The seasonal contract system for migrants, in fact, has always combined two major elements. First it incorporated the traditional mobility of the rural world through which peasant economies periodically derived supplementary income from outside the family production unit, and which was fostered by the asymmetries between territories, types of agriculture and modes of production. Second, it has functioned as a way of 'disciplining' the movement of worker populations, as areas of production became more concentrated and specialized, and as the productive systems became dependent on a migrant labour force, first external to the farm, then to the village and region and ultimately to the country and continent of production. Immediately after the Second World War, this dependence led the French state and the organized producers to set up stable recruitment channels aimed at providing a secure source of foreign labourers willing to accept the employment and working conditions of intensive agricultural production. For, as Berlan has noted,

as soon as a region (or farm) starts to specialize in one or more intensive crops, it needs the corresponding labour resources and so there has to be a reliable social mechanism that can supply the employers with the necessary workers.

(Berlan, 1986, p. 15)

The seasonal contract scheme allowed a shift from a migratory system based on self-organized mobility to a bureaucratic system of importation and controlled hiring of foreign labour. The state thus turned the temporary migrant farm worker into an inferiorized and bridled wage earner. As Moulier-Boutang observes,

the control of the flight of dependent workers<sup>5</sup> is the major element determining the birth, supersession and replacement of various forms of unfree labour and the genesis of social welfare and the status of the free and protected wage-earner as established by the Employment Code (*Code du travail*).

(1998, p. 16)

However, the unfree character of work under this scheme does not mean that the migrants are unwilling to participate and remain in such a programme. On the contrary, the seasonal OFII workers are, like their counterparts in the Canadian Seasonal Agricultural Worker Program studied by Basok (1999),<sup>6</sup> ‘free to be unfree’. In this sense, their bridled wage condition (Moulier-Boutang, 1998) is the product of the perverse alliance between powerful mechanisms of migratory and employer discipline and a certain form of what could be called, for lack of a better expression, ‘voluntary servitude’ (La Boétie, 2014) or, to put it another way, an encounter of interests that are certainly asymmetrical but are, at the same time, irreducibly convergent.

## 11.2 The sugar battle and its mercenaries

In the immediate post-war years, seasonal contracts were almost exclusively issued for the beet crop in central northern France. The migrants were mainly concentrated in the three departments of Aisne, Marne and Oise and were assigned to work in the fields (hoeing and picking) and in processing activities (distilling and sugar making). At that time, the sugar beet labour force system was in a quandary: while Belgium had traditionally represented an accessible pool of labour, the devaluation of the French franc in 1945 significantly worsened the exchange rate between the two countries, justifying the application of an expensive system of wage ‘bonuses’ paid to Belgian seasonal workers to make up for the loss (Lenoble, 1984). Just as the setting-up of the *Société générale d’immigration* had made it possible to hire Polish and Czech workers between the wars, so the creation of ONI contracts allowed producers to recruit workers from further afield. Recruitment thus turned to Italy in 1947, then to Spain 1953, to Portugal in 1959, and finally, but very marginally, to Morocco and Tunisia in 1964. Each time, the employers’ organizations – first the *Confédération générale des planteurs de betteraves* (CGB), and then from 1953 the *Fédération professionnelle agricole pour la main-d’oeuvre saisonnière* (FMO) – played a key role in extending recruitment to other countries. In Spain, for example, the FMO recruited with the agreement of the Ministère du Travail, three years before the signing of the official bilateral workforce convention of 1956, which the Federation had a direct hand in negotiating (Lenoble, 1984, p. 49).

As a result, an average of 35,000 workers were recruited each year between 1953 and 1966 (Décosse, 2011). Recourse to seasonal workers from further South was, however, a false solution for the sugar beet sector. It raised the stakes: the greater distance between the farms and the areas of origin of the migrants increased the transport costs and led to an extension of the contracts. Whereas the Belgians returned to Flanders between the hoeing and harvesting periods, the Italians and Spaniards were too far from home<sup>7</sup> to go back to their respective countries, which meant producers had to resort to seasonal contracts to employ them across the entire growing and productive period and not simply for distinct seasonal tasks within this cycle. The proportion of seven-month contracts increased greatly during the 1950s, constituting between 45 and 60 per cent of all contracts issued by the end of the decade (Lenoble 1984: 34), while wage costs tripled between 1955 and 1967 (Guigou *et al.*, 1969, pp. 72–73).

This increase in labour costs was remarkable given that it occurred at a time of national and international overproduction, resulting in the rationing of production and a reduction of cultivated land between 1953 and 1967 (Guigou *et al.*, 1969, p. 71). In fact, this situation stimulated the development of chemical products, such as herbicides to replace the traditional hoeing in early summer, as well as greater mechanization. As with other crops, capital–labour substitution took place very rapidly from the mid-1950s on: ten years later, more than 80 per cent of the land was ploughed and harvested mechanically (Lenoble, 1984, p. 32). Hoeing was in turn revolutionized by the introduction in 1966 of single-seed sowing, marketed by a Swedish company, which removed the need to pick out the excess plantlets, and also by the improved precision of the seed drills. In the space of fifteen years, the figure of the seasonal migrant worker disappeared completely from the sugar beet industry. In the meantime, mainly Spanish and Portuguese migrant workers came on short three-month contracts to do the hoeing, and then returned south to harvest fruit and vegetables in the Loire, Garonne or Rhône valleys. Consequently cycles of seasonal work and migratory routes began to be established, such as the one taken by Mediterranean migrants during the month of July, which took them from the sugar beet plains of Caen to the tomato farms of the Comtat Venaissin (Hérin, 1971, p. 256). The pioneering work of the organized sugar beet producers to enlarge the scope of recruitment also opened up possibilities for producers of other crops, such as rice.

### 11.3 ‘As soon as I rise in the morning / Off to the ricefield I must go’

The rice producers’ organizations persuaded the administration to adapt the scheme to meet their own ‘needs’. Introduced in the nineteenth century, rice-growing had stagnated until it was successfully reintroduced in the Camargue (and to a lesser extent in the Périgord Noir) by the *Ouvriers Non-Spécialisés indo-chinois de la Main-d’Oeuvre Indigène* (ONS-MOI, Indochinese Semi-Skilled Workers of the Native Workforce) in 1942 (Drot *et al.*, 2007, p. 50; Daum, 2009). In the immediate post-war years, the producers recruited Italian *mondine*, female workers

from Tuscany, Emilia-Romagna, Veneto and Lombardy, specialized in hoeing and replanting rice in the Po valley,<sup>8</sup> who ‘illegally’ extended their migration to the departments of Bouches-du-Rhône and Gard. At the time, this ‘irregular’ mobility was not subject to the verification of documents, and can thus be considered representative of an alternative and discreet form of migratory utilitarianism based on the founding principle of liberalism, ‘*laissez faire, laissez passer*’. Other sources of labour at the time included the ‘*gavots*’, workers from the highlands of the neighbouring Massif Central, and to a lesser extent the ‘native’ (‘Muslim French’) workers from the colonial empire who had accompanied the Moroccan and Algerian *ped-noir* back to France from the 1950s onwards. The rice workers were well organized and regularly forced the producers to raise piece rates in the course of the harvest (by 50 per cent in 1950, for example). As a contemporary commentator explained,

this cosmopolitan group of workers unionized mainly through the CGT (*Confédération générale du travail*). Strikes were used when necessary. The rice industry seems to have only accentuated a class struggle that was still latent. The working class increasingly took a stand against the exploitative owners. (Varin d’Ainville, 1954, p. 99, quoted by Bethemont, 1962, p. 184)

Thanks to the initiative of the FMO, the employers’ organization, the *Syndicat des Riziculteurs de France* was offered the chance to abandon this troublesome group of workers, when in 1954 it started to recruit *collas* (teams) of several dozen experienced workers, mostly from the rice-growing region of Sueca in the Province of Valencia. Spanish immigration provided the workforce required for the renewal of rice production in the Camargue in the 1950s and 1960s – financed mainly by the arrival of *pieds-noirs* and the investment of financial groups from North Africa – which was concentrated essentially in industrial-type farms (Bethemont 1962: 179–184). The rice-growing area practically doubled in size between 1953 and 1960 only to decline again over the next decade (falling from 33,500 ha in 1963 to 19,000 in 1972). However, during this same period the productive units tripled in size, as four-fifths of farms became absorbed into larger plantations. At the peak of production in 1963, the Camargue rice industry employed 4,000 permanent and 7,600 seasonal workers, out of which 7,200 were Spanish (Beau, 1975, p. 59).

This new channel for temporary worker immigration brought several major changes to the labour system. First, the seasonal population became mainly male: at most the various *collas* brought with them two or three women to prepare meals (Moreno, 1994, p. 140). Next, even if some Italians continued to be hired as permanent workers, the seasonal workers in the rice fields were from this period onwards mainly Spanish and ‘legal’. Finally, the system of seasonal recruitment was sufficiently flexible to meet the needs of the producers. Although the majority of the contracts were issued for transplanting work, which lasted around 90 days and enabled the Valencian workers to do a first season of replanting at home before leaving for France, a growing number of ‘nursery workers’ participated

in the whole productive cycle over the course of five to seven months (i.e. from preparing the ground, terracing and maintaining irrigation channels through to sowing, weeding, replanting and finally harvesting the rice [Hérin, 1971, p. 248]). This situation resembled the pattern already identified in the context of sugar beet production. As well as meeting the employers' initial wish to break the workers' organization in the early 1950s, the success of the scheme was largely explained by the elasticity of the contracts, which could be extended to more than half the year or limited to a few weeks.

Here is an example of a farm with just under 500 ha near Arles in the early 1960s. As in many agricultural businesses in the region, rice had progressively replaced the grazing lands, where 2,000 sheep had once roamed, and the vineyards, that had been removed in 1957 in the wake of wine overproduction and the deregulation that came with the creation of the European Common Market. The labour system was mainly based on seasonal migrants from the eastern Spain and Catalonia and had benefited from the flexibility of the ONI scheme:

From 15 March a first team of about fifteen Spaniards settled on the estate where it remained until 15 August. Since 1952, this team had always consisted of the same men or men from the same families and the same village who had always been overseen by the same supervisor who was responsible for the nursery, the planters and the watering of the crop. The team came with him to prepare the nursery, which was sown at the rate of 1,500 kilos per hectare. The transplanting phase took place from 19 to 25 May, with the aid of a second Spanish team, which brought the number of planters to 190 men. [...] Once the weeding was finished, the second Spanish team left, generally around July 15th. The 15 men in the first team did not leave until a month later.

(Bethemont, 1962, p. 194)

By the mid-1960s, ten years after it was first considered a miracle solution, the dependence of rice cultivation on a Spanish workforce had become problematic. The experienced planters, whom the farm owners had come to depend upon, had been raising their demands, and between 1958 and 1966 the wage and piece rate for a hectare of replanted rice increased by 30 per cent (La Cognata, 1967, p. 244). This rise in the cost of labour, in a context where the workforce generated 47 per cent of the total costs of production, led the farmers to rapidly implement a capital-labour substitution. The introduction of chemical weeding and direct seeding sounded the death knell of the replanting activity from 1968 onwards and led to a 'progressive reduction of the permanent workforce and a complete halt to recruitment of seasonal labour' (Beau, 1975, p. 59).

#### **11.4 A special regime for the grape harvests**

The contract used by the rice planters inspired the ONI and the employers' organizations of the wine-growing sector to draw up the 'special regime for Spanish

grape-pickers' in 1960 which made it possible to issue short-term contracts lasting from two to six weeks (Débarre, 1990, p. 43). The employers' need to systematize and guarantee the recruitment of foreign workers coincided with the government's desire to legalize and organize the employment of Spanish grape pickers, in order to regulate the labour market in the wine sector and collect the relevant social security contributions. Since 1956, regional labour offices had been in the habit of issuing work permits to migrants who had entered France as 'tourists' to take part in the grape harvests (Carrière and Ferras, 1968, p. 8). A decade later, 90 per cent of the 24,000 seasonal workers employed in the specific department of Hérault possessed ONI contracts (Hérin, 1971, p. 232); while by 1974, 'grape harvest' contracts accounted for 61 per cent of the 144,500 seasonal entries (in 1974), and this percentage remained more or less stable until the late 1980s, even if the number of employees dropped following the introduction of grape-harvesting machines.

The first mechanized grape harvest took place in France in 1971, but the first generation of machines was only adopted on the largest estates, due to their high price and size, and above all their inappropriateness for the vineyards of the time (which were small plots with narrow corridors between rows and lacking the necessary trellising). In 1976, a second generation of smaller and towable machines were better fitted to the needs of small and medium-sized vineyards (Débarre, 1990, pp. 73–76). After 1980, the reorganization of land, the steady fall in prices in line with market developments, and the arrival of a third generation of machines equipped with closed 'shaking' systems and bucket chains, as well as a new 'straddling' chassis suitable for difficult terrains, led to the adoption of these machines everywhere and the replacement of the foreign seasonal labour, which had, by then, become more expensive and restrictive.

The 'Spanish grape pickers' scheme is, in several respects, an exception to the standard seasonal work regime. First, it only applied to the winegrowers of Languedoc-Roussillon and imported migrant labourers from relatively nearby, since the pickers mostly came from down the coast in the Communities of Valencia and Murcia. Second, the cost of entry was relatively low, since the fee paid by the employer to the ONI was 20–50 per cent of the usual entry fee (Carrière and Ferras, 1968, p. 9). Finally, there was a greater degree of tolerance regarding the age of the workers, because, in order to allow for the traditional familial composition of the *collas*, no upper age limit was set and young people could legally be employed from the age of 16 (or 18 in the case of women), with special exemption for accompanied minors over 14 (or 16 in the case of females). In the Charente department in 1983, women made up 40 per cent of Spanish grape pickers and were divided into two main age groups: 16–28 and 47–58 (Débarre, 1990, pp. 163–165). This is similar to the findings of studies in other areas (De Prado, 1966; Carrière and Ferras, 1968; Hérin, 1971; Roudié, 1987) and confirms the familial form of this type of labour migration.

The example of the 'Spanish grape picker' contracts thus shows how the system could evolve according to the requirements of different actors. The seasonal scheme had to be accessible to all members of the same family so that they would

agree to come (the short period of employment generated a ‘small’<sup>9</sup> income for the family unit of production, which maximized its earning capacity by migrating and working as a group<sup>10</sup>). It also had to be sufficiently inexpensive for the employers to agree to replace ‘illegals’ with contracted pickers. Furthermore it had to enable the migrants to move on to another crop, not only to increase the attractiveness of migration for the workers, but also in order to give the labour administration the means of meeting other needs of local or national production.

On this last point, the case of Charente is illuminating, since in the 1970s and 1980s the labour administration of the department and the winegrowers’ federation jointly organized the transfer of some of the foreign grape picking workforce from Languedoc-Roussillon or Gironde to the Cognac and Pineau production areas, where harvests took place later (Débarre, 1990). In this redeployment of the seasonal labour force, the mobility of the workers was strictly controlled: once their contracts were extended, the workers were transported by train or bus to new areas where they were distributed among the vineyards that needed them. While this transfer satisfied all parties – the pickers earned more money, the employers shared the registration fees and the administration provided the workforce without having to bring them from their country of origin – it reflects the Janus-faced aspect of the utilitarian migratory logic. On the one hand, this strictly limited the foreigner’s residence to a specific seasonal activity; on the other, however, it extended the migrant’s period of residence and work under a seasonal CDD according to the needs of the producers. This continual switching between these two positions is most apparent in the sector known as ‘other agricultural activities,’ a catch-all category which today essentially refers to fruit tree and market gardening industries.

### 11.5 The deft fingers of the greenhouses and orchards

‘The Alpine regime’, ‘the Catalan regime’, ‘the Pyrenean procedure’: the history of the seasonal worker scheme represents a series of exceptional procedures through which the administration has sought to legalize and channel migrant labour towards the market gardens and orchards of the regions adjoining Italy and Spain. But whereas these businesses mainly assigned migrants to genuinely seasonal tasks (lasting approximately one month), the permanent suspension of economic immigration in 1974 transformed the very nature of this employment system. This change was made possible by the spread of greenhouse farming in fruit and vegetable production in the 1970s and 1980s. The progressive artificialization of market gardening favoured the deseasonalization of tasks, which in turn led to an extension of the working and residence periods of imported migrant labourers. Whereas in the 1960s hundreds of Spaniards came on ‘twenty-day contracts’ to pick cherries in Languedoc-Roussillon and strawberries in the Rhône valley (Hérin, 1971, pp. 241–243), by the early 1980s around a third of the contracts in the ‘other agricultural activities’ sector were originally issued or extended for a period of six to eight months (Raynaud *et al.*, 1981).

This change did not occur uniformly across time and space, and did not eliminate the diversity that still prevails in the market gardening and fruit tree sector.

The type of workforce system is strongly correlated with the particular type of productive system that depended on a range of variables including the existence or absence of a diversity of crops on the farm, the nature and intensity of the use of mechanical and chemical techniques and the integration of additional tasks (such as washing, grading and packing) into the production process. The combination of these different variables influences the number of teams of seasonal workers that the producer recruits and the length of the contracts for each team. It is possible to outline a broad typology of the estates in this sector: first, productive units which, due to their retention of permanent staff and the monocultural nature of their activity, only require seasonal workers on short contracts for their harvests; second, businesses that have introduced mechanical and chemical methods into their production cycle and have replaced their former permanent employees with long seasonal contract workers who tend to the single crop and supervise the group of shorter-term seasonal workers during picking and packing phases; and third, those whose production is diversified and which therefore only use long-term seasonal migrants who move from one activity and one crop to another.

From a general perspective, it would appear that employers willingly adapt their productive system in order to maximize the (administratively sanctioned) opportunity to hire temporary workers who accept low wages, illegally long working hours and poor working conditions. The producer then spreads out his labour needs by developing an additional crop, which enables him to hire seasonal workers for the entirety of their authorized employment period. The possibilities of recruiting migrant labour and thus modifying the labour systems has enabled employers to alter existing crop systems. This productive logic is all the more significant if one considers that the cost of labour normally constitutes roughly 50 per cent of production costs and, according to the employers, is the only variable which they can act upon, when they find themselves caught between the demands of purchasers,<sup>11</sup> on the one hand, and those of banks and suppliers, on the other.

### **11.6 Contesting the OFII status to break free of it**

As the seasonal scheme has become increasingly distorted and the employment of migrants has become near permanent within an increasingly deseasonalized fruit and vegetable sector, the struggles of agricultural workers to break free from their status as temporary contract workers and to secure full rights of residence and work have grown. Due to the lack of space,<sup>12</sup> only some key, salient features will be mentioned here. A first dispute took place in Avignon in 1974, when seasonal workers from North Africa, backed by the *Mouvement des travailleurs arabes*, occupied churches and went on hunger strike to demand their residence and work permit. Although the movement ultimately failed to obtain its demands, it nonetheless publicly highlighted what was at stake following the shift from temporary to permanent immigration. The question arose again in 1980 in Loiret, but this time in a trade-union context, when seasonal workers denounced their 'bogus contracts' and went on strike with the support of the CGT. Although the strike ended in negotiations leading to an increase in the rates of the collective agreement

and verdicts from employment tribunal against a number of market garden employers, it was not until the ‘Mitterrand regularization’ of 1982, which issued 6,000 permanent residence permits, that seasonal workers were able to secure an improvement to their administrative situation. This exceptional measure, taken by a new Socialist government seeking to introduce a clear break into French society, had, in any case, been legitimated by the 1980 strike (Décosse, 2013).

Fifteen years later, the Socialists had adopted a neo-liberal ideology that aligned with the migration policies of conservative agenda. Backed by the CGT, the seasonal workers of Chateaurenard asked to be included in the Chevènement regularization of 1997, which excluded them on the grounds that they already possessed documents. Although the union obtained work contracts from the employers, these were never fulfilled because it failed to bring the migrants out on strike.

In July 2005, 240 seasonal workers went on strike on a farm in Crau which produced 10 per cent of French peaches and nectarines. The movement was initially spontaneous and self-managed but was later supported by the CGT. Although the union won a tribunal verdict against the employer and provoked unprecedented media coverage of the migrants’ poor working and housing conditions, it failed again on the question of documents, and, moreover, the strikers were blacklisted so that they would receive no further contracts. Two years later, the CODETRAS, a network coordinating the action of several unions and associations in Bouches-du-Rhône which since 2001 had been trying to make political use of the law,<sup>13</sup> took legal action against the Prefecture of the Department on the basis of an observation that had been made during all the previous experiences of struggle: the use of these contracts was against the law and amounted *de facto* to permanent productive activities. Backed by employee career records, some of whom had been coming to France for 20 to 30 years for eight months of the year, as well as crop calendars of the companies hiring them, the argument was accepted by the court, which ordered the administrative authority to issue residence permits to a thousand seasonal workers.

## 11.7 Conclusion

Having come to the end of this historical reconstruction, it is important to note that we are now probably witnessing the demise of a scheme that, for 70 years, accompanied the industrialization of French agriculture. In the sugar beet and rice sectors, machines and chemicals very quickly replaced the migrant seasonal labour, as the latter became less cost effective and more challenging for the employers to mobilize.<sup>14</sup> On closer inspection it is evident that the ONI contracts enabled producers to delay a capital–labour substitution that the agricultural model had made inevitable (as a result of the expansion of the cultivated area, the pressure to increase yields per hectare and the decline in margins due to overproduction and the speculative turn taken by the market). In other words, producers were able to benefit as long as possible from a precarious, bridled and cheap labour force to which the scheme gave them access.

In the wine-growing sector, the disappearance of seasonal workers has been less dramatic, which should certainly be seen as the corollary of the benevolence on the part of the authorities towards a culturally and economically important industry that historically has wielded great influence in the political sphere. The maintenance of very small properties and the technical constraints linked to the varieties of vineyards for a long time prevented capital–labour substitution, and it was not until the 1980s that Spanish grape pickers rapidly disappeared from the French rural landscape. A similar development in the horticultural sector took place later. The mechanization of work was not readily compatible with quality requirements, which meant that fruit and vegetables had to be picked by hand, even if in fruit tree industry, for example, the workers increasingly moved around on overhead walkways to pick the fruit.

It is for this reason that this sector continues to employ the majority of the several thousand contracted seasonal labourers who still come to France each year to work on harvests. In contrast to sugar beet, rice and grapes, fruit and vegetable production continues to be partly based on migrant labour. However, the role of the OFII scheme in this sector has sharply declined since the campaign by CODETRAS for the permanent residence of foreign workers in Bouches-du-Rhône in 2007–2008. This decline in OFII numbers is matched by an increase in the hiring of temporary workers through European or extra-EU temporary staffing agencies (Mésini, 2014). This further renewal of migratory utilitarianism would appear to disprove the French historian Ronald Hubscher who declared that ‘the historical role of migrants in [French] agriculture now seems to be over’ (2005, p. 403).

## Notes

- 1 For a theoretical discussion of the use of *etic* vs *emic* categories in the social sciences, see Olivier de Sardan (1998).
- 2 The abbreviations ONI, OMI, ANAEM and OFII refer to the same public agency responsible for managing migration in France and therefore the organization responsible for the seasonal scheme studied here. Their use in the text depends on the period in question. The *Office national d’immigration* (ONI) was set up in 1945; it became the *Office des migrations internationales* (OMI) in 1988, the *Agence nationale d’accueil des étrangers et des migrations* (ANAEM) in 2005, and finally the *Office français de l’immigration et de l’intégration* (OFII) in 2009.
- 3 This was particularly true in the hotel and restaurant trades and the car industry after May 1968, when it enabled employers in the Paris region to put pressure on the unionized permanent workers. For example, in 1969 and 1970, some 3,500 Moroccans were hired on a seasonal basis in the car factories east of Paris (*Statistiques de l’immigration*, Office national d’immigration, Paris, 1970–1971). On the connections between the postcolonial management of ‘North-African labour’ in the car industry and industrial disputes, see Pitti (2002) and Linhart (1981).
- 4 The precarity bonus normally provides 10 per cent additional pay to all short-term contracted workers in France.
- 5 For Moulier-Boutang, bridled labour covers

a very wide spectrum of different situations which, between slavery or serfdom and the canonical free wage earner, includes the true ancestors of international migrant labour, deported labour, apprenticeship and indenture, and the contracted

foreign worker, subject to the contract limiting his mobility and his freedom to break the relationship of dependent labour, because he was a foreigner, while the indentured servant or apprentice became exogenous labour, because they were subject to their contract for a fixed time.

(1998, pp. 677–678)

- 6 Based on the ‘guest worker’ (*Gastarbeiter*) model, various Temporary Foreign Worker Programs (TFWP) have historically supplied labour for intensive farming systems throughout the world, such as the Bracero Program (1942–1964) in the USA (Castles, 1986). Largely abandoned in the 1970s, such systems are now again expanding (Castles, 2006) and international organizations such as the International Organization for Migration, the World Trade Organization and the World Bank promote them and present them as win-win models for the management of human mobility on a world scale. For a detailed study of current TFWPs, see Sanchez and Lara (2015).
- 7 Moreover, the origins of emigrants in the source countries shifted over time: in Italy, Puglia in the South progressively took the place of Emilia-Romagna and the Po valley; while in Spain, Andalusia took over from Aragon (Lenoble, 1984, pp. 46–50).
- 8 On the *mondine* (from the Italian *mondare*: to clean, hoe), see the film *Bitter Rice* by Giuseppe De Santis (1948), which depicts the dualism of the system of work used to produce rice, since the documented female planters are opposed to the ‘illegals’ (*clandestine*), recruited by gang-leaders and who are made to compete against them in the same rice fields in order to drive up work rates. This confrontation is expressed in the popular work songs, as in an early version of the famous partisan tune *Bella Ciao*. This is a translation of the words evoking the working conditions of the *mondine*:

As soon as I rise in the morning  
Off to the ricefield I must go  
And among the bugs and mosquitoes  
I must toil  
And the foreman standing with his stick  
And us bent down working  
O Good Mother what a torment  
I call on you every day  
And all the hours we spend here  
We lose our youth  
But you’ll see that that one day, such as we are  
We shall work in freedom.

- 9 Hérin estimates the earnings per person at between 500 and 700 francs, twice the average wage of a worker in Spain. This amount varied depending on whether the work was paid by piece-rate (which enabled experienced harvesters to double their earnings) or by the hour, on the nature of the task (cutting, carrying, carting, etc.). There was also payment in kind, such as accommodation and wine, while local expenditure was limited by virtue of the food being prepared by a woman of the group and provisions being brought from Spain (1971, pp. 263–265).
- 10 A quantitative study based on 1,700 questionnaires completed at the Franco-Spanish border provides some details on the profile of the grape pickers who came to Languedoc-Roussillon in the 1960s: a third of respondents was inactive in Spain (housewives, young people, retired workers); those who worked earned on average 100 to 150 pesetas for a day’s work; the professional agricultural workers managed to find work for eight to nine months during the year (in orange, rice, grape and other fruit crops); and only 4.5 per cent said they wanted to settle permanently in France (De Prado, 1966). On this last point, although the figure should be taken cautiously in the light of how it was produced (small sample, survey in a local branch of the ONI in Figueras), it is

- echoed by findings in Débarre (1990, p. 169) and confirms the fact that the migration of Spanish grape-pickers genuinely took the form of seasonal displacement for work, in the sense that, for those involved, it was not intended to be permanent. While this observation is not valid for all agricultural activities or all nationalities, it nonetheless requires the observer to reject the mechanistic and determinist vision of a shift from temporary migration to permanent migration and to analyse in fine detail the individual and collective/systemic reasons that lead seasonal workers to remain in a temporary pattern or, conversely, to try to move to a permanent employment and/or residence status.
- 11 In the case of this oligopsony market, the control of the purchasing groups over the producers is exerted both through the fixing of prices (surplus-value appropriation) and through the externalization of their logistical constraints.
  - 12 See Décosse (2011) for further information.
  - 13 On the notions of the political mobilization of law and ‘cause lawyering,’ see for example Israël (2001) and Noreau and Vallet (2004).
  - 14 This was in part the result of trade union activity, but was also due to the forced extension of contracts and to the fact that the sources of recruitment were ever more distant from the places of work.

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