

**THE POLITICAL ECONOMY OF EVERYDAY PRECARIETY:
SEGMENTATION, FRAGMENTATION AND
TRANSNATIONAL MIGRANT LABOUR IN CALIFORNIAN
AGRICULTURE**

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ABSTRACT

This thesis examines the qualitative transformation taking place within the processes of transnationalisation of labour markets that drive a substantive increase in the segmentation and fragmentation of migrant labour. The thesis argues that by either focusing on the agential elements or strictly structural constraints, conventional perspectives on the role of intermediaries in processes of international migration lack a comprehensive transnational theorisation of labour markets. A focus on the transnationalisation of labour markets through the role of cross-border farm labour contractors aims to address these limitations by analysing the complex nature of processes of *transnationalisation* in the provision of migrant labour in Californian agriculture.

A transnational labour market approach is developed to show how three regimes of segmentation-fragmentation operate at the Federal (nation-state) and state (regional) levels and also at a local level through the actions of farm labour contractors in the organisation of movement and workplace practices along formal and informal lines. The core argument of this thesis is that the tensions between fragmentation and segmentation within the process of transnationalisation of labour markets between Mexico and the United States conflate in everyday precarity for migrant workers.

Everyday precarity involves not only the conditions under which migrant workers perform their activities in the workplace, but also extends beyond to include aspects of their everyday lives in a transnational fashion. Farm labour contractors play an important role in organising and coordinating flexibility in fragmented agricultural labour markets. Through their position at the heart of the tensions of the interplay between the three regimes, farm labour contractors gain power over the labour process, thereby contributing to further fragmentation. This power is linked to the migration and protection policies established by nation-states at the first regime of segmentation-fragmentation, and is also shaped by the regional (Californian) labour legislation at the second regime of segmentation-fragmentation.

The thesis concludes that a transnational theorisation of labour markets, which places intermediaries such as farm labour contractors within the tensions of processes of transnationalisation that account for not only segmentation but also fragmentation, is required to fully understand everyday precarity beyond national boundaries. Therefore, farm labour contractors are key channels of transnationalisation by contributing to further fragmentation at the local level in already highly segmented labour markets.

DECLARATION

No portion of the work referred to in the thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

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DEDICATION

This thesis is dedicated to my favourite migrants: mum and dad. They began their journeys from Paraguay a long time ago and settled in Argentina where they have been working really hard to provide me with an education. They have taught me to follow my dreams. This thesis is also dedicated to my brother who has learned to have a transnational sister. Thank you, I love you all.

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THE AUTHOR

I hold a degree in Economics from the University of Buenos Aires, Argentina and worked as an economist for almost five years. I also worked as a RA in the Latin American Faculty of Social Sciences (FLACSO) in Buenos Aires, and in the Department of Political Science and International Relations at Di Tella where I held a research fellowship from the Secretary of Science and Technology of Argentina. In 2008, I was awarded the Chevening Scholarship to complete MA studies on IPE at the University of Manchester. I decided to stay to pursue my PhD. While in Manchester I took part in two research projects: Vulnerable Workers in the Global Economy (financed by the Chronic Poverty Research Centre), and Human Trafficking in the UK (Leverhulme Trust). Both projects were under the direction of Prof. Phillips. Throughout my PhD I taught IPE and labour issues at the Department of Politics and at the Manchester Business School. Part of my research has been presented at international conferences, and the last one I attended was the International Studies Association (ISA) Annual Conference in San Francisco in 2013.

LIST OF ABBREVIATIONS

AES	Agricultural Experimental Station
ALRB	Agricultural Labor Relations Board (California)
CAL.OSHA	California State Occupational Safety and Health Administration
CALRA	California Agricultural Labor Relations Act
CAT	Catastrophic Coverage Program
CE	Cooperative Extension
CRLA	California Rural Legal Assistance
CVP	Central Valley Project
DHS	Department of Homeland Security
DOL	Department of Labor (United States)
EPA	Environmental Protection Agency
ETA	Employment Training Administration
FAIR Act	Federal Agriculture Improvement and Reform Act
FDA	Food and Drugs Administration
FDI	Foreign Direct Investment
FIOB	<i>Frente Indígena de Organizaciones Binacionales</i> (Indigenous Front of Binational Organisations)
FLC	Farm Labour Contractor
FLCA	Farm Labor Contractors Association
FLCRA	Farm Labor Contractor Registration Act
FLSA	Fair Labor Standards Act
FSRI Act	Farm Security and Rural Investment Act
FTA	Free Trade Agreements
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GPN	Global Production Networks

GVC	Global Value Chains
H2-A	Agricultural Worker Temporary Labor Program (USA)
H2-B	Non-Agricultural Temporary Worker Program (USA)
IADB	Inter-American Development Bank
ILO	International Labour Organization
IME	<i>Instituto de Mexicanos en el Exterior</i> (Institute for Mexicans Abroad)
IMSS	<i>Instituto Mexicano de Seguridad Social</i> (Mexican Institute for Social Security)
INA	Immigration and Nationality Act
INFONAVIT	<i>Instituto del Fondo Nacional de la Vivienda para los Trabajadores</i> (Institute for the National Fund for Worker's Housing)
INM	<i>Instituto Nacional de Migración</i> (National Institute for Migration - Mexico)
INS	Immigration and Naturalization Services
IOM	International Organization for Migration
ISI	Import-Substitution Industrialisation
MSPA	Migrant and Seasonal Agricultural Workers Protection Act
NAALC	North American Agreement on Labor Cooperation
NAFTA	North American Free Trade Agreement
NASS	National Agriculture Statistics Services
NAWS	National Agricultural Workers Survey
NLRA	National Labor Relations Act
OSHA	Occupational Safety and Health Administration
POEA	Philippines Overseas Employment Agency
PPP	Purchasing Power Parity
PSE	Producer Support Estimate
RAW	Replenishment Agricultural Worker
RAW	Replenishment Agricultural Worker (Programme)
SAW	Special Agricultural Worker (Programme)

SAWP	Seasonal Agriculture Worker Program (Canada)
SRE	<i>Secretaría de Relaciones Exteriores</i> (Secretary of Foreign Affairs – Mexico)
SWP	State Water Project (California)
UC ANR	University of California Agriculture and Natural Resources
UCSD	University of California San Diego
UFCW	United Food and Commercial Workers
UFW	United Farm Workers
ULP	Unfair Labor Practices (California)
UNDP	United Nations Development Programme
URAA	Uruguay Round Agreement on Agriculture
USD	United States Dollar
USDA	United States Department of Agriculture
WHD	Wage and Hour Division (U.S. Department of Labor)
WTO	World Trade Organisation

INTRODUCTION

Licence to exploit? New insights into Mexican migration to the United States

Academic conventions divide up the seamless web of the real social world into separate spheres, each with its own theorising; this is a necessary and practical way of gaining understanding. Contemplation of undivided totality may lead to profound abstractions or mystical revelations, but practical knowledge (that which can be put to work through action) is always partial or fragmentary in origin ... Either way, the starting point is some initial subdivision of reality, usually dictated by convention.

Robert W. Cox (1981:1)

Background

It is still dawn and the air feels comfortable to the skin, there is as yet no sign that the sun will become a piercing companion during another day of harvest. Cristina, a community worker who has been 'patrolling' the fields for over a year, meets me at a petrol station and we both get into the car to visit the fields. 'You know, farm labour contractors are taking over the whole business of recruitment' she says. 'And yes, some have licences, but others don't. It is very perverse, don't you think? To get a licence to exploit'.

A community worker for the organisation California Rural Legal Assistance (CRLA), Cristina visits the fields early in the mornings and sometimes in the

afternoons as part of her routine to monitor that safe conditions are guaranteed and assured for farm workers in the Coachella Valley in Southern California. Cristina has been extremely kind in allowing me to be part of her real social world, where to her eyes, the operating licences for farm labour contractors, which are granted by the state of California upon the approval of the Federal government, constitute weapons of exploitation. Why is a licence granted by the United States (one nation-state) in relation to a process that remains strictly transnational? If the majority of the farm labour pool is Mexican, shouldn't Mexico be involved in the process in some way? Despite abundant academic parlance over transnationalism (Glick Schiller *et al.* 1992; 1995; Portes *et al.* 1999; Vertovec 1999; Faist 2000; Levitt 2001; Fitzgerald and Waldinger 2004), there is still a rooted assumption in the rationalisation of labour markets that largely treats farm labour contractors as 'domestic'.

In this vein, issues of immigration and labour markets seem to be treated with fragmentary approaches, as if they belonged in separate domains (Menjívar 2006; Goldring *et al.* 2009; Bosniak 2000). Labour contractors are recognised to be changing the nature of employment practices in the global economy (Friman 2011; Vosko 2010; Barrientos 2013), while analyses of their impacts and role has largely been limited to domestic labour markets. Despite the fact that they are deeply rooted in transnational operations of labour coordination, the puzzle remains as to why they have not been conceptualised within a *transnational* labour market context. For this reason, the main research question of this thesis is **'How should the transnational dimension of farm labour contracting practices in California be analysed and why does it matter?'** A critical analysis of the role of labour contractors becomes paramount since they are a means and channel of transnationalising labour markets.

I became interested in the issue of recruitment in international migration by following policy discourses that celebrated and highlighted the role of intermediaries in driving and sustaining international migration (Kuptsch 2006; Baruah 2006; GFMD 2008; Agunias 2009; Afsar 2009; Arif 2009; ILO 2009). In

recent years, policy discourses over the role of third-party intermediaries in conducting processes of international migration have been soaring. As recognised by Kuptsch (2006:1) in the introduction of the book *Merchants of Labour*: 'The role of private recruiters in the emerging global migration infrastructure is evolving, but the ultimate shape of the industry is not clear'. *Merchants of Labour* is a collection of articles edited by the International Labor Organization (ILO), which began to trace systematically the different forms and modes of operation of intermediaries in international migration. When I visited the ILO in 2010 as part of an exploratory research trip, I interviewed labour specialists within the Labour Migration Branch, and one of them acknowledged that: 'Intermediaries and private recruitment agencies are transforming the ways in which we understand global migration. We are very interested in the topic, but there are few studies on it'.

My visit to Geneva confirmed that the growing involvement of firms as well as individuals in processes of recruitment in international migration is becoming a key feature within the global integration of labour markets (Salt and Stein 1997; Castles and Miller 2009; Kyle and Dale 2001; Abella 2004; Martin 2006; Goldstein 2006; Kuptsch 2006). Moreover, public and policy concerns over the challenges that intermediaries pose to the management of international migration (IOM 2012) have also come to light, pushing international organisations such as the United Nations Development Programme (UNDP) to seek ways to further understand how to 'guide the invisible hand' in processes of international recruitment (Agunias 2009).

I welcome this interest in the role of intermediaries in international migration and the growing involvement of policy and academic perspectives on the topic. However, a number of issues remain unresolved. My visits to the fields with Cristina made me think that labour migration is not a smooth, easy process that can be understood solely by analysing migrants within a new destination country or solely through the role of social networks. Labour migration is a strictly

social endeavour that permeates the foundations of labour markets in a receiving economy as much as the sending one, and across both economies.

In a similar fashion, the reasons why many migrant workers end up taking the jobs that native local workers do not want to do is not obvious, and answers cannot be found by looking solely at the receiving economy (Jenkins 1978; Sassen 1998; 2001; 2008; 2012). The arguments of early labour market segmentation theorists, who posit that because of status, prestige and growing income levels, migrant workers fill the jobs that a native population will not take (Doeringer and Piore 1971; Castles and Kosack 1973; Reich, Gordon and Edwards 1973, Piore 1979; Piore and Berger 1980) have become common sense but are still grounded within a domestic understanding of a national labour market.

In this light, this thesis investigates the role of farm labour contractors in Californian agriculture with a particular take on labour markets. Farm labour contractors are not only seen as a domestic issue pertaining to Californian agriculture, but their role and activities are analysed in the context of the processes of transnationalisation that take place between labour markets in Mexico and the United States. The thesis analyses the implications and consequences that farm labour contractor practices impose upon migrant workers amidst transnationalisation processes.

Questions are raised over the nature of the labour markets within which intermediaries operate, together with the kind of activities that intermediaries pursue in coordinating the provision of labour. Furthermore, questions emerge over the intermediaries' own characteristics, and most importantly, what implications and consequences intermediaries' actions carry for migrant workers themselves.

In a similar fashion, the literature on migration from sociology has in recent years shown a soaring interest in the role of intermediary actors in processes of international migration. Known as the 'migration industry', this literature is very good at depicting the mechanisms that myriad actors follow to turn the process of

social mobility into a 'business' (Hernández-León 2005; 2008; Spener 2005; 2009; Gammeltoft-Hansen and Sørensen 2013). However, these studies seem to depict actors as if they were new discoveries, or as if their role as discrete players facilitating migration only becomes apparent in more contemporary forms of labour migration, without questioning how they are embedded within the underlying dynamics and forces of labour markets that give them shape and spaces for operation.

In order to better understand the nature of migrant labour contracting practices, I focus on a key actor who is in charge of the incorporation of Mexican labour into Californian fields: the *farm labour contractor* (FLC). Labour contractors in California have been studied in the past (Pfeffer 1980; Rhode 1995; Wells 1996; Mitchell 1996; Martin 2002a; 2009a; Krissman 1995; 1997; 2005), but in recent years focus on the issue seems to have receded. My review of the literature shows that it was a particularly hot topic in articles published during the 1980s by agrarian economists and rural sociologists associated with various universities in California (Wilson 1986; FitzSimmons 1986; Vaupel and Martin 1986a; 1986b; 1987; Vandeman *et al.* 1991). However, at the turn of the year 2013, a heated debate over immigration reform began to take place in the United States, but it has been largely silent on the role of the key actors driving and sustaining the provision of the transnational labour supply in agriculture in the United States. Farm labour contractors are important not only in California, but also in North Carolina, Texas, Oregon, Washington and other agricultural states (Griffith and Kissam 1995; Griffith 1986; 1994; 2007; Binford 2013).

Another weakness in the existing literature is that approaches have addressed the issue of labour contracting in California in a compartmentalised way following the dictates of disciplinary boundaries. Anthropological and sociological approaches within rural studies have scrutinised the role of farm labour contractors in agriculture from an agential standpoint by placing the emphasis on the contractors themselves, and the life trajectories that motivate

contractors to follow recruitment and labour practices (Griffith and Kissam 1995; Krissman 1995; 1997; 2005; Wells 1996; Griffith 2009).

The findings of these contributions – based mainly on ethnographic work – are illuminating as to the micro-level dynamics that configure the life experiences of contractors and how they have responded to rising flexibility in employment relations. However, the micro-character of these analyses is not fully linked to the transformation of the global dynamics in production structures and labour relations manifest in labour and migration policies that give shape to particular labour regimes. Consequently, some anthropological studies share the methodological shortcomings of the many migration approaches that tend to treat the phenomenon of labour migration as an ‘independent variable’ (Delgado-Wise and Covarrubias 2012). Such studies focus on a particular agent (such as migrants or households) without fully linking these actors’ migratory processes with the transformative structures of global capitalism that drive particular forms of labour migrations and therefore, particular forms of transnational labour regimes (Robinson 2002; 2004; Taylor 2008; Phillips 2011a; Cross 2013).

Despite their vast contributions in terms of descriptions and typologies of labour migration patterns portrayed between different contexts, the migration literature has been slow in catching up with the rapid and soaring transformations that intermediaries are bringing to transnational labour markets in the global economy. The migration industry literature has not engaged critically with the nature of labour markets, referring instead to migration industry actors as ‘facilitators’ of migration (Hernández-León 2005; 2008; 2013). Therefore, the nature of the ongoing processes of the transnationalisation of labour markets that shape labour contracting practices has not been fully explored and deserves critical scrutiny.

In addition, the ‘clustering’ of migrants in particular sectors of more developed economies has spurred debate over the place and role of migrant workers in developed economies. The speed of the neoliberal reforms which have pushed for labour market restructuring in the form of flexibilisation and the

transformation of production processes in capitalist economies have all referred to conditions labelled as 'precarious' or linked to 'precarity' (Piore 1979; Cohen 2006; Anderson 2007; 2010; Standing 2011; Kalleberg 2009; 2011). Nonetheless, debates over precarity have focussed on the role of migrant workers in conducting 3D (dirty, dangerous, and degrading) jobs in the receiving economy by placing emphasis on the receiving domestic labour market (McDowell *et al.* 2007; Neilson and Rossiter 2005; Dorre *et al.* 2006; Waite 2009; Bauder 2006; 2011; Schierup *et al.* 2006; Reyneri 2003; Ness 2005; Wills 2009). These approaches assume segmentation within a receiving domestic labour market, where migrant workers perform the less desired activities, the jobs that natives will not perform (Piore 1979; Castles and Kosack 1973; Cohen 1987; Sassen 2000; Stalker 2000; Bauder 2006; 2011), but overlook the nature of the sending labour market, and the interrelationship between the two.

In a similar vein, domestic segmentation and regulation have been associated with a 'domestic labour market'¹, a sphere upon which nation-states can dictate the parameters of protection. Segmentation theory deployed in studies of migration is relevant to understand the institutional forces that dictate the parameters as to those who are allowed to enter a particular labour market (Bauder 2006; 2011; Samers 2008), and the institutional arrangements that determine who is entitled to a particular set of rights and protections (Rubery 1978; Rubery and Grimshaw 1998; Grimshaw *et al.* 2001). There has been an effort to link segmentation in the receiving economy with transnationalism by resorting to the use of social and cultural capital (Lusis and Bauder 2010), but none of these approaches have incorporated the tensions that emerge out of the process of the transnationalisation of labour markets.

¹ There is another strand of literature from a 'domestic perspective' within migration studies that looks at how migrants become incorporated into receiving societies, termed 'immigrant assimilation', that also takes a nation-state bias (see Massey *et al.* 1998; Portes 1997; and Castles 2010). However, assimilation is not a focus of this thesis.

Since farm labour contractors operate transnationally, the question arises as to the role of nation-states in domestic segmentation and regulation processes, especially when nation-states are becoming more transnationalised (Robinson 2004). The regulatory apparatus in terms of protection and labour legislation is entrenched within the logic of nation-states, and it has been designed to cater for citizens who belong to those confines of the nation-state (Piper 2006; Grugel and Piper 2007). Therefore, nation-states seem to be caught up in a regulatory conundrum when it comes to the protection of migrant workers, since migrants have been deemed 'not to belong' (Castles and Davidson 2000) to the labour market in the same way as citizens, and thereby, transnational contracting practices confront this puzzle. Hence, unpacking the implications and consequences of contracting practices for migrant workers calls for a qualitatively different understanding of the tensions and complexities within transnationalisation processes of labour markets that modify the notions of precarity which have traditionally been associated with a local or the domestic economy.

Research questions

The thesis investigates the role of farm labour contractors in Californian agriculture and the nature of labour markets between Mexico and the United States that allow a particular transnational labour regime to emerge. In order to conduct the research, the thesis is guided by the principal research question **'How should the transnational dimension of farm labour contracting practices in California be analysed and why does it matter?'** In order to tackle this question a number of supplementary questions are developed:

1. How do existing theories explain migrant labour contracting and how should the *transnational* in contexts of segmentation and fragmentation be conceptualised?

2. What are the structural forces that drive cross-border migrant labour contracting between Mexico and Californian agriculture?
3. What kind of labour system emerges as a result of the interplay between regimes of segmentation and fragmentation within transnationalised labour markets?
4. What are the consequences and implications of precarity for labour relations and the transnational life of migrants?

The argument and key concepts

In order to better understand the role of farm labour contractors in Californian agriculture, I argue that labour markets need to be analysed in a *transnational* fashion. Therefore, the key contention of the thesis is that *migrant workers' everyday precarity emerges as part and parcel of the countervailing tensions between regimes of segmentation and fragmentation within the process of transnationalisation of labour markets between Mexico and the United States.*

Following Cox's assertion that practical knowledge that can be put to work through action is always partial or fragmentary (Cox 1981:1), the thesis looks at the role of farm labour contractors in the case of Mexican farm workers in California in order to fill a gap in the study of migrant labour contracting practices by showing how three regimes of segmentation and fragmentation emerge in the process of transnationalisation, thereby giving place to a labour system characterised by what is termed in this thesis as *everyday precarity*. For analytical and explanatory purposes, which will be fully developed in Chapter Two, I now turn to define the key concepts that are developed in the course of the thesis and the literatures upon which they draw.

The *transnationalisation of labour markets* is understood as a *process*; it refers to the ongoing construction of relations between labour markets in two economies

of different sizes and stages of development that are mediated by the role of the nation-states, transnational corporations (TNCs), and most importantly, by labour contractors². The term 'transnational' has been widely used in International Political Economy (IPE) to denote the rise of non-state actors in world politics as well as the contradictory and changing nature of the nation-state within global politics (Keohane and Nye 1973; Nye and Keohane 1971; Rosenau 1980; Risse-Kappen 1995; Robinson 2004; Khagram and Levitt 2008), and from a migration studies perspective, concepts termed 'transnational' have become catch-all phrases for sustained border-crossing ties (Faist 2000:190). However, in this thesis the transnationalisation of labour markets implies distilling three regimes of segmentation and fragmentation that operate at the nation-state, the regional, and the local levels, framed within a social transformation perspective (Castles 2003; 2010) that implies examining the links between social change and human mobility across a range of socio-spatial levels, while seeking to understand how human agency can condition responses to structural factors (Castles 2010:1561). Therefore, *transnationalisation* also incorporates the micro-level of the everyday life of migrants as indicated by the literature on transnationalism (Portes *et al.* 1999; Glick Schiller *et al.* 1995, Vertovec 1999; Faist 2000; Fitzgerald and Waldinger 2004).

As a process, the transnationalisation of labour markets is not free of contradictions and tensions. Rather it is filled with complexity, diversity and context-specificity that need to be looked at from a historical standpoint. In order to unpack the underlying tensions in the transnationalisation processes of labour markets, this thesis sets in motion three 'levels' characterised by dynamic segmentation and fragmentation that intersect with each other. These levels need to be thought of as multi-dimensional, and as 'regimes'³ that present particular ways of operating or organising social reality. They are not compartmentalised

² Labour contractors can also take the form of TNCs, as described in Chapter Two but these are not the focus of this thesis.

³ The use of the concept of 'regime' in this thesis should not be confused with the concept of regime in IPE as developed by Krasner (1982a; 1982b; 1983) and criticised by Strange (1982).

levels whose cause and effect are unidirectional. These regimes have been elaborated to capture part of the reality of the migratory corridor between Mexico and the United States, and the regimes are presented as three intersecting layers whose centripetal and centrifugal forces bring about tensions between segmentation and fragmentation in the development of transnational labour markets.

Segmentation means that the labour market is the consequence of underlying socioeconomic processes, forces and tendencies that give rise to, and reproduce, specific and historically contingent labour market structures in which particular groups of workers are confined to particular 'segments' (Fine 1998: 108). According to segmentation theorists, those segments can be dual (Doeringer and Piore 1971; Piore 1972), variegated along lines of sex, race and gender (Reich, Gordon and Edwards 1973; 1981), or for the purpose of this thesis, organised as a migrant workforce (Piore 1979; Bauder 2006; 2011; Samers 2008; McLafferty and Preston 1992; DeFreitas 1988; Torres 1991; Bauder and Lusia 2011).

Segmentation matters, because it is relevant to understand why migrant workers do certain difficult jobs in more developed receiving economies and why they seem to be confined to particular segments (Castles and Kosack 1973; Piore 1979; Gordon 1995; Peck 1996; Bauder 2006; 2011; Samers 2008). However, the thesis argues that earlier theories of segmentation are no longer able to account for the current transformations that characterise contemporary forms of transnational migrant labour markets, and thus I develop an alternative way to understand precarity. For this reason, segmentation is extended beyond the analysis of the domestic labour market to incorporate not only the domestic local labour market, but also the transnational component that links sending and receiving labour markets. In this way, in the course of analysing transnationalisation, this thesis develops a framework that also accounts for the variegated forms that fragmentation takes: fragmentation of production in the agricultural sector on one hand, and fragmentation between employers and employees in transnationalised

labour markets. Hence, both segmentation and fragmentation are operating forces that shape everyday precarity.

Fragmentation has been widely used in the trade and industrial organisation literature to describe the physical separation of different parts of the production process, which is made possible by technology that breaks down the manufacturing process into separate production blocks (Jones and Kierzkowski 2001; Arndt and Kierzkowski 2001; Gereffi, Humphrey and Sturgeon 2005; Gereffi and Korzeniewicz 1994; Gereffi 1996; Dolan and Humphrey 2000; Taylor 2008; Barrientos 2013). In the thesis, the fragmentation of agriculture is an important structural process that is analysed in Chapter Five as a condition which characterises the restructuring process in the United States. However, while drawing on the developments in processes of restructuring in agriculture that push for fragmentation, the thesis complements this notion by developing a qualitative, nuanced manifestation of fragmentation at the micro-level. It does so by scrutinising the role of farm labour contractors in mediating the labour process at the local level. This latter aspect is fully developed in Chapters Seven and Eight, but it suffices to indicate here that farm labour contractors complement notions of segmentation by also contributing to further fragmentation.

In this way, segmentation and fragmentation constitute the regimes in processes of transnationalisation of labour markets in three distinct ways. The *first regime of segmentation and fragmentation* is determined by nation-states through the immigration and labour policies that delineate the parameters of how workers are constructed as 'eligible' or not to enter the country and work. The prime manifestation of segmentation is through the migration policies and the visa systems and guest-worker programmes that they implement. The United States and Mexico have a history of 'failed cooperation' in migration matters, which has allowed the United States to arrange the first regime of segmentation in a unilateral way by determining through its visa system who can enter the country to work. Further fragmentation is achieved by leaving migrant farm workers

outside certain protection policies. These aspects are fully developed in Chapter Five.

The *second regime of segmentation and fragmentation* takes place at the regional level, where some states within the United States design employment policies inspired by the Federal law but with differences in terms of minimum wages and other protection mechanisms that affect farm workers. The second regime, which is fully developed in Chapter Six, is relevant because it shapes the institutional context that determines working conditions and rights within a particular space. In the case of California, depending on how the state provides legal incentives to farm labour contracting practices, farm labour contractors (FLCs) operate and manage the labour process by shaping working conditions and rights in line with not only Federal labour laws, but also those enacted by the state of California.

The *third regime of segmentation and fragmentation* operates through the organisation of the pool of workers by the farm labour contractors themselves. The implications of actions by contractors are analysed in Chapter Seven, and they have social, economic, and spatial dimensions that are not only manifested at the workplace but also in the everyday life of transnational migrants. When it comes to the social dimension, particular forms of organising the workforce affect experiences of work that also extend to the social life of individual migrants and the wider community. The economic dimension refers to wages and the role of remittances, while the spatial dimensions cover housing, modes of labouring in the fields and transport to the workplace.

Having briefly set out the regimes of segmentation and fragmentation that characterise the process of the *transnationalisation of labour markets*, this thesis examines how the interplay of migration policies at the nation-state level together with state employment policies at the regional level shape the contours of operation of the farm labour contractors, who in turn contribute to further fragmentation of labour markets which transcend Mexico and the United States.

Segmentation and fragmentation conflate at the local level through the actions of farm labour contractors, who organise and coordinate the pool of migrant workers but whose nature remains strictly transnational. The fact that the organisation of labour takes place in California does not mean that it is solely a 'Californian issue'; on the contrary, it becomes an issue of Mexican labour transnationalisation as well. The fact that farm labour contractors are mainly Mexican in origin and are able to move workers (along their social networks and ties) from Mexico to the United States, and those workers then become embedded in agricultural labour markets in the United States, are all phases of a deeply transnational process in the interweaving of labour markets.

Hence, theorising fragmentation and segmentation along transnational lines questions rooted assertions of precarity as either a 'domestic' issue or as pertaining a particular segment of a labour market. Since labour markets are socially regulated (Peck 1996; Bauder 2006; 2011), extending the social regulation along transnational lines turns precarity into a transnational phenomenon as well: the fact that the labour pool that is so crucial for American agriculture is gestated and reproduced in Mexico (without the United States having to bear for the cost of that reproduction) is a prime example of a transnational labour market. Moreover, since migrant workers are not only factors of production, but are also social agents with needs and hopes, the precarity that they experience goes beyond the workplace. It includes a subjective element that spans aspects of their everyday life since although they are performing as labour in the United States, their social life is tied to Mexico as well.

In turn, the tensions that emerge within the transnationalisation of labour markets are also manifested in the role of nation-states, since protection and labour regulation policies have been established on the premise of a domestic labour market as part of national social formations (Rosenberg 1989; Gordon 1990; Castro, Mehaut and Rubery 1992; Rubery 1994). Historically, labour and protection laws have been associated with the boundaries dictated by nation-states in separate spaces that are considered 'domestic' or 'local'. However, the reality of

deeply transnationalised labour markets creates a conundrum for classical understandings of protection and labour laws, since transnational labour migration requires a transnational perspective on protection as well (Piper 2006; Grugel and Piper 2007; Basok 2002; 2004; Bank-Muñoz 2008). The institutional infrastructure that stems from classical conceptualisations of labour markets as distinct domestic spheres poses further tensions for notions of what migrant protection means in the context of transnationalisation of labour markets.

Consequently, as previously stated, farm labour contractors contribute at the local level to further segmentation and fragmentation through their actions, thus they help to shape to migrants' *everyday precarity*. This thesis develops the term *everyday precarity* to move beyond understandings of precarity as strictly linked to conditions in the workplace at a particular local level (Waite 2009; Anderson 2007; Neilson and Rossiter 2005; Skeldon 2007; 2008, Tsianos and Papadopoulos 2006). Everyday precarity in the context of transnational labour markets sheds light on the multidimensionality and multi-layered nature of precariousness that is the outcome of the different tensions created by the three regimes of segmentation-fragmentation. Everyday precarity is related to precarious status dictated by nation-state migration policies; it is shaped by legislation in the state of California, and is moulded by the actions of farm labour contractors. Everyday precarity spans not only conditions of work but also the qualitative, subjective life of migrant workers, and the ways in which these subjectivities are used by farm labour contractors in the fields.

Everyday precarity matters because it illustrates the implications of contracting practices for migrant workers in terms of the conditions under which they work, but also it incorporates aspects of their everyday life that make migrant workers social agents and not mere factors of production, as some economics models tend to portray them (Barrientos *et al.* 2011). Everyday precarity thus allows a qualitatively different understanding of flexibility in labour markets by going beyond the seasonal character and low-wage representations that render migrant workers a desirable pool of labour.

In sum, the thesis argues that everyday precarity emerges as a result of the ongoing dynamics and tensions of the triple jeopardy of regimes of segmentation and fragmentation that take place between Mexico and California in the transnationalisation of their labour markets. The notion of everyday precarity is developed in this thesis to shed light on the multidimensionality and multi-layered nature of precarity that spans not only conditions of work but also the subjective life of migrant workers and the ways in which these subjectivities are exploited and used by FLCs. Everyday precarity moves beyond static understandings of 'precarity' strictly linked to conditions in the workplace. In this way, the understanding of precarity within migration studies can be extended to incorporate working conditions, rights and subjectivities at a transnational level by transcending both US and Mexican labour markets. The next section explains the rationale for undertaking this research.

Rationale for the research

The rationale for undertaking this research is two-fold: analytical and empirical. From an analytical standpoint, the study of labour contracting from a transnational perspective in the Mexican-California corridor implies contextualising a process within the broader picture of the global economy. The interplay of the three regimes of segmentation and fragmentation shed light on micro-dynamics as well as macro-structures to understand everyday precarity at the intersection of the emerging tensions within those regimes. The integration of structure and agency achieved with a transnational perspective aims to avoid two types of binaries. First, the binary present in migration studies between functionalist and structural perspectives (Goss and Lindquist 1995). In this vein, the analytical framework developed in this thesis subscribes to the notion that migration cannot be analysed in isolation from the specific context in which it takes place (Delgado Wise and Covarrubias 2012; Skeldon 2012). Functionalist

perspectives that treat migration as a 'dependent variable', such as neoclassical economics approaches that look into the cost-benefit calculation that 'rational' migrants pursue in order to decide to migrate (Harris and Todaro 1970; Massey *et al.* 1993), or in the case of recruitment agencies, that focus on the wage differentials that determine cross-border placement (Abella 2004), remain limited. In order to overcome the shortcomings of functionalist approaches, a transnational approach allows a theoretical exploration of how processes of migrant contracting through the presence of intermediaries shape labour relations between migrant workers and contractors as a process of social transformation (Castles 2003; 2010) in the transnationalisation of labour markets that has developed between California and Mexico.

Second, labour migration theories rooted in individualist-rationalist assumptions generally explain why people move from one country to the other by mainly focusing on the socioeconomic advancement that migration brings in terms of income generation (Harris and Todaro 1970; Borjas 1990; Stark 1991), and remittances (Taylor 1999; Kapur 2004; Hernández-Coss 2005) or opportunities for advancement and access to other services and goods in a receiving economy, while leaving aside the conditions under which migrants work (Samers 2008:129). In contrast, a transnational turn to labour market theorising, that accounts for segmentation (Piore 1979; Peck 1996; Bauder 2006; 2011; Samers 2008) but moves beyond it to incorporate fragmentation (Ardnt and Kierzkowski 2001; Jones and Kierzkowski 2001; Gereffi 1996; Dicken, Kelly and Wai-Chung Yeung 2001; Ponte and Gibbon 2005; Taylor 2008; Phillips 2011b, Barrientos 2013), aims not only to link understandings of precarity associated with the conditions under which migrants work but also to incorporate the tensions of segmentation and fragmentation throughout the process of transnationalisation that provide everyday precarity with particular qualitative features.

In this way, in an effort to begin to avoid these two binaries, a transnational perspective becomes an approach to the study of everyday precarity that merges two dimensions of precarity: i) the agency as migrants through the role of cross-

border intermediaries, and ii) the agency as labour as active participants in the labour process via the contracting strategies of farm labour contractors. Therefore, analysing the labour as well as the social nature of migrants allows an unpacking of the social foundations of the global political economy by looking at the everyday power relationships (Taylor 2008:2) between migrant workers and farm labour contractors. As Phillips (2011a:4) also stresses, 'The dynamics of migration and the evolving manner in which migrant labour is embedded in the global political economy represent a pivotal dimension of these social foundations and offer arresting insights into the everyday power relationships to which Taylor refers'.

IPE is a fertile terrain in which to root a transnational approach because of its capacity to provide a space where the engagement of diverse perspectives is allowed, and thus the mode of inquiry becomes interdisciplinary (Phillips 2011a:3). It permits an interdisciplinarity without a sole commitment to unique ontological and epistemological lines, where perspectives nurture each other in order to answer questions that are complex and normative in nature. By studying the role of farm labour contractors in transnationalised labour markets, the thesis seeks to reground labour contractors as a selected subdivision of reality (Cox 1981:1) within IPE.

The theoretical approach presented here is grounded within the field of IPE, but it also informed and inspired by theories of labour market segmentation developed in labour studies, human and economic geography as well as studies of the economic sociology of networks in migration, and insights from the sociology of labour markets in development. By building a multidisciplinary perspective, I aim to avoid the compartmentalisation of disciplinary boundaries that treat migration and labour market issues as binaries.

The theoretical approach developed here also draws on perspectives from human and economic geography that inquire into the nature of labour markets from a social and spatial perspective: that is to say, how labour markets are socially regulated and constituted (Fine 1998; Peck 1996, Bauder 2006; 2011;

Samers 2008) and how locality provides labour markets with specific characteristics and ways of operation (Barrientos 2007a; 2013; Rogaly 2008). This allows a thorough understanding of the conjunctural complexity of contracting and labour relations that take place in Californian agriculture and its relation to Mexico. The approach is also informed by the economic sociology of networks in the migration literature that looks at the development of social ties in bringing about movements across borders (Granovetter 1985; Massey *et al.* 1993; Massey, Goldring and Durand 1994; Massey 1987).

Social networks have been historically crucial to understanding Mexican migration to the United States, and how these networks develop and sustain need to be understood in the context of transnational labour markets. In addition, existing work on the issue of labour contracting in Californian agriculture in development studies that analyse production processes and how these shape the selection and incorporation of labour into economic structures (Martin 2009a; Martin and Taylor 2003; Barrientos 2007a; 2013; Phillips 2011a,b) is relevant. Segmentation approaches rooted in political economy have assumed a 'national' labour market, and in recent years the framework has been extended elsewhere to incorporate the 'international' (Samers 2008), whereas my contribution lies in developing a *transnational perspective* within IPE which, through the enactment of interweaving regimes, incorporates segmentation and fragmentation into the processes of transnationalisation of labour markets.

Moreover, the analysis conducted here contributes to an emerging endeavour in IPE to theorise the 'everyday' in global politics (Hobson and Seabrooke 2007; Elias 2010). The 'everyday' has multiple and overlapping meanings, but in this thesis everyday precarity is theorised as a process: a process that moves beyond the workplace to extend the understanding of precarity beyond spatial and temporal boundaries. This idea can be better grasped by looking at the transnational nature of the labour markets that structure everyday precarity. While leading transnational lives, migrant workers are not only embedded in their local precarity while contributing to the harvest, but they are

also part and parcel of the precarity in their home towns, linking both labour markets as workers, and linking their experiences as social agents. In this vein, the aim of this thesis is to investigate how seemingly insignificant routines, norms and practices that take place every day during harvest seasons and transnationally (since migrants have active contact with their home societies) constitute particular labour regimes and turn into what I term 'everyday precarity'. The research aims to inform theoretical debates on migration and serves as foundation for further research on contemporary forms of labour contracting.

From an empirical standpoint, the connection between Mexico and California is an important case to unpack, given the historical nature of labour contracting practices which have been structured and embedded in the migratory corridor but which have not been looked at from a *transnational* segmentation and fragmentation perspective. It is important because Mexican migration to the United States has been a fruitful terrain for the advancement of key migration concepts such as 'networks' (Massey *et al.* 1993; 1994; Massey 1987), and 'migration industry' (Hernández-León 2005; 2008; 2013), but these concepts need to be put into the context of the processes of transnationalisation that incorporate structure and agency. In this vein, the Mexican-California corridor poses an interesting case to unpack the nature of *everyday precarity*.

In addition, Mexico stands as the top sending nation in the South-North corridors, sending 12,189,158 migrants to the United States, which represent 12.8% of the total South-North migrants (IOM 2013:62).⁴ Unfortunately, there are no accurate data as to the number of contractors who are engaged in moving workers from Mexico to the United States, since not all of the actors operate along formal lines and their variegated nature does not allow unified data.

In addition, in the context of American immigration debates, there has been a slow but important trend in the rise of temporary employment for agricultural

⁴ If the total global migrant stock is considered, migrants from Mexico to the United States represented 6 per cent in 2010 of the global stock (IOM 2013:60).

purposes under the H2A scheme. The H2A programme of visas for agricultural workers allows the temporary hire of workers by US growers to be employed in farms across the United States (see Table 1.1). In 2012, H2A workers represented 0.11% of total admissions to the US according to the data presented by the Department of Homeland Security (DHS). This figure might seem irrelevant but judging the role of agricultural workers by this number leaves aside the social and economic implications that such a needed workforce has for debates over precarity. Despite seemingly appearing as ‘invisible’ in the global scale of immigration figures, H2As workers have a key role in large agricultural states such as North Carolina, Georgia, Louisiana and Florida with over 5,000 positions certified for each state in 2012. In the case of California, H2As represent 2.55 per cent of all certifications at the national level (see Table 1.2). One of the reasons for the low demand of H2As workers is that growers benefit from an ‘unlimited’ supply of agricultural labour in the form of undocumented workers as it will be discussed in Chapter Four.

Table 1.1. Admissions of H2As in the context of American Immigration

	Total admissions	H2A	H2A/Total (%)
2003	180,500,000	14,094	0.01
2004	180,200,000	22,141	0.01
2005	175,300,000	n.a	-
2006	175,100,000	46,432	0.03
2007	171,300,000	87,316	0.05
2008	175,400,000	173,103	0.10
2009	162,600,000	149,763	0.09
2010	159,700,000	139,406	0.09
2011	158,500,000	188,411	0.12
2012	165,500,000	183,860	0.11

Source: 2012 Yearbook of Immigration Statistics, DHS.

Table 1.2. H2As in the context of California

	2010	2011	2012
Total Applications Processed	192	212	211
Total Applications Certified	184	201	200
Total Positions Requested	2,781	1,684	3,147
Total Positions Certified	2,629	1,598	2,862
% of National Total Certified Applications	2.63	2.87	2.55

Source: US Department of Labor, Annual Report Performance Data for FYs 2010, 2011 and 2012.

When it comes to the presence of labour contractors, the lack of unified comprehensive data is not an impediment to study them, it is recognised that within processes of international migration, intermediaries are becoming key players in the facilitation of movement across borders (Abella 2004; Kuptsch 2006; Agunias 2009). Intermediaries take many forms, from formal recruitment agencies that operate on their own or under the auspices of government programmes towards less structured, informal and loose individuals who provide migration services (Prothero 1990; Radcliffe 1990; Skeldon 1997). Since the data availability is not unified and scarce, this thesis sets out to investigate labour contractors qualitatively.

In sum, the case of FLCs in Californian agriculture is a fertile terrain on which to analyse the process of transnationalisation of labour markets between California and Mexico. The thesis develops a transnational labour market segmentation-fragmentation approach to show how three regimes of segmentation operate at the Federal (nation-state), state (regional) and through FLCs at the local, levels in the organisation of movement and workplace practices along formal and informal lines. By the enactment of legal mechanisms and informal practices, the three intersecting regimes put in motion what I term *everyday precarity*.

Structure of the thesis

Following this introduction, *Chapter Two* reviews the existing knowledge on labour contracting from perspectives rooted in neoclassical economics, the sociology of networks theory within migration studies, the migration industry and more recent conceptualisations on the geography of staffing industries. The chapter shows the fragmentary ways in which labour contracting has been analysed, and it scrutinises some of the shortcomings of the assumptions that underpin contracting practices. The analysis of these assumptions and their limitations is important to advance an understanding of labour markets as socially constituted and transnational in nature. The chapter then moves on to provide analytical justification for the relevance of conceptualising the role of labour contractors within a *transnational* labour market paradigm that accounts for the emerging forces of segmentation and fragmentation. The chapter also makes the case for understanding the everyday within the context of transnationalisation and explains what this means for the main argument of the thesis. The major notions discussed in Chapter Two include the *three regimes of segmentation-fragmentation* (Federal - national, state - regional and farm labour contractors), and the *tensions* that emerge as a result of processes of *segmentation* and *fragmentation*, *transnationalism* and *everyday precarity*.

In describing the conceptual framework used in this thesis, *Chapter Three* explains the relevance of the case study approach and why it matters for studies of the transnationalisation of labour markets, and the chapter also describes the central methods used to pursue the research and why they have been selected. Chapter Three makes the case for researching segmentation and fragmentation from a qualitative perspective in labour migration to shed light on the context-specific nature of contracting practices between California and Mexico. It provides a detailed breakdown of the research activities undertaken and their contribution

to the argument, and it reflects on some of the methodological and ethical issues that the research encountered.

Having developed the conceptual framework and described the research methods used in this research, the following chapter, *Chapter Four*, explains the historical seeds planted in the process of transnationalisation of labour markets across Mexico and the United States while taking a particular focus on the agriculture sector. Agriculture has a historical connotation for the development of the United States as a nation-state, and that notion captured in the 'agriculture exceptionalism' is addressed in this chapter. Chapter Four unveils the transnationalisation of labour markets from the standpoint of two seemingly contradictory constructs: 'an unlimited supply of labour' and 'labour shortage'. These political constructs are key to comprehend the incorporation of foreign labour in American agriculture at different historical junctures and explains the relevance of the countervailing tensions that emerged within that process in the crafting of the right type of worker for the labour process. Within this context, the chapter shows the historical forces that drive migrant labour contracting in California and the embeddedness of farm labour contractors in the migratory system.

After the historical narrative, the following chapters present the thesis' main findings that build into the argument. *Chapter Five* explains the first regime of segmentation-fragmentation that originates as the result of immigration policies set up at the Federal level, that determine which workers become eligible to enter a particular labour market. By setting up categories of demarcation through the regime of visas, nation-states begin to segment the potential labour force into domestic labour markets. The chapter shows how the first regime between Mexico and the United States creates spaces for precarious status that go beyond situations of non-documentation.

Chapter Six builds from the first regime to unpack the nature of the second regime of segmentation-fragmentation that is dictated along the lines of Californian labour regulation. The chapter shows how the interplay between the

first and second regimes generates tensions that manifest at the local level in California but are still attached to conditions in labour markets in Mexico. The Chapter also describes the regulations in terms of minimum wage and protection for farm workers, collective bargaining and farm labour licensing and requirements in California and the ways in which these are interwoven with the Federal level.

Chapter Seven describes the third regime of segmentation-fragmentation as conducted by farm labour contractors. The chapter analyses who farm labour contractors are and the role of networks in sustaining their activities, as well as how farm labour contractors exploit the precarious status of workers that results from the first regime. The chapter teases out the role of FLCs in contributing to further fragmentation within the labour process by the use of ethnicity and work ethics associated with Mexican culture, how FLCs manipulate informational asymmetry while pushing the boundaries of the formal into informality, and how they profit from the geography of California to pursue their activities.

Chapter Eight analyses everyday precarity as an outcome of the interplay between the three regimes described in previous chapters. The chapter illustrates how everyday precarity is an ongoing construction and production along the lines of tensions within segmentation and fragmentation that constitute a core element of the argument of the thesis. The chapter unpacks the modes of operation and dimensions of everyday precarity and how it plays out in the lives of migrant workers.

The *Conclusion* draws together the different elements of the argument to offer a comprehensive understanding of everyday precarity in the process of transnationalisation of labour markets between Mexico and the United States. The chapter pulls together the theoretical claims made in Chapter Two with the relevance of the case study developed in Chapter Three to show why the role of farm labour contractors, as actors who co-constitute the tensions between fragmentation and segmentation within the process of transnationalisation of labour markets between Mexico and the United States, needs to be highlighted.

This concluding chapter makes explicit the linkages between the three regimes of segmentation-fragmentation that explain the transnational nature of labour markets with the manifestations of everyday precarity. By placing farm labour contractors within a transnational context, the thesis provides some reflections on how to move the debate surrounding labour migration within the global economy forward, and highlights the need to inquire further into the processes by which contractors get 'a licence to exploit'.

CHAPTER TWO

Towards a theoretical framework: Regimes of segmentation and fragmentation within transnationalised labour markets

Introduction

The thesis aims to develop a transnational perspective on the analysis of the role of farm labour contractors within processes of integration of labour markets. In order to begin to unpack the transnational dimension of labour markets and the underlying tensions within the process of transnationalisation, this chapter reviews the existing knowledge on labour contracting and the ways in which these approaches present a limited or weak engagement with the transnational dimension. The chapter analyses the limitations of current approaches that either provide a strong focus on the agential elements by concentrating exclusively on contractors as actors isolated from labour market structures, or examine solely structural constraints, and at times offer a vague understanding of the ways in which the transnational dimension functions.

The aspect related to the divide between structure and agency has long permeated migration studies (Castles 2012; Bakewell 2010; Samers 2010; Skeldon 2008; Massey *et al.* 1998; Goss and Lindquist 1995), and current approaches seem to do little to overcome this divide. This chapter demonstrates how a transnational framework that accounts for the tensions that stem from segmentation and

fragmentation in the process of transnationalisation of labour markets can help to address some of the limitations of existing knowledge. In addition, by developing an analytical framework that moves beyond segmentation to account for fragmentation within transnationalised labour markets, it offers a framework that is better suited to shed light on issues related to precarity within a transnational context.

To illustrate the shortcomings of different existing approaches, the chapter is organised around the following: *i)* approaches within neoclassical labour economics, *ii)* perspectives rooted in the sociology of networks and the migration industry, *iii)* the geographical turn on staffing industries, and *iv)* labour market segmentation theories. Later on, the analytical framework of transnational labour markets is presented. This builds on the geographical critique of labour market segmentation approaches (Bauder 2011; 2006; Samers 2010; 2008; 1999; Fine 1998, Peck 1996) while pushing the boundaries towards the *transnational dimension*. This analytical framework better accounts for fragmentation in the global economy that translates into the labour process, as mediated by labour contractors.

Neoclassical economics: Overcoming informational problems

The neoclassical approach to studies of labour contracting within labour economics is the starting point of this chapter, since it currently guides predominant wisdom as to the functioning principles of labour markets in international organisations such as The World Bank, the Inter-American Development Bank (IADB), the International Organization for Migration (IOM), and sometimes within branches of the International Labour Organization (ILO). Examining the premises of neoclassical economics is important to understand in what ways the reframing of labour markets within this thesis departs from the general assumptions presented by this paradigm. Here I explore the paradigm's

shortcomings in terms of the understanding of contractors along transnational labour markets.

Labour contracting receives attention in business and economics literatures (Abella 2004; Lazear 1998; Taylor 1992; Thilmany 1996; Taylor and Thilmany 1992; Vandeman *et al.* 1991; Azad 1989; Eswaran and Kotwal 1985a; 1985b; Spence 1973) from the standpoint of firms, where the process of recruitment and labour contracting is the first step in optimising cost decisions by companies. Consequently, these literatures emphasise the role of firms and how their strategies determine the incorporation of labour. Most of the approaches refer to a well-defined firm that operates in formalised labour markets.

In large measure, neoclassical economics has theorised the role of intermediaries in the selection and contracting of workers as a problem of 'signalling' (Spence 1973; Waldman 1984; Cho and Kreps 1987; Weiss 1995). The starting point is that there is an information puzzle in which employers are not certain of the productive capabilities of individuals at the time at which they are hired, and therefore the decision to incorporate them into the company becomes risky in the sense that firms are uncertain of how workers will perform (Spence 1973). Consequently, the general framework for analysing the 'matching' of employees and employers is constructed from the point of view of information problems and the means to overcome them. The information puzzle is resolved by an intermediary or a third agent, who takes the optimal decision for the employer (Lazear 1998). In this way, neoclassical economics theorises the role of intermediaries as a means to overcome the asymmetries in information that give rise to inefficient labour markets, and because of the presence of inefficiencies, employers pay salaries beyond 'equilibrium wages', which result in unemployment in other sectors of the economy.

In addition, the assumptions around workers' agency within these theoretical edifices are problematic. Workers are conceptualised as rational decision-makers who possess the capacity to scrutinise the employment options available to them and select the services of intermediaries from a range of various

alternatives (Lenz 1996). Workers are portrayed as free agents possessing full agency over their decisions and engaging in work through intermediaries as a product of calculated mental mechanisms. In the same way, intermediaries or third party agents that mediate between workers and employers operate under the same lines of rationality; that is, the notion that agents possess full information and the capacity to evaluate and assess the best means to achieve certain outcomes, in this case, the employment of the 'optimal employee' for the company.

Matching and signalling models from neoclassical economics have been largely developed to analyse the provision of labour within a domestic economy, in other words how to bring employees and employers together within the boundaries of nation-states (Martin 2005). However, Abella (2004) tried to theorise the role of intermediaries across borders and, in line with the neoclassical reasoning, extended the notion of asymmetrical information to determine how third party agents should establish the fees charged to potential migrants when they engage in cross-border movement. According to Abella (2004: 203), fees charged to potential migrants who wish to use the services of a third-party intermediary are a function of the wage differential between the receiving and the sending country. This analysis parallels neoclassical macroeconomic accounts within migration studies, according to which wage differentials represent the key driver of international movement (Harris and Todaro 1970).

Approaches grounded in 'signalling' and asymmetric information that rely on the notion of rationality, whereby actors act as purposive maximisers while assessing the whole range of options available to them, are problematic when developing a comprehensive account of transnational processes of labour contracting. First, the notion that workers and intermediaries operate through a mechanism of rationality exaggerates the assessment of the risks and capabilities of workers and intermediaries, and rests on the assumption that workers are mere inputs in production functions rather than social agents with goals and capabilities (Gereffi, Barrientos and Rossi 2011). The central role attributed to the rational,

agential nature of migrants and intermediaries in the matching literature rests on methodological individualism⁵.

Consequently, approaches based on rational agents lead to an excessive emphasis on individual agency while paying little attention to the structural forces that shape and constrain the migration decisions taken by individuals (Kothari 2002; Collinson 2009; Bakewell 2010). There is an important element of agency, since individuals do evaluate migration options and the means to achieve them, but this capacity to fully evaluate the option is exaggerated in the matching literature. The option to migrate and to rely on an intermediary to do so is shaped by the nature of the labour market to which individuals belong or from which they are excluded, their conditions of poverty or relative poverty, different levels of development at the national level that constrain their opportunities, demographic forces and cultural habits or family reasons that shape work relations and give rise to specific migratory outcomes. At the same time, all of these factors differ between integrated labour markets and a transnational account that aims to explain the role of contracting across borders. These reasons are further elaborated in the proposed framework at the end of this chapter, but suffice it to say here that the methodological precept of rational agents is of little use for a comprehensive understanding of recruitment practices along transnational lines. Such practices arise in specific contexts and historical situations where the social dimension of labour markets is important for an understanding of the structural elements that constrain and enable individuals to decide to migrate through intermediaries (Kalleberg and Sørensen 1979). Perspectives rooted in rational assumptions overlook the social and economic embeddedness of labour contractors within particular migration corridors, and therefore are of limited use in understanding the countervailing tensions in processes of transnationalisation of labour markets.

⁵ Methodological individualism amounts to the claim that social phenomena must be explained by showing how they result from individual actions, which in turn must be explained through reference to the intentional states that motivate the individual actors. For an analysis of the implications of methodological individualism in social sciences see Elster (2007).

Having said that, another functioning principle of signalling models rests on 'incomplete information' (Spence 1973; Lazear 1998). The idea that information is asymmetrical and incomplete is very pervasive in models of neoclassical economics. It supports the idea of markets as efficient mechanisms for providing certain information, and thus, in presence of such gaps of information, *failures* that need to be resolved emerge. Here, intermediaries or contractors act as a solution to this problem, since they complete the missing information in terms of skills and supply of workers, thereby helping labour markets to achieve efficiency.

However, a focus on efficiency as the guiding parameter of labour markets leaves aside considerations of domestic and international regulation in terms of employment and protection legislation, as well as migration policies. If regulation is considered, the mere fact that intermediaries will fill the gap efficiently implies a smooth functioning of these regulations, or that these regulations are all formal in the sense that they are well determined and known by all the players. However, the reality of labour markets is that the presence of regulations in terms of employment, protection and migration can be formal, such as those established by law, but are also often informal and dictated by culture, language, norms and habits in labour markets. Neoclassical approaches are blind to the fact that regulations are socially constructed (Peck 1996; Bauder 2006).

When a social take on the regulation of labour markets is embraced, then salary is not the only thing that matters in employment allocation. Though still an important factor, employers and employees may have different citizenships and abide by different legislation in terms of employment, and consequently, the potential to evaluate and determine how workers can be incorporated into production processes is altered according to immigration status (Bauder 2006). Thus, when formal and informal regulations are considered in the functioning of labour markets, intermediaries take a different role than simply 'matching' the best employee to the employer. Intermediaries' sphere of action is also constrained and shaped by these formal and informal regulations in the context of transnationalised labour markets.

Though prominent in mainstream parlance within international organisations, neoclassical economics models of signalling and matching based on rational purposive agents and problems of information are not sufficient to fully account for the role of intermediaries in migrant labour contracting. They base their explanations on skewed assumptions of labour markets that function according to problems of incentives and information, without considering the social embeddedness of contracting in historically determined contexts, and in the case of cross-border movement, in particular migratory corridors.

Moreover, intermediaries are not analysed as social actors but as if they were implanted into an economy to solve intermediation or efficiency problems. In this perspective, wages are only prices and labour is an input into the production function for the purpose of maximisation by the firm. There is no consideration beyond wage in relation to the labour process and the relationship between intermediaries and employees and employers (Fine 1998; Samers 2008).

As a result, the neoclassical approach within labour economics is silent on the problematisation of what the process of transnationalisation implies. According to this view, the transnational is simply an extension of cross-border movement and a manifestation of labour markets (rooted in well-defined nation-states) that are becoming more integrated. In order to appraise the role of cross-border intermediaries and the implications which derive from their actions for migrant workers, we also need to look at the social dimension of contracting.

This section has challenged some of the underlying assumptions of the neoclassical turn to labour contracting within economics. In the next section, the contributions of approaches rooted within the sociological tradition known as 'migration networks' and 'cumulative causation' are analysed to shed light on the nature of the social ties that feed the networks.

Cumulative causation, networks and the migration industry in international migration

Perspectives from sociology applied to international migration have tried to overcome the guiding principle of rationality in economic action to understand how economic relations, such as labour relations among others, are embedded relations within society (Granovetter 1985; Portes and Sensenbrenner 1993), and to explain how social ties are also important in labour markets. In this section, the social dimension of matching will be analysed to begin to understand the foundations of the analytical framework that will follow in this chapter. Within social network theory applied to migration, the role of agencies in selecting and deploying workers is theorised within the historical development of those networks through previous migration flows and the settlement of former migrants in receiving countries (Hugo 1981; Mines 1984; Fawcett 1989; Gurak and Caces 1992; Massey 1990a; 1990b; Hernández-León 2013). I now turn to the critical appraisal of this perspective.

Unpacking the nature of migration networks

The persistence of migratory flows from one destination to another has been the preoccupation of sociological perspectives that study the development of networks in international migration. Network theory began in the 1960s and 1970s with the study of chain migration and how friends and family provided information to facilitate movement (Anderson 1974; MacDonald and MacDonald 1964; Ritchey 1976; and Hugo 1981). Network theory looks at the social ties that propel and sustain migratory movements across time, and in studies of Mexican migration to the United States, it has been widely applied to understand the emergence of migrant communities in different states in Mexico and the ways in

which these communities extend ties with the United States (Massey and Espinosa 1997; Massey and Espana 1987; Boyd 1989; Durand and Massey 1992; Portes 1995).

According to Massey (1988:396), a migration network is defined as: 'sets of interpersonal ties that link migrants, former migrants, and non migrants in origin and destination areas through the bonds of kinship, friendship, and shared community of origin'. Borrowing the term from Myrdal (1957), migration processes as understood in terms of network theory are believed to induce social and economic changes that feed back onto certain structures and prompt the 'circular and cumulative causation' effect to unfold. In this way, networks bring about the cumulative causation of migration because every new migrant reduces the costs of migration for potential migrants, thereby inducing some of them to migrate, creating new network ties to the destination area for other people, some of whom also are induced to migrate, creating more network ties, and so on (Massey 1990b:17). In this way, the migrant network sustains itself and becomes one of the main causes for the continuity of migratory patterns.

Networks are often assigned a central role in the supply-side of migration decision-making, as young people follow parents and other relatives abroad or rely on acquaintances who migrated in the past and have expertise in providing information to potential migrants. In the case of Mexico for instance, this is well illustrated by the mounting role of agents who provide information and help new inexperienced migrants to cross the border to the United States. These agents are generally known as *polleros* or *coyotes* (Singer and Massey 1998; Spener 2004; 2005; 2009), and ethnographic studies suggest that in the case of Mexicans, *coyotes* are individuals firmly embedded in immigrant networks who are often little more than experienced migrants themselves (Spener 2004).

At this stage, the transnational dimension within a network theory of migration relies on the extension of the social ties that constitute the network, that is to say, the actors who link workers from a sending area to the receiving area by providing information and other assistance to begin the migratory process. One of the key aspects of a network perspective is that it places emphasis on the supply

side of labour, that is to say, it concentrates on the origin of migrants, their communities and why more people want to leave a particular area. In contrast, the demand side of labour markets that looks at why employers want to hire migrants is overlooked (Martin 2005:8). Consequently, network theory on its own, with its emphasis on the functioning mechanisms of the networks, cannot fully account for the nature of the intermediaries in migrant labour contracting who operate within transnational labour markets. The study of networks concentrates in large measure on their formation, and the approach asks questions regarding the persistence and duration of flows, rather than looking at what happens once the workers have been inserted into particular labour markets.

Hence, network theory is useful for understanding the emergence of particular actors who shape contracting practices along cross-border movement, but migrant networks need to be looked at from the perspective of labour markets so that the conditions of employment, together with the role of the demand for that labour, can be put into perspective. Incorporating labour demand factors, and especially the role of employers, is key to understanding the perpetuation of migratory movements and why particular migrant workers are required in certain industries (Piore 1979; Krissman 2005). The need for workers and the sectors where they are required dictate the parameters of employment positions that become available to potential migrants. Therefore, incorporating the demand side allows a more comprehensive and realistic grasp of labour markets.

Similarly, another shortcoming of the network approach lies in what constitutes the unit of analysis, that is to say, how the network is defined. Massey *et al.* (1998) restrict the migrant network to a 'shared community of origin', involving individuals from the same labour-sending hometown. However, other actors such as employers and recruiters take part in networks and profit from their development throughout the migratory stages (Krissman 2005:16), and these actors are not necessarily from the same community. For example, when studying the role of labour contractors, we see how they propel and create 'artificial networks' (Griffith and Kissam 1995) in order to arrange jobs for prospective

migrants, provide cash advances, transportation, housing, food and even false documents. In this way, employers can organise their own networks in order to obtain workers, rather than solely relying on migrants from the same local communities (Griffith and Kissam 1995; Krissman 2000). Expanding the role of actors beyond the community is also important to account for the tensions that emerge from the transnationalisation of labour markets, and the role of contractors with regard to the hiring of workers.

Drawing from the classical conceptualisation of networks developed by Massey and collaborators (1998), the concept of a network was expanded to include an in-depth investigation of the contacts of key individuals within the migratory process regardless of where they came from, but focusing on which actors constitute the 'nodes' of the network and how they interact within it (Krissman 2005:26). Looking at the 'international migration network' allows identification of the points (actors) in the web that constitute the network while analysing the relative socioeconomic power of each actor. This latter point is relevant to the process of transnationalising labour markets since the ways in which various actors (especially contractors) exercise their agency show different power relations between workers and contractors that depend on their place in the network. Nevertheless it should be noted here that the power relations that emerge through the exercise of agency are shaped by the institutional infrastructure in terms of labour and migration policies dictated by nation-states, a point which will be expanded later in this chapter.

Thus, the literature on networks in large measure concentrates on the actors involved, but it neither links their development to the functioning of sectoral labour market structures nor makes the connection between migration policies and their development. This is a shortcoming of the classical conceptualisation of network theory that can be overcome by linking the institutional structures of labour markets with their making and shaping of social networks.

Having said this, network theory can be a useful device to begin to think about the transnationalisation of labour markets at the level of the everyday lives

of workers and their interactions with their home communities. However, these networks need to be embedded in particular labour market structures that are also subject to transnationalisation processes to fully explain how they influence contractors' behaviour and workers' experiences at the everyday level. For the purpose of the political economy framework that this thesis develops, networks are useful devices but not if looked at in isolation; they need to be rooted and embedded in particular labour market structures. The limitation of the isolationist nature of networks has begun to be addressed by sociological approaches that focus on the 'migration industry', and I now move on to discuss these.

The migration industry

Emerging from organisational theory in economic sociology applied to international migration, this body of work begins to take shape as the 'migration industry' (Salt and Stein; 1997; Castles and Miller 2009; Hernández-León 2005; 2012; Friman 2011; Gammeltoft-Hansen and Sørensen 2013). The conceptual contours that define what a 'migration industry' entails are still a work in progress, and the myriad actors within the migration industry span labour recruiters, brokers, remitting agencies, communication and transportation services providers and other private intermediaries. The boundaries of the concept are subject to constant change and dynamism due to the heterogeneous nature of the actors involved.

Correspondingly, one of the important aspects of the migration industry that is useful for thinking about transnationalised labour markets is the fact that the actors involved comprise not only those who are in the legal/regular sphere of operation but also those who operate illegally and/or informally and are not always reached by government regulation. For example, smuggling and trafficking have become important elements within the migration industry and have been extensively studied (see Salt and Stein 1997; Kyle and Koslowski 2001;

and Kyle and Zian 2001; Friman 2011; Rosales Sandoval 2013; Nyberg-Sørensen 2013).

In turn, the migration industry is theorised in tandem with the increase in international migration. Thus, it is often said that the increase in migratory flows has been accompanied by the rise of the 'migration industry' (Abella 1992; Huguet 1992; Castles and Miller 2009; Hernández-León 2005). One of the overarching questions that migration industry scholars seek to answer is why migratory flows increase despite efforts by governments to curb those flows (Hernández-León 2005; 2008; Menz 2013). There is a concern within the literature regarding the continuity of migratory movements across established migration systems. Most of the studies concentrate on the existence of previous migratory systems that propel and give shape to migration industry activities. For example, the case of Mexico-United States migration is extensively cited in the literature (see Spener 2009; and Hernández-León 2005; 2008) in relation to the long-running *Bracero* Programme that laid the foundations on which future migration industries have emerged⁶.

Within the analysis of the migration industry, social networks and the development of a migration industry are theorised as complementary processes rather than as substitutes. In the case of state-led initiatives, many studies began to focus on emerging migration industries linked to guest-worker programmes. To cite an example, in the Seasonal Agricultural Work Programme (SAWP) between Canada and Mexico, an array of actors profit from the migratory process, including local banks and car phone agencies (Hennebry 2008:323). Here, the concept of a 'migration industry' is expanded to include economic activities in Canada that provide services to migrants but do not engage with the movement directly, since the government of Canada administrates the entrance of temporary foreign workers for agriculture; and thus there is not much space for the

⁶ These is also an emerging body of literature that has begun to apply the concept of the migration industry to other cases, see Garapich (2008) for the case of Poland-UK, Spaan and Hillmann (2013) and Surak (2013) for the case of Asia, Berg and Tamagno (2013) for the case of Peru, and Rosales Sandoval (2013) on Guatemala.

development of recruitment agencies or other intermediaries to operate independently.

Migration industry approaches can be useful as starting points to theorise the role of intermediaries in migrant labour contracting since they span a gamut of actors who shape particular labour markets, of which contractors are one such actor. However, as they stand, migration industry approaches are insufficient for a full understanding of the precarity associated with workers' labour conditions and their relationships with employers in transnationalised labour markets. There are a number of areas that need to be expanded or re-conceptualised by drawing on both network and migration industry approaches in order to embrace the tensions that emerge out of the transnationalisation of labour markets. By introducing the locality of the labour process and how migration industry actors relate with migrant workers, then issues related to working conditions, and which the implications for labour relations are in the development of everyday precarity can be fully ascertained.

One of the issues that requires further elaboration relates to the agential nature of the approaches. Actors that make up the migration industry are mainly institutions-either structured or less structured-whose main purpose is to gain some financial benefit from the migratory process. The focus of analysis lies on the actors and their activities, but not on the full impact of their actions on workers' conditions and rights. Migration industry studies are grounded in the organisational fields framework, which understands the unit of analysis as 'those organisations that, in the aggregate, constitute a recognised area of institutional life: key suppliers, resource and product consumers, regulatory agencies, and other organisation agencies that produce similar services or products' (DiMaggio and Powell 1983:148).

In this way, the migration industry approach is better suited than a networks approach to incorporate the institutional infrastructures that shape contracting and protection, but they still lack a sense of geographical variation at the local level and of how the social regulation of migration industry actors

moulds workers' experiences in light of precarity. There is an over-emphasis on the actors rather than their actions upon workers and those affected by their operations.

As they stand, applications of the migration industry that rely on network theory also concentrate on the institutional interaction between the units of the web. Because of this, the main question that they aim to answer is what drives the continuation of migratory processes. As a result, the principle of cumulative causation is not questioned since it answers the query about the continuity of migration. However, cumulative causation is not enough to understand transnational labour markets because its lack of engagement with the local overlooks the tensions that emerge out of the transnationalisation, and it therefore assumes the smooth continuity of migratory flows. The analytical device of the network within migration industry approaches can be used to broaden questions that incorporate the local component of place. Consequently, the implications of working conditions, rights and the labour relations that develop between members of the network as well as those not fully incorporated into the network but nonetheless affected by it along transnational lines, come to light.

Theorised simply as networks that sustain migration, the framework is problematic because it can lead to a circular conceptualisation of the migration industry with a tautological result that gives no detail or attention to the transformative process that actors create. Such studies can end up merely describing the nature of the actors and their activities, with no focus upon the limitations that placements by intermediaries can have upon migrant workers. They may also fall into a celebratory trap, portraying networks as the real means of placing migrant workers abroad but lacking questions related to precarity. Analysed from a transnational standpoint, the case of farm labour contractors reveals the frequent precarity of the network, and indicates that not all network-driven migrant worker experiences are to be celebrated.

Similarly, the structures of local and transnational labour markets need to be incorporated into the analysis of migration industry actors in order to

understand their actions as products of economic and social transformations in local and global labour markets, which in turn are affected by the fragmentation of global production. If the analytical framework is advanced in this direction, it is possible to relate migration industry actors with workers and employers such that working conditions and labour rights can be scrutinized as products of the tensions emerging from the social interaction within the segmentation and fragmentation of labour markets.

Consequently, the analysis requires distilling of the dynamic building blocks of a process, in this case the embedding of practices of migrant labour contracting in transnational labour markets. These contracting practices result from the intersection of supply and demand factors at the sending and receiving areas, together with regulatory spheres of production at the local and global levels that also depend on migration policies.

In addition, migration industry approaches emphasise the role of the actors that make up the 'industry', and yet these actors are not fully analysed in light of economic and social transformations in the global economy. The expansion of different forms of migrant labour contracting follows transformations in the global economy that push for modes of flexible employment as a response to pressures of production, and the flexibilisation agenda put forward by neoliberal nation-states (Samers 1999; Pellerin 1999; Peck 1996; Phillips 2011b; Barrientos 2013; Pellerin and Mullings 2013). The emergence of particular practices in migrant labour contracting is linked to a phase of the global division of labour that fosters the flexibilisation of the labour force (Sassen 1988; Harris 1995; Cohen 2006). The ways in which intermediaries in migrant labour contracting operate and locate workers are not isolated from the changes in global modes of production that impinge upon divisions of labour and thus have a transformative impact on employment relations and the regulatory nature of states.

It is argued that migration industry actors who span borders problematise the nature of nation-states (Hernández-León 2005; Betts 2013; Menz 2013). However, other globalisation literature explains how this is also done by other

actors, including NGOs, transnational corporations and the like (Sassen 2008; Derné 2005; Axford 2013; Cerny 1997; 1990; Hirst and Thompson 1996), so the blurring of borders in that sense is not new. What needs to be ascertained with more detail is how the spanning of borders by contractors relates the transnational dimension with the local, and how those contractors then affect the working conditions of migrant workers through their disciplinary roles (Guevarra 2010). Labour contractors can render workers more 'employable' by foreign employers, thereby revealing a new pattern of labour accommodation of the forces of flexibilisation in the global economy. This role is exercised transnationally; therefore, labour contractors are gaining a key role in the coordination of increasingly fragmented labour, not only in locally segmented labour markets but also across borders.

The disciplinary nature of contractors is accompanied by nation-state strategies which render workers less empowered because they migrate prepared to tolerate certain labour practises that they have been 'conditioned' to understand as part of the job requirements. Governments have an active role in the deployment of workers; the nation-state's framework for 'managing labour migration' is built on the ideology of empowerment, which accords with its neoliberal ethos of governing workers by fusing together 'moral' values of family and nationalism with Westernised notions of economic competitiveness (Guevarra 2010:51). In the case of Mexico, workers are crafted to participate in the SAWP with Canada by governmental agencies; therefore, they are better 'suited' to comply with the requirements of Canadian agriculture needs.⁷

To sum up, studies concentrating on social networks and the migration industry shed light on the social nature of the supply of workers. However, in

⁷ During the Fox presidency in Mexico (2000-2006), the construction of the Mexican migrant as 'hero' was also portrayed in public discourse (Papademetriou 2002:9). In studies of Filipino migration for example, the notion of 'empowerment' is the product of the neoliberal thinking followed by the government that prepares thousands of Filipino men and women to give meaning and tribute to the sacrifices they make abroad in the name of their families and the nation by highlighting the 'comparative advantages' of being Filipino workers (Guevarra 2010:50).

order to incorporate a fully transnational dimension of labour markets that allows an examination of the conditions of work and rights, the framework of the migration industry needs to be expanded. The expanded framework should conceptualise intermediaries in labour contracting as social agents who arise from the changes in global labour markets that result from the global restructuring of production. In turn, that restructuring fosters further flexibilisation in labour relations while being a product of the interplay between states' migratory and labour policies. Accordingly, the political economy framework that this thesis develops aims to shed light on the flexibilisation process that takes place while segmentation and fragmentation at different levels operate to shape everyday precarity. Before turning to the formal approach, approaches rooted in staffing industries and their contribution to flexible labour markets need to be presented. Thus, the following section addresses the flexibilisation process from the perspective of the staffing industry.

Staffing Industry: When temporary becomes normal

In this section, the emergent literature on staffing industries is briefly analysed to explore the ways in which the transnational dimension is theorised by these approaches. Since the 1970s, temporary staffing has expanded rapidly to become a feature of many national labour markets (Coe, Jones and Ward 2010:1055). Developed within economic geography, the rise of temporary staffing in light of these perspectives is associated with the expansion of flexible labour markets and the growth of what is termed 'non-standard' forms of work.⁸ The main issue at stake is that radical changes have been taking place in employment relations through the introduction of a mediator who manages the labour

⁸ The types of work characterised as 'non-standard' do not obey to a coherent definition; the term covers myriad forms of employment that include part-time work, contract work, outsourcing, fixed-term contracts, home-working, consultancy, self-employment and others (see Kalleberg 2000 and Coe, Johns and Ward 2009a).

relationship, thus breaking away from the classical employer-employee connection (Vosko 2010; Coe, Johns and Ward 2008; 2009a; 2009b; 2010). As a result, permanent, full-time jobs with benefits and perks are gradually giving way to more individualised, often insecure, non-standard forms of paid employment (Coe, Johns and Ward 2009a).

What matters to the development of the framework is the qualitative development of notions of flexibility. The spread of flexible practises of employment has become so popular in industrial (and more so in less industrialised) economies that the notion of time is being transformed because for many people in the active workforce, temporary employment is becoming a permanent feature of working relations. Nollen (1996:567) observes that:

...temporaries were always peripheral to the main thrust of the company's business. Now...temporary employment is a permanent feature of the business landscape.

In the context of a rising number of flexible jobs, where workers lack control of their shifts and are allocated work for a certain limited of time unaware of potential renewal of contracts, jobs are also said to have become more precarious (Vosko 2010; Kalleberg 2009; 2011; Waite 2009). Precarity is also associated with the way that temporary agency work is defined by the triangular employment relationship between the agency, the temporary employee and the client firm. While the employment relationship is settled between the employee and the staffing agency, the work relation is determined by the client firm (Gonos 1997). The service of the staffing agency is exercised by extracting a portion of the workers' wages (Parker 1994; Vosko 2010).

Consequently, the presence of a private staffing agency which is extracting a portion of the worker's wages is a fundamental shift in the institutional and regulatory context in which people work and are employed (Coe, Johns and Ward, 2009a). The literature focuses mainly on industrialised economies where the emerging triangular relationship is being regulated, such as in the United

Kingdom and The Netherlands. However, these approaches still focus on domestic labour markets and the regulatory implications within nation-states.

When the transnational dimension is involved, it refers to the expansion of these agencies across borders to supply and reorganise the supply of workers in a domestic economy, for example, the ample expansion of Adecco in Mexico is a case that I encountered during my fieldwork. There is also an emerging body of work that tries to link the role of staffing agencies in the provision of workers across borders (Findlay and Li 1998; Eelens and Speckmann 1990; Jones and Pardthaisong 1999; McDowell, Batnitzky and Dyer 2007; 2008). In some cases, such as the Filipino government, the state monitors the triangular relationship that stems across borders by providing a regulatory framework through the Philippine Overseas Employment Agency (POEA).

From their own perspective, client firms rely more and more on temporary work because of the flexibility they provide in times of hardship and relying on staffing industries becomes a strategy on the part of companies to avoid employing permanent workers. This creates a segmented labour force in the firm, where intermediaries contribute by providing flexible workers that join the secondary sphere of the labour market within the firm (Mangum *et al.* 1985; Purcell *et al.* 2004) with more precarious conditions in relation to permanent staff.

In turn, we can consider the worker's perspective when it comes to temporary work. Besides neoclassical theories that focus on the *free choice* of workers who decide to embrace this type of employment owing to life decisions, such as women wanting to raise children or students wanting to work part time (Lewis and Molloy 1991; Van Breugel, Van Olffen and Olie 2005), a more realistic picture is presented by the 'constrained nature of the choice' of workers (Henson 1996). The constrained nature of workers' choice facilitates understanding of the mechanisms of control that stem from the division of labour as key power asymmetries (Smith 1998; Gottfried 1992). This will be analysed in detail in Chapter Seven on the role of FLCs vis-à-vis their crews, and the implications that constrained choice has for everyday precarity (Chapter Eight).

Moreover, approaches based on 'constrained choice' do not assume an homogeneous pool of workers. On the contrary, skill differentials will lead some workers to opt for the services of recruitment agencies and flexible work because it is usually the less skilled who rely on them (Coe, Johns and Ward 2009a). Managers and highly qualified staff benefit from more choices about where to work, even at the global level. In turn, the mechanisms of recruitment agencies differ between high-skilled and low-skilled workers, as do the fees that are charged. In recruitment the fee is not determined by the financial value of the good produced, thus recruiters may get higher fees for low-skilled job that pay very little than for placements in professional jobs that pay huge salaries (Abella 2004:203).

The reason why the staffing industries literature is helpful in understanding the role of labour contractors transnationally stems from the fact that the disorganisation of the temporary agency workforce means it tends to be highly fragmented, with very little sense of group solidarity (Coe, Johns and Ward 2010:1062). This is a fact that accentuates across borders, since the national institutional infrastructure designed for this type of employment does not always allow spaces for unionisation and the exercise of labour rights.

Theoretical perspectives on staffing industries are useful devices for understanding the rise of flexibility in particular labour markets. However, they are generally focused on industrialised economies and they refer to companies that provide workers locally (not necessarily across borders). The engagement with migration is still in its infancy as Coe, Johns and Ward (2010) acknowledge, and as it stands the literature has not engaged with the nature of the informal practices that staffing industries also undertake or with the presence of less structured institutional forms. It is also very important to differentiate between formal agencies, that are legally and institutionally established as providers of workers (such as Manpower, Adecco, etc.), and those intermediaries who operate less formally and in less institutionalised ways. The majority of the staffing literature discussed here deals with the former type of agencies, while the focus of

this thesis is on labour contractors who operate formally and informally, a distinction which is key to understanding the role of regulation locally and transnationally and the means through which segmentation and fragmentation operate.

The emergence and rise of temporary agencies also transform the sphere of the 'political' since they put pressure on labour regulations that include them as well as the rights of temporary workers (Smith and Neuwirth 2008). In the case of cross-border movement, labour contractors transform the regulatory sphere at a global level because they can be regulated within the boundaries of nation-states, but once workers are deployed abroad or migrant workers incorporated into new labour markets, in the absence of cooperation schemes to regulate contractors a whole new set of challenges arises in terms of rights and protection mechanisms.

The expanding literature on temporary staffing provides detailed analysis of how transnational staffing corporations operate to supply temporary workers to firms. However, temporary staffing is a very particular kind of people-based business service activity, and one that by its very nature is always delivered locally (Coe, Jones and Ward 2009b: 504). For this reason, further research needs to be carried out into the relationship between this type of industry and the process of placing workers overseas, and how the deployment affects workers' rights and conditions. In the case of labour contractors in transnational labour markets, the staffing industry provides an interesting starting point for thinking about the agency of contractors and their relationship with migrant workers in transnational contexts. How particular segments have incorporated migrant workers and the use of contractors within these segments need to be further analysed, and this is carried out in the following section.

Migration in segmented and fragmented labour markets

In the neoclassical world of economics, the labour market is portrayed as a self-regulating, frictionless market where actors operate following the principle of rationality by optimising their decisions and evaluating the options available to them. Nevertheless, *the* 'labour market' as such is a misnomer, since there is no single labour market but many, disaggregated markets that need to be distilled (Fine 1998). In response to the limitations of neoclassical labour economists, the segmented labour market tradition emphasises that no unique law of supply and demand regulates wages. Conversely, it stresses that different sectors are made up of various labour markets where not just wages but also important institutional and social factors-such as race, gender and citizenship-determine the availability and demand of jobs (Doeringer and Piore 1971).

Within the body of literature on labour market segmentation, the constitution and formation of segments continues to be much debated (Osterman 1975; Cain 1976; Rubery 1978; Fine 1998). The concept of segments evolved to shed light on the variability and unpredictability of outcomes within labour markets that obey complex regulatory mechanisms. The evolving traditions of theorists of segmentation posit that when addressing labour market issues, the idea of causality differs substantially from neoclassical economics, since the emphasis on socially constructed segments leads to multicausal explanations.

In the early dualist tradition (Doeringer and Piore 1971; Berger and Piore 1980; Piore 1972), the dualism takes place because the economy is divided into a primary and a secondary sector. In the former, stable, preferential employment conditions are found in large-scale, capital-intensive and advanced production processes which engender an elaborate division of labour and hierarchy within the firm. Employees are skilled, highly motivated and well paid, with clear prospects of promotion (Doeringer and Piore 1971; Berger and Piore 1980). In contrast, the secondary sector is characterised by insecure employment in small-scale,

backward firms with limited prospects for workers, and where the level of uncertainty in terms of employment positions is higher.

Within these early formulations, 'migration' has been addressed as 'immigration' by focusing mainly on the place of the immigrant workforce in the secondary sector of the receiving economy (Piore 1979). Migration was theorised as a process emerging from the attractiveness of industrial countries: migrants take a distinct set of jobs, that the native population refuses to perform. Piore (1979) pointed to the function of immigrants in the socio-economic structure of developed countries since they contributed to the maintenance of rigid social stratification. His theory was mainly a theory of jobs rather than of workers *per se*, and the explanations as to why those jobs were filled with immigrant workers focused on demand structures in the receiving industrialised economy. Lower strata jobs cannot be easily eliminated, and even if they were, the subsequent layer would become the lower one and national workers concerned about social status (defined in terms of wages and income) become less willing to work in those sectors of the economy (Piore 1979: 26).

Piore (1979) developed his theory on the basis of case studies of long-distance migrations from underdeveloped rural areas. These migrations seem to have been induced by the industrial society in order to fill a particular set of needs, and the migrants themselves appear to have shared a common set of attributes that enabled them to meet those needs (Piore 1979:12).⁹ Piore's work cautiously delimits which kinds of migration are included in his theory and which are not. Interestingly, those migrations that are of key interest to this thesis are excluded from his work, in his own words:

⁹ The research projects upon which the theory developed included the movement of black workers of South America, the migration of Southern and Eastern European peasants to the United States in the late nineteenth and early twentieth centuries, guest-workers in Europe in the seventies, and undocumented workers from Mexico and the Caribbean in the industrial cities of the United States (Piore 1979:12).

Migrations that do not fit this pattern, and which the theory does not attempt to cover, are short-distance movements within a single country, for example, frontier workers such as those who live in Mexico and work in the United States (green carders), or what in Europe are known as *frontalier*, and the migratory movement of agricultural workers, either temporary or permanent. (...) It specifically excludes from the purview of the analysis Mexican workers in agriculture in the South-western United States and in the border cities on the frontier. (...) in terms of the social functions they perform, *they have unique characteristics and particular motivations and are generally generated by factors originating outside the industrial country and are functional to the latter only fortuitously and ex post'* (Piore 1979:12-13 emphasis added)

In the analysis of immigration within an industrialised economy, Piore (1979) assumes a domestic labour market that is affected by immigrants who are particularly attracted towards the industrial core by factors such as recruitment practices, the demand of employers and the need to maintain a social balance in status. In a similar fashion, more recent studies of immigration from a segmentation perspective explain why migrant workers are placed in the lower-paid segments of labour markets, for example, Hispanics in low-wage jobs in the United States (De Freitas 1988), Latinos and African-Americans in New Jersey (McLafferty and Preston 1992), or Puerto Ricans and African-Americans in New York (Torres 1991). Similarly, it is well established that migrants perform the less desirable jobs in urban economies (Castles and Kosack 1973; Sassen 1998; 2000; Waldinger and Lichter 2003; Bauder 2006; 2011).

These studies are based upon a domestic labour market premised upon a nation-state perspective. For the 'radical' tradition of segmentation theorists (Reich, Gordon and Edwards 1973), segments cut horizontally across the

occupational hierarchy as well as vertically. They divide the segmentation process along the lines of sex, gender and race, not only emphasising the duality in the economy, but also the deskilling processes in the secondary sector as a means of control on the part of capitalists. If migrants were to be employed, they would join the secondary sector as along with part-time workers, students, women and racial minorities.

Despite the relevance of the different types of segmentation that take place within a domestic labour market, being premised upon a 'nation-state' perspective did not imply that the role of nation-states in segmentation was formally assessed. Dualist theorists largely failed to problematise how nation-state policies shape and constrain segmentation. The nation-state exerts a profound influence on patterns of supply-side segmentation within domestic labour markets, since its policies tend to focus on particular social groups, and the dynamic of the labour market as a whole (Peck 1996:73). Therefore, institutionalist segmentation theorists (Wilkinson 1981; Rubery 1994; Drago 1995) have recognised how the nation-state is drawn into the regulation of labour markets not only in terms of the maintenance of aggregate demand and through the construction of welfare safety nets, but also in validating and adjusting the social distribution of work by focusing labour policies on different groups (Rubery 1992).

These approaches showed how institutional regulations determine modes of operation that give rise to a differentiated understanding of skills and the tasks associated with them within a single sector. Consequently, training mechanisms and incentives in labour markets, together with welfare state policies, give shape to segmentation processes in different economies that are variegated according to the nature of nation-state regulation.¹⁰

¹⁰ Rubery (1992:246) claims that there is no single model of segmentation but rather a cluster of models or theoretical approaches which arose during the 1970s and 1980s. Despite the eclecticism that these models present, they share important traits, and it is also worth mentioning that the bulk of literature on this aspect of segmentation developed in relation to the case of European economies.

Complementing these developments, Peck (1996) highlights the fact that segmentation theories have been silent on the issue of 'space'. Peck (1996) developed the notion of the local labour market to account for the relevance of geography and space in processes of segmentation and to consider the particularities of labour markets. In doing so, he also invites consideration of how looking at the local scale facilitates analysis of all spatial scales. Even though he sees a strong case for the study of labour markets at the national level, there is equally a strong case for analysis at the local level (Peck 1996:263), the scale at which labour is mobilised on a daily basis. He also recognises what he calls the 'supranational scale', at which new forms of labour mobility and market regulation are being constituted. This final aspect of Peck's theory is taken and further developed in this thesis by introducing a transnational dimension to the study of the processes of integration of labour markets that co-constitute those local labour markets.

In all the segmentation approaches reviewed, the labour market formations are associated with national social formations where migrants have to assimilate or join a particular segment of the labour market. Peck (1996:263) highlighted that to concede that geography matters is to open up the question of the workings of labour markets at all spatial scales. I therefore take inspiration from segmentation theories, but when the cross-border movement of workers, and more especially the role of labour contractors, are introduced, segmentation approaches have their limits. Labour markets are territorially constituted (Peck 1996:263); however, where do we demarcate territory? Shall I take the political Westphalian division of the nation-state, as many disciplines do? I too believe that nation-states are still important actors in understanding labour markets, but the process of transnationalisation that they find themselves embedded in changes their nature. Moreover, placing the role of labour contractors within a transnational lens shows how they contribute to the provision of workers to a particular segment of the receiving economy, but even within a domestic labour market they operate along

informal lines, bringing about fragmentation in the coordination of transnational labour.

The introduction of fragmentation implies analysing the informality associated with the changing nature of the labour process (Barrientos 2013; 2008; Phillips 2011b; Rogaly 2008; 2009; Barrientos and Kritzinger 2004; Burawoy 1976). The fragmentation manifests not only at the global scale but also through the actions of farm labour contractors at the local level operating formally and informally in already segmented labour markets. While segmentation approaches account for the addition of informal workers in the lower segments of labour markets, as they stand, the approaches do not fully engage with the informal dynamics at the local level. The case of farm labour contractors show that they can sustain informality within the formal without necessarily being an 'informal sector' in themselves contributing to further fragmentation (Chapter Seven).

These regulatory mechanisms of the formal and the informal become even more complex with the transnationalisation of labour markets, which previous theories of segmentation have not addressed. Consequently, there is no unified definition as to what constitutes a segment; they should be understood contextually and empirically, as well as in relation to fragmentation. Piore (1979)'s theory does not analyse the transnationalisation that takes place between both sending and receiving economies, and views Mexican migration to the American agricultural industry as a product of Mexican development issues. The transnationalisation of labour markets questions this assumption and explains why both ends need to be analysed systematically and jointly. The limitations encountered by segmentation approaches are an invitation to complement segmentation with fragmentation and their combined underlying tensions in the process of transnationalisation of labour markets. Segments are much more difficult to define when transcending domestic/local labour markets, and the

parameters that define those segments also change.¹¹ This latter aspect is useful for the conceptualisation of everyday precarity that operates at the local level, but it is context-dependent and deeply shaped by the tensions within transnationalisation.

Analysis of the transnationalisation of labour markets as put forward by this thesis builds upon notions of segmentation, but it also adds the fragmentation component, which is paramount to understanding the contemporary global economy. Fragmentation refers to the fact that increasingly, global production is being physically separated across borders (Jones and Kierzkowski 2001; Arndt and Kierzkowski 2001, Dicken 1998; Dicken *et al.* 2001), and hence, the determinants of labour supply and demand are increasingly external to labour markets, and can be affected by the decisions of global buyers operating beyond their borders (Barrientos 2013:1065). In light of the global trend towards flexibility of employment which results from globalised production (Castree *et al.* 2004; Munck 2002; Standing 1999; Sassen 2001), labour markets that are becoming increasingly transnationalised suffer from the tensions of fragmentation in production at the global level, which also dictates the labour process locally by bringing more flexibility through the use of temporary workers (as described in the previous section) to meet the variations in output (Barrientos 2008; 2013).¹²

Consequently, fragmentation at the global level is increasingly present in the process of global restructuring of agriculture (and will be explained in Chapter Five), but in addition, this thesis shows that labour contractors have a key role in mediating those tensions at the local level through contributing to further

¹¹ It is easier to think in terms of segments within a firm or an industry, where the boundaries of operation are much more clearly defined, and in early conceptualisations of segmentation theory, the relation that workers had to capital determined the primary and secondary segments.

¹² The commercial dynamics between firms has been the main topic of Global Value Chain (GVC) analysis, whereas Global Production Networks (GPNs) approaches have focused on the institutional, societal and territorial embeddedness of global processes of fragmentation in production (Dicken *et al.* 2001; Wai-Chung Yeung 2001; Gereffi *et al.* 2001; Henderson *et al.* 2002; Barrientos 2008; 2013; Barrientos *et al.* 2003; Selwyn 2012). While GVC and GPN are not the focus of this thesis, the transformations in global production have been identified as important drivers in the analysis of restructuring of agriculture (Chapters Four and Five).

fragmentation in the organisation of the migrant workforce (Chapter Seven). The nature of the labour process has changed from the time of the development of segmented approaches; there is a qualitative shift in the extent to which the labour process is broken down (fragmented), and therefore, segmentation is not enough to account for these qualitative changes that modify understandings of precarity. The transnationalisation of labour markets has also fomented these tensions and the resulting changes are captured in the analytical framework developed in this thesis.

To sum up, the allocation of foreign-born workers to the lower segments of the labour market is an important feature of contemporary economies (Piore 1979; Peck 1996; Bauder 2006; Sassen 2000). The place of migrant workers in low-paid jobs (e.g. drivers, cleaners, construction and agriculture workers, carers, domestic labourers) has been the study of labour market segmentation theories which for several generations have provided variegated explanations as to the mechanisms that create that allocation of workers. From dual labour markets (Doeringer and Piore 1971), to segmentation along the lines of sex, gender and race (Reich, Gordon and Edwards 1973), to institutional regulations (Rubery 1978; 1994; Rubery and Wilkinson 1981; 1994), segmentation approaches tend to assume a domestic labour market, and explanations for the allocation of migrant workers are provided within the premises of the nation-state. If the role of labour contractors in cross-border movement, is to be better understood, then segmentation needs to be examined alongside fragmentation in the process of transnationalised labour markets. The next section develops the theoretical framework that guides this thesis.

Transnationalising labour markets

In this section I develop a theoretical framework for understanding processes of transnationalisation of labour markets that accounts for segmentation

as well as fragmentation in integrating two asymmetrical economies. The framework presented here aims to resolve some of the limitations of the received wisdom by incorporating structure and agency to provide a fuller account in the study of labour contractors within the processes of transnationalisation of labour markets. In order to achieve this, the section is organised around the three main themes that constitute the elements of the framework: i) how precarity is adapted in the context of transnationalisation to develop the concept of *everyday precarity*; ii) its take on transnationalism; and iii) the regimes of segmentation and fragmentation.

Everyday precarity

Past and current debates over the speed of neoliberal reforms which have pushed for labour market restructuring in the form of flexibilisation, and the transformation of production processes in capitalist economies, have helped to highlight the growing precarity associated with new forms of employment and of the employment relationship (Waite 2009; Tsianos and Papadopoulos 2006; Vosko *et al.* 2003; Vosko 2010; Kalleberg 2009; 2011). In relation to the role of migrants in developed economies and the conditions under which they work, the debates all seem to refer to some condition labelled as 'precarious' or linked to 'precarity' (Piore 1979; Cohen 2006; Anderson 2007; 2010; Standing 2011).

In these debates, 'flexibility' is used in two distinct but inter-related ways. First, to denote macro-economic strategies that involve the retrenchment of governments from the regulation of labour markets, also known as 'flexibilisation' (Benner 2003). Second, in keeping with dualist perspectives on segmented labour markets, to characterise the pool of workers who are peripheral to the core activities of companies and are employed from outside the firm on a temporary basis (Atkinson and Meager 1986; Coe, Jones and Ward 2009a), thus known as the 'flexible workforce'. The employment literature has addressed the mechanisms

through which companies search for this flexibility by distinguishing between functional or internal flexibility (when employers redeploy workers from one task to another within the firm) and external or numeral flexibility, which denotes adjustments to the size of the organisation by relying on workers who are not their regular, full-time employees (Kalleberg 2003:155).

In a similar fashion, the term 'precarity' or 'precarious employment' has been widely used to describe situations of employment that fall outside the 'classic' employer-employee relationship to refer to non-standards forms of employment, or contingent forms of work (Vosko 1997; Kalleberg 2000). The employment literature in particular defines 'precarious employment' as work for remuneration characterised by uncertainty, low income, and limited social benefits and statutory entitlements (Vosko 2010:2). This definition shares the Rodgers' (1989) view of precariousness as involving instability, lack of protection, insecurity and social or economic vulnerability. If all of these elements of precarity are taken into consideration, then precarity seems to be everywhere, and the challenge of using a common term to define situations in different places becomes bigger. The fact that precarity is a term widely used to denote common conditions in different spaces should not be seen as an opportunity to dispose of it; on the contrary, the fuzziness of the term precarity can be a strength that allows space for further theorisation and thought.

Most debates over precarity linked to labour markets tend to be associated with specific conditions of labour markets, particularly in advanced capitalist economies (Dorre *et al.* 2006; Anderson 2007; Waite 2009). More recent conceptualisations in relation to citizenship and cultural capital (Bauder 2006; 2011) tend to associate precarious employment with the fact of not belonging or being excluded from particular rights owing to different citizenship.

In accounting for cross-border movements and the role of labour contractors within them, precarity moves beyond conceptualisations strictly associated with domestic labour markets. As will be further developed in Chapter Eight, everyday precarity is a process that emerges from the underlying tensions

of segmentation and fragmentation in transnationalised labour markets, and it includes the subjective life of migrants as well.

Rather than understanding labour migrations as novel or independent processes of globalisation (Castles and Miller 2009), everyday precarity linked to labour migrants needs to be conceptualised within the transformations of labour markets that have become more intertwined and globalised. The interconnected processes of constant segmentation and fragmentation that underpin the labour contracting strategies of migrants shape and co-constitute their everyday precarity by modifying the labour process. For that reason, everyday precarity emerges as part of the everyday subjectivities over space and time in connection with the interplay between multiple regimes of segmentation and fragmentation that characterise the process of transnationalisation of labour markets which operate at national, regional and local contexts. The next section elaborates on the understanding of transnationalisation as a process and explains how it draws on previous studies on transnationalism.

From transnationalism to transnationalisation

Transnationalism in the study of migration became an important theoretical development in questioning what Glick-Schiller *et al.* (1992:5) call 'bounded social science', where concepts such as tribe, ethnic group, nation, society, or culture can limit the ability to perceive, and then analyse, the phenomenon of transnationalism. Transnationalism is thus defined as the processes by which immigrants build social fields that link together their country of origin and their country of settlement (Glick-Schiller *et al.* 1992:1).

For the purpose of understanding transnationalism within labour markets, and to account for the mobility of labour between sending and receiving spaces and the role of FLCs who operate across borders or profit from workers who are already settled, I will generally use the term *transnationalisation* to describe a

process rather than consolidated or static phenomena. While many migrants are able to cross borders while others live transnational lives in a fixed space¹³, migrants who remain connected to their home communities maintain social ties with their places of origin, and sending remittances is one of the key means by which they do so (Guarnizo 2003).

As an approach to the study of international migration, transnationalism and the role of 'transmigrants'¹⁴ in developing and maintaining multiple relations at the family, economic, social, religious and political levels, have been widely recognised (Faist 2004; 2010; Levitt and De la Dehesa 2003; Wimmer and Glick-Schiller 2002; Basok 2002; Ariza and Portes 2010). The way transnationalism and mobility across borders is incorporated into the framework of transnational labour markets has four aspects.

First, transnationalism is understood as a product of changing conditions in global capitalism, where productive structures in different parts of the world become more integrated while various sectors of the economy fragment their production globally. This aspect is important to complement segmentation with fragmentation, since the global conditions that shape production across borders have qualitatively changed, in a push for further fragmentation. This fragmentation has been made evident through trade and foreign direct investment that made economies more transnationalised. In response, their labour markets have become more integrated, allowing the presence of new actors in 'domestic'

¹³ The successive militarisation of the border between Mexico and the United States, and the undocumented status of many farm workers, have made them undertake fewer journeys to see their families in Mexico.

¹⁴ In the context of transnationalism, 'transmigrants' or 'transnational migrants' are immigrants whose daily lives depend on multiple and constant interconnections across international borders and whose public identities are configured in relationship to more than one nation-state (Glick Schiller *et al.* 1995:48). The term has been developed to challenge assertions that treat migrants as 'uprooted', as if migrants had no linkages with their home communities (see Glick Schiller *et al.* 1992a and Basch *et al.* 1994). However, not all migrants are transnational; this is an aspect that varies according to case studies and conceptualisations of migrants as units of analysis. In this framework, the result from fieldwork pointed to highly transnational migrants but over the course of the thesis the term 'migrant' and 'transnational migrant' will be used indistinctively.

markets of production, which has changed the landscape of labour possibilities for domestic workers and migrants (Sassen 2001; Cohen 2006; Taylor 2008). The IPE literature has been insightful in portraying the changes in international trade and transnational investment (Wilkinson 2006; 2006; Cerny 1995; 1997; Modelski 2008) that have modified the way we think about the nation-state. For the purpose of the framework presented here, the context of economic transnationalisation (for some referred to as 'globalisation') is the macro template for understanding the evolution of migratory systems as products of transformations in the global division of labour (Mittelman 1995; Sassen 2001; Robinson 2002; 2004). As a result, the first aspect of transnationalism in the framework refers to the economic transformations which result from more integrated trade and foreign investment between the countries involved.¹⁵ The economic transformations have contributed to restructuring in the social organisation of production, where economic restructuring is seen as coexistent and competing with local alternatives in a transnationalised fashion (Peck 1996:120).

The economic activities pursued by GPNs increasingly rely on migrant labour at different stages of production, especially in some sectors such as garments and agriculture, where the local labour force can be scarce and can thus be complemented with migrant labour (Barrientos 2007a; 2013). One of the main reasons for this is that production within the chain has reached a high level of fragmentation as a result of 'outsourcing' activities where companies rely on local suppliers. These suppliers are in charge of providing not only the inputs necessary for production, but also the labour force required. By profiting from migrant labour in particular, transnational corporations have gone further in the reconfiguration of space and notions of fixity and mobility, since capital is not necessarily the only factor that moves across borders (Pellerin 1999). New forms of practices in the accumulation and agglomeration of economies have contributed to flexibility, fragmentation and segmentation.

¹⁵ In the case of Mexico and the United States, this point is very important, especially after the enactment of the North American Free Trade Agreement (NAFTA) in 1994.

In Chapter Four, the process of restructuring in agriculture is analysed to shed light on the structural forces that drive migrant labour contracting. In the case of the United States, the agriculture sector has benefited from what is described as 'agriculture exceptionalism', which describes the active participation of the nation-state in providing conditions for the sector to flourish and become an integrated global agriculture market. Accordingly, the forces that sustain the incorporation of migrant labour in agriculture reinforce the perception of an 'unlimited supply of labour', which becomes functional to the development of the sector, as will be further elaborated in Chapter Four.

Second, transnationalism is grounded in the daily lives, activities and social relationships of migrants (Glick-Schiller *et al.* 1992:5). Migrants create transnational social spaces where they frequently establish intense and continuous relations beyond the territories and communities of their countries of immigration and emigration (Faist 2004; Levitt and De la Dehesa 2003; Wimmer and Glick-Schiller 2002). The transnational lives that migrants live are very important to account for the 'everyday' in labour markets. Moreover, the transnational links and networks that migrants create transform labour markets in particular ways, therein raising questions as to the nature of labour and migration regulation, which is still deeply rooted in the territorially fixed space known as the nation-state. The transnational character of the labour markets is emphasised in order to account for the 'transnational lives' that many contractors and migrants live while participating in the labour process (Portes 1999; Portes *et al.* 1999; Glick Schiller *et al.* 1995; Vertovec 1999; Faist 2000; Fitzgerald and Waldinger 2004). On this account, everyday precarity deals with the transnationalisation of precarity, in this sense referring to how the agency of workers is exercised transnationally but constrained locally. This notion concurs with research that shows how the agency of unorganised workers' spatially embedded everyday lives can be significant to workers themselves, both materially and in the subjective experience of employment (Rogaly 2009). However, for the analytical framework presented

here, the transnational component of agency transcends local understandings of space.

Third, transnational migrants, although predominantly workers, live a complex existence that forces them to confront, draw upon, and rework different identity constructs –national, ethnic and racial (Glick-Schiller *et al.* 1992:5). These identity constructs are important elements for understanding the organisation of workers by labour contractors. Contractors make use of particular identities and racial traits to conduct the process of fragmentation at the local level. In addition, these multiple identities, which we all possess as humans, are important for understanding the intersubjective dimension of ‘everyday precarity’, which extends beyond the workplace to permeate all aspects of life. This aspect is extensively discussed in Chapter Eight.

Fourth, transmigrants deal with and confront a number of hegemonic contexts (Glick-Schiller *et al.* 1992:5). These hegemonic contexts are related to power and ideology, and span across the global, regional and national levels. For example, as described in relation to the first regime of segmentation-fragmentation in the next section, the fact that citizenship is a category of segmentation dictated by nation-states differentiates the power relations between the nation-state and its citizens from those between the same nation-state and those who are not citizens (Bauder 2006; 2011). In addition, regional legislation regarding the contours of operation of FLCs shapes the power that FLCs are able to exercise over migrant workers, thus moulding variegated experiences of everyday precarity. For the purpose of the framework, these power relations are analysed in Chapter Seven to explain how everyday precarity sustains and reinforces certain patterns of power asymmetries that are the result of overlapping regimes of segmentation-fragmentation in transnationalised labour markets.

The four aspects that have been described in relation to transnationalism combine to shed light on the three regimes of segmentation and fragmentation that characterise the process of transnationalisation of labour markets while producing everyday precarity, and these will be addressed in the next section.

The *everyday* has been a topic widely analysed by critical theorists¹⁶ (Lefebvre 1984; 1991; Heller 1984; Certeau 1984) and for the purpose of the framework everyday life represents a complex, multifaceted reality, a mixture of repressive and emancipatory qualities which have to be disentangled and analysed (Lefebvre 1984 cited in Gardiner 2000:86). The understanding of the everyday calls for a recognition of the complexity of the acts by those who are subordinate within a broader power relationship but who nonetheless succeed, whether through negotiation, resistance or non-resistance, either incrementally or suddenly, in shaping, constituting and transforming the political and economic environment around and beyond them (Hobson and Seabrooke 2007:6). Through the processes of transnationalisation of labour markets, the framework shows how everyday actions by contractors and migrants are shaped and constituted, giving rise to multiple forms of everyday precarity.

The everyday allows an understanding of the agency of migrant workers and contractors within the constraints of the economic and migratory structures put in place by migration policies. But also, within the context of the global political economy, it allows us to move beyond local understandings of the everyday within spaces of work (Rogaly 2009) to account for the particularities of the regime of everyday precarity between Mexico and California in a transnationalised fashion.

As a result, placing the role of labour contractors within the transnational integration of labour markets together with analysis of the everyday develops an understanding of precarity as multidimensional and multi-layered, embracing conditions of work and rights but also moving beyond them. Hence, transnationalism also moves beyond the relevance attributed to remittances in the relationship of migrants with their home communities, the importance of which is exaggerated by economics approaches to labour contracting. Incorporating the experiences of working conditions, rights and the everyday lives of migrants

¹⁶ For a good review of critical theorists on the 'everyday' see Gardiner (2000).

permits us to grasp specific aspects of the labour process, such as power relations between migrants and contractors, and to examine how these shape the everyday precarity that emerges from the interplay between multiple regimes of segmentation and fragmentation in transnational labour markets. The next section elaborates on the elements that constitute the regimes of segmentation-fragmentation.

Regimes of segmentation and fragmentation

In the context of transnationalised economies, both countries share close ties in trade, have a high presence of foreign direct investment (FDI) and they may be part of bilateral trade and investment agreements on top of being members of international bodies such as the United Nations and the World Trade Organisation. The process of transnationalisation of labour markets posits that it operates within the contours of multiple regimes of segmentation and fragmentation at three levels. As explained in the introduction, these regimes need to be understood as functioning principles involving tensions and contradictions that overlap and are dependent upon historical developments and space.

The *first regime of segmentation and fragmentation* is determined by migration policies at the national level of nation-states. In the case of the United States and Mexico, this refers to the Federal level. Migration policies are designed to establish which categories of workers are eligible to participate in the production processes within domestic labour markets, and the array of policies varies according to history and context. For example, during World War II the administrations of the United States and Mexico signed the *Bracero Programme*, through which Mexican workers were recruited in Mexico to perform the harvest in the Southern states of the United States. For 22 years this programme allowed the managed migration of Mexican workers to some agricultural sectors of the United States. As will be illustrated in Chapter Four, the American administration

had a 'model' of the ideal worker, and inspections were carried out at recruitment posts along the border so that the desired workers would meet the required conditions. The segmentation that took place during the *Bracero* experience was deeply marked by the ethnic and strength capabilities of the workers.

In addition, the categorisation of workers is conducted through visa systems that establish the traits that workers need to possess according to desirable objectives of nation-states, thus citizenship becomes one of the main categories of separation (Bauder 2002; 2008; 2011). Citizenship has become a legal mechanism to assign workers to a hierarchy of status categories, and has consequently been used by some governments as part of a strategy of inclusion and exclusion to 'manage migration' (Bauder 2006:26). By looking at the cases of Berlin in Germany and Vancouver and Ontario in Canada, Bauder (2006:27) shows how exclusionary citizenship policy produces a cheap and exploitable workforce while nation-states' enforcement at the border also keeps this exploitable workforce in the country. In his interpretation of segmentation theory, workers with different citizenship tend to be tied to different segments of the labour market; citizenship orders the labour market, albeit at different geographical scales (Bauder 2006:29).

However, citizenship as a parameter of segmentation does not operate in isolation. The cultural representation of migrants is constructed in such a way as to justify the denial of both rights and higher wages to migrants. Cultural representations are judgements that associate people with distinct characteristics and qualities and assign them to particular social and economic roles (Bauder 2006:29; 2011). These cultural representations have also been the subject of study for radical segmentation theorists of labour markets, who have pointed to representations of groups of individuals along the lines of gender, race and ethnicity (Reich, Gordon and Edwards 1973). In the case of the United States, various waves of incorporation of foreign labour in California have been guided by cultural representations of the desirable worker (further elaborated in Chapter Four and Six in the case of California).

In turn, Samers (2008) includes an 'international' dimension in theories of segmentation by outlining how the 'sorting' of labour on a global scale obeys national or macro-regional immigration policies according to a set of desirable characteristics, such as requisite occupational skills or 'cultural proximity' with respect to the imagined national community of the destination country (Samers 2008:132). By looking at the case of the European Union (EU), the supranational scale in segmentation is analysed by Samers to show how EU laws, regulations and agreements set out in Brussels have managed to select the type of workers desired by particular labour markets within the EU¹⁷.

Migration policy is administered by governments through different agencies, and administrations receive pressure from economic interest groups to pursue specific types of policy and to benefit certain groups. The directives of policies are also influenced by liberal or protectionist ideologies within branches of government (Meyers 2004:17). The pressures to pursue either more liberal or more restrictive policies are influenced by the state of the economy (Freeman 2006; Freeman and Kessler 2008), and they are more generally influenced by domestic politics. However, in cases of advanced integration processes such as the EU, nation-states are constrained in terms of the migration policies that they can pursue, and they rather act as a block (Geddes 2003; 2011; Samers 2008).

In addition, the notion of labour shortages becomes relevant in dictating the parameters of the number of visas to be granted and the sectors of the economy involved, and in providing a justification for the incorporation of foreign labour into the productive capacity of the economy. In the process of transnationalising labour markets, labour shortages are not clearly defined in the literature, and in history, different moments within the capitalist system such as wars and depressions have generated specific types of labour scarcities associated with 'shortages'. However, as will be discussed in Chapter Four, labour shortages are also political constructions by nation-states that feed migration policies, and in

¹⁷ The supranational scale was underdeveloped in the work by Peck (1996).

turn exacerbate certain types of segmentation by dictating which sectors should get more allocations of visas to allow the recruitment of foreign workers.

The scarcities attributed to particular sorts of labour do not only obey shortages in numbers, but can also be linked to social constructions associated with the political and economic organisation of labour markets in different regions of the world that provide rights along the lines of citizenship and residency status (Castles and Kosack 1973; Jenkins 1978; Piore 1979, Bauder 2006; 2011; Schierup and Castles 2011; Binford 2013). The use of foreign labour under conditions of labour scarcity has taken many forms, depending on a country's place in the international division of labour and the particular mode of specialisation prevalent at a specific point in time in the world system (Sassen 1988; 2001).

Migration policies and the construction of particular ideas of 'labour shortages' within the economy provide the economic justification for the introduction of foreign workers into local labour markets. At the same time, these constructions of labour shortages operate as elements of fragmentation and segmentation in labour markets, since domestic workers do not perform certain activities which, despite being considered less important, are crucial to sustain the rest of the economic and social developments in a particular country. In developed economies, these activities are mainly linked to jobs that are more unstable in terms of duration, more hazardous (such as agriculture and construction) or regarded as having lower social status.

For the purpose of the framework of transnationalising labour markets and conceptualising migrant workers as social agents and not solely inputs in production functions, the first regime of segmentation and fragmentation also incorporates the protection policies that are designed by nation-states vis-à-vis migrant workers. These are important for understanding the fragmentation that takes place within the labour force, since within a particular segment, workers doing the same type of job receive different types of protection, either associated with the visa portability, or through the construction of precarious status by migration policies. This latter point is fully elaborated in Chapter Five, suffice it to

say here that precarious status refers to the fact that some practices allowed by migration policies might be 'legal' (such as granting a visa) but the set of protections and freedoms associated with that visa are limited or constrained.

All in all, the first regime of segmentation and fragmentation designed by migration and protection policies determines the parameters of 'control' and regulation of potential workers who might join particular labour markets. The first regime constrains the reorganisation of labour within national economies, and it can exert influence when it is coordinated with the policies of other nation-states. Since migration policy is dictated at the national level (Federal), the outcomes are felt not only between countries but also internally, depending on the political organisation of each country into provinces, states or regions. Therefore, the regional dimension becomes important for understanding the locality of everyday precarity.

Taking this into consideration, the *second regime of segmentation and fragmentation* operates regionally within the national economy, depending on the political division of each country. In the United States, it refers to the labour policies and agencies in different states that shape the migration experience. The institutional architecture at the state level moulds the parameters within which contractors can operate and exercise their agency. In the case of the United States, state regulations pertaining to labour tend to differ with provisions that are not found in other states, but these are highly influenced by policies determined at the Federal level.

Within the idea of a nation-state competing agencies within branches of government conflict upon their interests and spheres of regulation (Calavita 2010). In the case of the United States, Cuéllar (2012) unpacks the dysfunctional immigration system that has resulted from organisational fragmentation and the interplay of unrealistic regulation, a strong emphasis on enforcement and growing public concern. The figure of the nation-state that controls and manages flows is also associated with a particular perception of how labour markets work. Therefore, what constitutes rational labour market management is understood

differently by different actors. Moreover, this rationality is also historically contingent, and in the case of segmentation theories, there is no single rationality operating in the labour market, since specific segments have different rules of operation.

Migration studies have rarely engaged with sub-regional or regional aspects of the regulation of labour migration, especially in the context of international migration, and when addressed, they have done so from the politics literature on the disaggregation of the nation-state (Calavita 2010, Cuellar 2012)¹⁸. Therefore, the second level of segmentation sheds light on how different regulations and laws at the state level contribute to the segmentation and fragmentation of workers into spheres of production in particular sectors with their own characteristics. This state aspect is important when we consider the spatial dimension of the process of transnationalisation of labour markets, since migrants of specific nationalities and ethnic origins may be constrained to live in particular regions of the state, thus giving rise to 'rural ghettos' (Palerm 2000).

In addition, a look at the state (regional) dynamics of labour migration that emerge as a consequence of the operation of labour contractors allows us to scrutinise labour regulation at the state level and to include considerations of the protection of migrant workers. The need to incorporate the conditions under which migrants work into debates over labour migration and recruitment requires the identification of the practices of labour contractors in local labour markets while considering the contingent nature of context and geography. Consequently, the second level of segmentation marks the parameters of spheres of operation for labour contractors and is further elaborated in Chapter Six.

Together with state policies, nation-state policies at the Federal level determine employment behaviour *de jure*, in the sense that in theory, governments

¹⁸ There is a strand of literature from the law perspective that looks at 'immigration Federalism' in the United States. This literature looks in detail at the interplay and/or competition between the national government and the states over managing immigration issues. See Spiro (1997), Rodríguez (2008) and Stumpf (2008).

are in charge of managing migration policies and their outcomes. However, the *third regime of segmentation and fragmentation* takes place in transnational labour markets through the role of intermediaries or contractors in selecting, recruiting and incorporating workers. In this way, the role of contractors within some sectors of the economy-such as agriculture, for instance-is crucial in providing the labour pool required when employers cannot access the labour force through visa mechanisms. Contractors operate via their networks by bringing in workers and selecting them to comply with productive activities. In many cases they are in charge of providing housing to migrant workers, thereby re-shaping and changing labour relations between employees and employers because they manage the 'contractual' relation.

In many instances, employers rely on contractors to obtain the workers necessary for the harvest because the seasonal nature of agriculture work does not allow employers to guarantee full-time employment throughout the year. Consequently, contractors may modify the 'labour shortage' for employers by providing workers at a faster speed than would be possible through the formal mechanisms of applying for agricultural visas for potential workers.

The third regime, as mediated and carried out by labour contractors, operates in the context of a highly globalised agriculture sector. As previously explained, GPNs have managed to modify the spatial division of labour by locating their plants and assembly-lines in different parts of the world, and take to their advantage the most flexible workers (and this includes migrant labour) to perform production tasks. Alongside the constant reorganisation of their activities, they are progressively counting on private contractors to provide them with workers on a regular basis or at times of pressures on demand (Barrientos 2013). The increasing globalisation of economic activities is bringing more and more people in competition with each other (O'Brien, 2000:89), and these tensions between segmentation and fragmentation play out differently in many contexts, where the interplay between the three regimes gives shape to particular forms of everyday precarity.

Contractors profit not only from formal rules established in the legislation that allow them to operate and bring workers, but also through a set of informal rules, such as cultural practices of work and ethnicity, that help them exercise power over workers, thereby bringing further fragmentation of the migrant workforce. In addition, many operate within the spheres of what can be considered the informal economy, as a result of which the type of power they exercise upon workers has consequences for labourers' conditions and rights. Farm labour contractors have gained a special role in the labour process by controlling the coordination of the migrant workers that make up the pool of highly flexible workers. Therefore, the flexibility required to meet agricultural demands of time, quality and pressure is managed by FLCs themselves.

Contractors' actions have social, economic and spatial dimensions, all of which shape everyday precarity. The economic dimension refers to wages and the role of remittances, while the spatial dimensions cover housing, modes of labouring in the fields and transport to the workplace. When it comes to the social dimension, particular forms of organising the workforce affect migrant experiences, not only at the workplace but also outside the fields since contractors dictate migrants' daily activities. These three dimensions are intrinsically intertwined, and accounting for the three of them sheds light on the conditions under which migrants work and the state of their rights, as well as illustrating their experiences of everyday precarity.

Finally, the third regime allows a clear understanding of the role of networks within a broader context of supply and demand in the global economy. It was noted earlier that network theory in migration focused on the supply side, explaining why certain people want to migrate, but said little about the demand side. In the process of transnationalisation of labour markets, segmentation is good at depicting the demand side from the perspective of employers and nation-states, but since labour contractors rely on networks for their operation, both the supply and demand aspects of labour markets can be better analysed to account for fragmentary forces as well.

The argument so far

The chapter has presented the existing wisdom regarding labour contracting and has pointed to certain limitations that stem from a weak or poor understanding of the transnational dimension in the integration of labour markets. In summary, in the case of matching principles attributed to intermediaries by neoclassical economics, the functioning of labour markets is rooted in assumptions of rationality and methodological individualism that attribute an extreme form of agency to the intermediaries as problem-solvers of asymmetrical information. In the case of migration networks, these networks are analysed in isolation from the labour market structures that sustain and underpin them in terms of demand for labour. As good descriptors of why migration unfolds as a cumulative causation, these approaches concentrate on the transnational dimension by looking at the agency of the network itself. This latter aspect has begun to be resolved by migration industry scholars, who through empirical cases unpack the various ways in which migration and contracting are products of multiple actors. Nevertheless, a sense of place and therefore an incorporation of the working conditions and rights of migrants needs to be further developed to account for the different layers that constitute processes of transnationalisation in labour markets.

On a conceptual level, staffing industries' perspectives include the agency of the intermediaries within contexts of rising flexibilisation of labour markets, but these approaches focus on well-defined institutionalised agencies whose presence becomes more globalised while their role in moving workers across borders is still in its infancy. In turn, studies of the incorporation of migrants into segmented labour markets have been useful for portraying the domestic dynamics of precarity, or why particular migrant workers cluster in specific sectors; however, as they stand, they encounter limitations when labour contractors span borders.

In contrast to existing accounts, but drawing from some of them, the thesis' analytical framework understands the process of transnationalisation of labour markets as emerging from underlying tensions between three regimes of segmentation and fragmentation that operate at overlapping scales. This process is explored through the ways in which the three regimes unfold to create forces towards segmentation and fragmentation, and how in their making, they all contribute to shape the everyday precarity of migrant workers. Precarity needs to be conceptualised at the everyday level because the interconnectedness and the interplay between the regimes is seen and felt at the level of the everyday by migrant workers. Through this lens, I suggest a way to overcome the impasse between structure and agency that permeates much of the migration literature. In short, analysing the process of transnationalisation of labour markets through the framework of three overlapping regimes can help develop a fuller understanding of the place and role of labour contractors *vis-à-vis* the everyday precarity of migrant workers. Before presenting the historical development of the underlying forces that sustain the process of transnationalisation, the thesis now describes the empirical research that was conducted and the methods followed to investigate regimes of segmentation and fragmentation from a multi-disciplinary perspective. The multi-disciplinarity is necessary for a qualitative understanding of transnationalisation that aims to bring together structure and agency in the IPE of migration.

Introduction

The preceding chapter analysed the limitations of existing knowledge in terms of migrant contracting practices, and then moved on to develop an analytical framework with which to analyse transnationalised labour markets in light of segmentation and fragmentation. The role of this chapter is to explain the relevance of the case-study, why a qualitative approach was selected to investigate segmentation and fragmentation, and the problems encountered during the research. The first section analyses why a multidisciplinary approach was developed and explains the relevance of the case-study as well as the methodological steps that were followed to conduct multi-sited fieldwork. In the final section I provide a brief reflection on some methodological and ethical issues that I encountered while conducting this research. Finally, the chapter conclusions are presented.

Methodology and research techniques

The conceptual framework set out in the previous chapter calls for a qualitative inquiry into the tensions that transnationalising forces pose to labour

market integration. Nation-states have a role in establishing migration regimes just by the simple matter that migration evokes movement from one nation-state to the other, as explained by the first regime of segmentation-fragmentation. However, the experiences of migrant farm workers in California showed that their everyday precarity is dictated by the intersecting regimes at play across processes of transnationalisation of labour markets. Tensions emerge in the process of transnationalisation that give shape to everyday precarity and I have decided to focus on these tensions following a qualitative methodology to listen to migrant workers' experiences as well as the perceptions of elite-interviewees on issues pertaining to migration policies (Denzin and Lincoln 1994; Mason 2002; Flick 2002; Munck 2004; Ragin 2004; McKeown 2004).

Having adopted a qualitative approach, then, the regimes of segmentation-fragmentation that cut across trans-local, regional and national spaces can be understood as flexible, fluid, and dynamic, with fuzzy boundaries; they consist in permeable segments along which fragmentation can be analysed. Much of the work on segmentation focuses on multiply-determined and historically-produced social phenomena, and the segmentation argument has not been demonstrated unimpeachably (Peck 2003:731). Labour market segmentation is a historically and geographically differentiated process (Gordon *et al.* 1982; Peck 1996; 2003), and therefore this thesis combines several qualitative methods used in migration studies to unpack the transnational dimension across borders to account for segmentation and fragmentation. I recognise that segmentation is a multidimensional and conjunctural phenomenon, and for this reason might be plagued with criticisms¹⁹, but analysing the relational nature of the transnationalisation process and beginning to think methodologically beyond the well-established boundaries posed by nation-states is a worthwhile enterprise.

¹⁹ For this matter, see Peck (2003)'s response to Markusen (1999) on her critique to 'fuzzy social science' in regional geography, similar to the debates that take place in political science over qualitative vs. quantitative research methods. See King, Keohane and Verba (1994) and for a more recent appraisal Mahoney (2010).

In order to unravel the process of segmentation-fragmentation in transnational labour markets, this research is concerned with the understanding of historical and current means through which migrant labour contracting becomes embedded in a particular migration corridor, and therefore, the complexity of analysing fragmentation and how it plays out in terms of precarity requires a more in-depth qualitative approach. The interdisciplinary nature of this thesis (see Table 3. 1) bases the inquiry in the traditions of political economy, development studies, economic and human geography as well as sociology and anthropology. In pursuit of this 'holistic approach', one of the key problems of interdisciplinarity is the very different definitions of knowledge that are present and the accompanying assumptions about how to obtain this knowledge (Castles 2012:8).

I address this aspect of interdisciplinarity not as a problem but as an opportunity, where my mode of inquiry points to the complexity of social situations and emphasis on social meanings constructed by people in diverse communities and societies. I accept the context-dependence of the meanings attributed by social actors as well as the relativity of such meanings implied by the underlying logic of qualitative research (Denzin and Lincoln 1994; Mason 2002; Flick 2002; Munck 2004; Ragin 2004; McKeown 2004, Oxford 2012; Creswell 2013). The thesis conducts a case-study analysis which seeks to achieve theoretical innovations at a middle level of conceptual abstraction (Stake 1995; Ragin 1987; 2004; 2008; George and Bennett 2005; Gerring 2007; Blatter 2008). For this reason, qualitative methods offer a powerful means to investigate social reality in all its complexity, and provide an ontological depth to enhance both the causal-explanatory and the emancipatory potential of social science research (Iosifides 2012). In addition, the open-ended, rather than hypothesis-oriented nature of the questions I posed to interviewees allowed me to move back and forth between empirical findings and the theoretical framework to continually redirect my understanding of the complexities of segmentation and fragmentation in transnational labour markets. I now move on to provide a justification for the case

study as well as a description of the fieldwork activities that contributed to the thesis' goals.

Table 3. 1. Interdisciplinary approach to study transnational labour markets

<i>Research question</i>	<i>Research Tradition</i>	<i>Method</i>	<i>Data Sources</i>
<i>How should the transnational dimension of farm labour contracting practices in California be analysed and why does it matter?</i>	Political Economy	Case-study	Census information Government documents
	Development Studies	Semi-structured interviews (22)	Newspaper reports NGO Publications
	Economic and human geography	Elite-interviews (23)	<i>Think-tanks</i> Reports Project Reports
	Sociology	Critical textual analysis	Secondary literature
	Anthropology	Participant observation	<i>Informants</i> - Farmworkers - Activists - Policy makers - Public servants - Employers - NGO lawyers - Community workers

Source: Author's own elaboration based on Bose (2012).

Selection of the case study

The relational nature of the social and economic dynamics that the research questions pose allows for two main methods of research: an extensive and critical literature study (Barrientos 2007b) and field-based interviewing (Wolcott 2004; Mayoux and Johnson 2007; Creswell 2013) together with data collection in multi-sited fieldwork (Fetterman 2008; Boccagni 2012; Parker Talwar 2012).

In the first part of the research, an extensive literature survey was conducted as a preliminary phase. The nature of my research question made me engage with different sources of material: academic, government, non-government and reports produced by international organisations. In March 2010, a short visit to the headquarters of the ILO and IOM was conducted, and I interviewed 4 policy practitioners to test some of the preliminary ideas regarding the role of intermediaries and recruitment agencies in international migration. In addition, both institutional libraries were visited, where I analysed documents and reports on similar country cases where recruitment agencies play a significant role in international migration, especially in the case of Asia.²⁰

At this stage I encountered the difficulty of data availability, since labour contractors are hardly monitored and covered by national statistics. At the time of my exploratory visit to the ILO and IOM, I was also concerned with the figure of a 'private recruitment agency', whose institutional presence and legal entity was formally established. I was becoming aware of the predominantly informal nature of farm labour contractors, but I was also interested in formal agencies. My field research confirmed the predominance of informal contractors and the difficulty of tracing them.

In 2011 Bon Appétit Management Food Company and United Farm Workers (with the support of Oxfam America) published *The Inventory of Farmworker Issues and Protections* with the aim of raising public awareness about farm workers in the United States, since for many it is an issue encapsulated in the idea 'No Data, No problem' owing to the absence of adequate or public data. In the case of the United States, three main sources of survey information exist: the National Agricultural Workers Survey (NAWS), the US Department of Agriculture (USDA) Census of Agriculture, and the USDA's National Agricultural Statistics Service (NASS). However, none of these sources of statistical data were enough to address the relational nature of contractors and migrants that my

²⁰ The issue of intermediaries in the Americas has gained weight in recent years and is also receiving more attention in academic and policy discourses.

research question addressed, let alone the transnational dimension of labour contracting. For this reason, and as long as my literature study progressed, a qualitative methodology was the most appropriate.

The case study relies on two economies that have different and asymmetrical levels of development: the United States and Mexico. Despite the different economic and social dynamics that characterise both countries, Mexico and the United States have been historically tied in terms of trade and migration²¹. There is a large literature on the migration from Mexico to the United States which primarily looks at the determinants of migration between both countries (Massey 1990a, 1990b; Massey and Espinosa 1997; Alarcón 1992; Durand and Massey 1992; Massey *et al.* 2009; Cornelius 1977; 1978; 1982; 1998), and the formation of decisions by Mexican migrants to aim for *El Norte* (The North). The methodological approaches used to address this movement are as varied as the research questions that they pose, and they span from quantitative, ethno-surveys (Massey 1987; Massey and Zenteno 2000) to the qualitative studies used by anthropologists to understand the role of coyotes or the impacts of migration at the community level (Spener 2009). However, the focus of this thesis is on a particular actor within that process which has been generally overlooked in Mexico-United States migration studies, except for in anthropological approaches and some agricultural economists²²: farm labour contractors. The ethnographic methodologies and techniques that have been widely used in such studies have allowed the considerable exploration of life-histories by co-presence and participation that provide a unique insight into the detail and specificity of a

²¹ In terms of development indicators, the United States is the third economy according to the Human Development Index (2013) at 0.937 while Mexico is 61 on the global ranking with 0.775. GNI per capita (2005 US PPP) in the United States equals 43,480 while it is 12,947 in Mexico. Both economies are structurally different, and if we take education indicators for instance, while the mean years of schooling in the American population is 13.3 it stands at 8.5 in Mexico, according to the latest figures of the Human Development Report 2013.

²² Agricultural economics looks at the use of FLCs as part of managerial strategies by growers (Thilmany 1996), while other agricultural economists look at the structural changes in farm labour (see Martin and Mason 2003; Martin and Olmstead 1985; Martin and Taylor 2003 and Martin and Vaupel 1986a, 1986b).

particular community or actor studied (Glick-Schiller 2003; Fitzgerald 2006). Researchers who have undertaken ethnographic work have enabled a deep exploration of the motivations, life experiences and social relations of farm labour contractors in particular areas of California (Krissman 1997) and elsewhere in the United States (Griffith and Kissam 1995).

With the aim of understanding the different regimes of segmentation-fragmentation within transnational labour markets, I resorted to multi-sited fieldwork in order to understand the 'field' not as a geographically bounded location, but as an interactive plurality of sites (Boccagni 2012:305). The selected sites were Washington DC, the Coachella and Central Valley in California within the United States, and Mexico City in Mexico.

Farm labour contractors operate in many states in the United States; however, this thesis focuses on the state of California. The role of Californian agriculture in the United States economy is prominent, and California is a key site for exploring farm labour contracting issues owing to the history of connectedness with Mexico because of geographical proximity and sharing the border (Lowenthal and Burgess 1993; Clark 1998). In addition, the role of agribusiness in California has been paramount in dictating the flows of farm labour, which for many decades in the development of the sector has been of foreign descent (this will be explored in more detail in the following Chapter). Agriculture in the state accounts for 17.8% of national GDP²³. In 2012, Californian exports represented 10.5% of the national total and 34.6% of the top 25 commodities exported by the United States²⁴. California is the largest producer of agricultural products and the main exporting state. The state is not only relevant for its role in feeding the nation, but has also internationalised its exports of products that span high-tech goods to

²³ US Bureau of Economic Analysis data as of 2010. It also includes forestry, fishing and hunting. Accessed in March 2012 at: <http://www.bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdn=1>

²⁴ US Census Bureau. Accessed in March 2012 at: <http://www.census.gov/foreign-trade/statistics/state/data/ca.html>

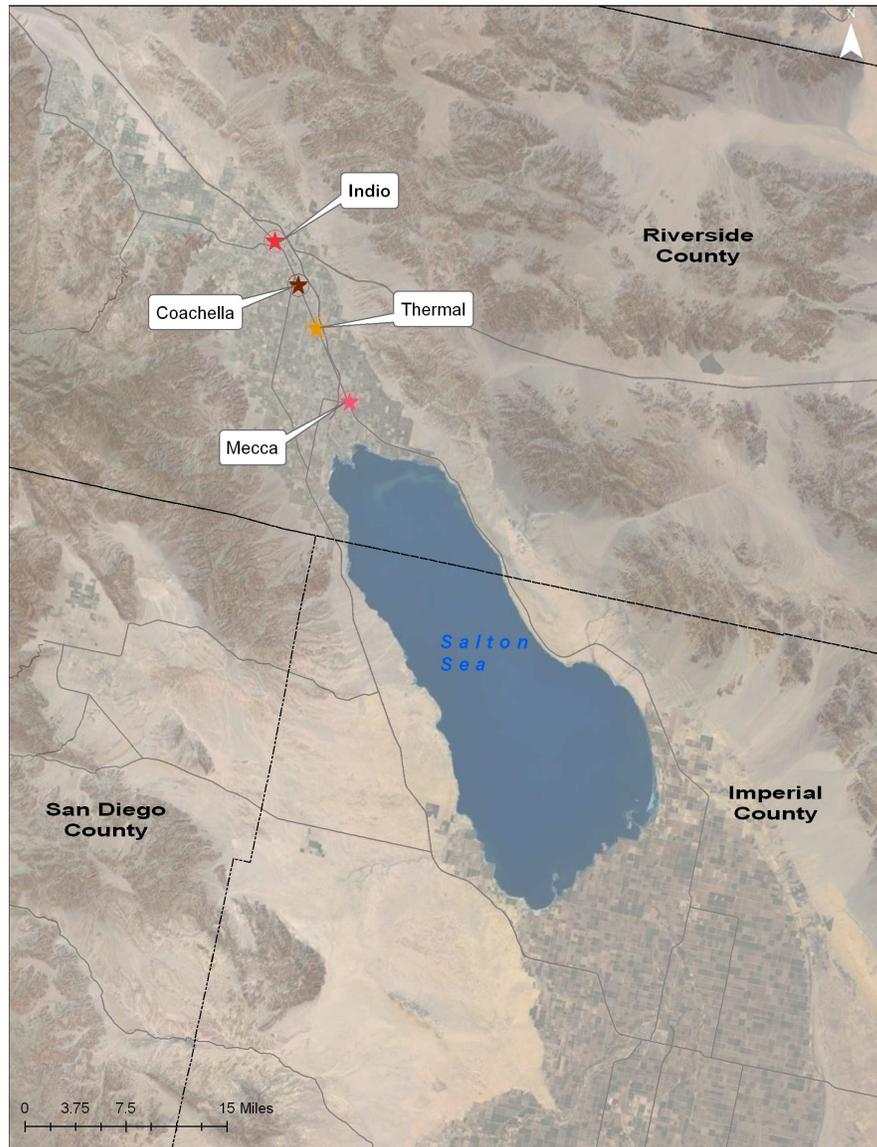
vegetables and fruits. Agriculture in California is larger than that of major agricultural producers such as Canada or Australia (UCAIS 2009), for example.

In California, I studied the role of FLCs primarily in the South Desert region, especially in the Coachella Valley. While being based in Indio, I visited Mecca and Coachella City. Mecca is a small city in the county of Riverside, where most farm workers stay during the harvest (see maps 3.1 and 3.2). The Coachella Valley concentrates the main fruit production of the South Desert sub-region,²⁵ including products such as citrus, dates, table grapes, and deciduous fruits (UCAIC 2009). I spent most of my time around the Riverside County, visiting the Farm Worker Project run by California Rural Legal Assistance (CRLA) in Coachella City and the accommodation *Las Mañanitas* built by the county of Riverside for farm workers. With the support of the community workers of CRLA I visited the field sites during the harvest and talked to some of the farm workers there, but the main interviews were conducted after the harvest, later in the evening when most of them returned from work. After long days in the fields, I had to be very cautious about not disturbing them since they were very tired after hard work. I also visited the local market called *Leon* in Mecca, where they do most of their shopping, and managed to interview some workers there as well. The majority of migrant farm workers interviewed were Mexican, from various states of Mexico such as Guanajuato, Jalisco, Michoacán, Nayarit, Mexicali, Sinaloa and Mexico City. On average they have spent 8.42 years in agriculture, working mainly in the harvest of table grapes and chillis, though experiences vary and one of the interviewees has worked in agriculture for 30 years, collecting different types of crops. The length of time that farm workers had spent doing agriculture tasks, as well as the commodity they had harvested, is important to their perceptions and experiences in the job (see full profile of interviewees in the Appendices A and B).

²⁵ The South-Desert sub-region comprises the eastern parts of the Los Angeles area (western San Bernardino and South-western Riverside counties) across the desert valleys of Coachella, Palo Verde and Imperial Valleys.

Map 3.1. Main fieldwork sites in the Desert Region.

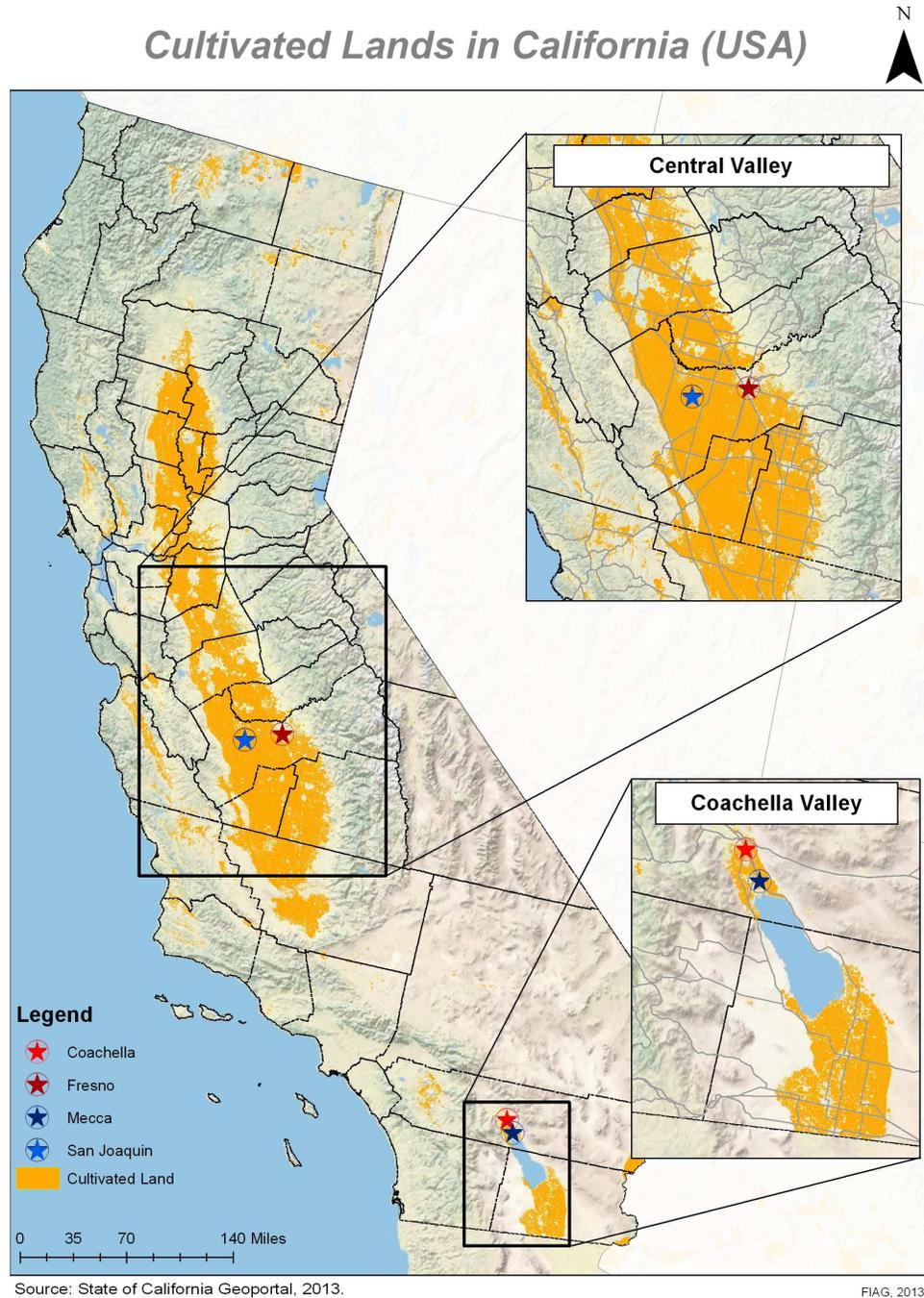
Places around Riverside County, California (USA)



Source: State of California Geoportal, 2013.

FIG. 2013.

Map 3. 2. Main fieldwork sites, cultivated areas



For this research, I decided to focus on California owing to the fact that the state presents one of the highest numbers of FLCs in the United States (Martin 2005; 2009a). At the time of writing this thesis, the number of registered FLCs as provided by the Department of Industrial Relations for the state of California was 1822.²⁶ Conversations with anthropologists in the United States who are more experienced in conducting ethnography with FLCs suggested that I should do fieldwork in California since people are more open to talking about immigration issues there, and there is less risk of being imprisoned for being trespassing private property when visiting the fields.

After spending some time in the Southern region of California I moved to Fresno, where I investigated the presence and role of farm labour contractors in the Central Valley. During the last stage of my research in California I was in San Diego and visited the areas around Oceanside and Carlsbad, where the size of the farms is smaller than in the Central Valley or Desert Region and, owing to the changing size of the farms and the different type of agriculture (smaller, organic-based products), the use of farm labour contractors is less frequent in that area.

From the sending country perspective the majority of farm workers were Mexican, so I focused on the policy conditions that transformed Mexico into a sending country to the United States despite the fact that in recent years this 'condition of sending country' is being complemented by consolidating itself as a country of transit (Alba 2013), a change also affected the perceptions of policy makers associated with migration policy in Mexico City. I also interviewed a few Salvadorian and Honduran farm workers who reached the United States through Mexico and shared their experiences with farm labour contractors.

In terms of the policy dimension of my research, my elite interviews were concentrated in Geneva (stakeholders at the ILO and IOM), Washington DC, San

²⁶ Data retrieved from the Department of Industrial Relations/CA, Farm Labor Contractors License Database. Accessed on 25 September 2013 at: <http://www.dir.ca.gov/>

Diego, and Mexico City. Those cities represented key sites for interviewing policy makers and stakeholders on issues of migration, labour rights and protection. In the next section I will elaborate on the planning and sampling.

Planning and sampling

As previously stated, my research is grounded on qualitative methods. Participants were chosen using a non-probability sampling technique: I opted to find interviewees through a 'snowball' process. Snowballing starts by locating one respondent who fulfils the theoretical criteria, then that person helps to locate others through his or her social networks (Warren 2002:87). Within this method, people are selected according to the likelihood that their interview will contribute to the development of an emerging theory (Byrne 2004:187). This technique is the most appropriate for my case study since members of the target population are difficult to locate (Sánchez-Ayala 2012). In order to guide the sampling, I conducted a desk review of the factors that influence the participants' decision to take part based on my practical knowledge of the available literature and evidence constructed during the field research itself.

Therefore, interviewing formed an important part of my research design because of its ability to generate data in the form of views and perspectives from people involved in the social process of labour contracting and regulation. Interviewing became a key source of information for shedding light on issues and problems that otherwise might have been ignored by relying solely on the written literature (Mason 2002; Byrne 2004). The main format of the interviews was semi-structured, with open-ended questions designed to explore complex aspects of migration processes through a holistic approach that allowed respondents to elaborate on issues that pertain to their own reality (Marshall 1996; Creswell 2009). Migrants, community workers, NGO representatives and elite interviews with

policy makers and academics were conducted (See Appendix for a list of sample questions).

As a technique of social inquiry, semi-structured interviews are widely recognised in the social sciences (Mason 2002; Byrne 2004) and they present some advantages (Byrne 2004:182): open-ended and flexible inquiry allows better access to the interviewees' views, interpretations of events and experiences. The technique is also good for assessing complex issues, such as values, and for approaching sensitive matters when interviewees are open to sharing those with the researcher. All these advantages provide a better picture of the complexity of social relations, and even more depth than other methods, however, they are not without pitfalls. Those looking to create theories with which to generalise and search for patterns of regulation might find qualitative interviewing weak. However, for the purpose of this research, since the aim is not to reach such generalisable goals, open-ended interviewing proved suitable to explore regimes of segmentation and fragmentation, and as I explained earlier in the chapter, open-ended questions allowed me to move back and forth between empirical findings and the development of my theoretical framework (Ragin 1987).

In this vein, semi-structured interviews with migrant farm workers addressed issues related to different stages of the migratory process and the relationship with the labour contractor, with a focus upon working conditions and life experiences. Questions ranged from reasons for leaving the home country, motivation, how migrants got in touch with recruiting agencies and/or contractors, fees paid, working hours, health and safety, relation with the employer, nature of the tasks performed, discrimination, wages, housing conditions, freedom of association and other aspects of working conditions (See Appendix for summary of questions). Since everyday-life research seeks to understand social experience based on how people conduct and experience social life, which privileges experience as knowledge (Boylorn 2008:306), I also inquired into their social engagement in activities beyond the workplace. Whether workers had community involvement, whether they were active in churches and various

tasks carried out after the harvest for socialising were also addressed to shed light on the complexity of the everyday.

This research didn't only arise from the social endeavour of engaging with migrant populations. An important aspect of studying the transnationalisation of labour markets from a qualitative perspective required elite interviewing. There is no consensus among political scientists as to what constitutes an 'elite' within this technique (Richards 1996). However, one of the most important functions of an elite interview is to try to assist the researcher in understanding the theoretical position of the interviewee, his/her perceptions, beliefs and ideologies (Richards 1996:199). By engaging with different 'elites' in the United States and Mexico, I aimed to understand their subjective position towards issues of migration, labour markets and regulation at a particular juncture.

Consequently, elite-interviewing presents some advantages (Richards 1996). First, as a researcher one is able to get information not provided elsewhere, and at times this may include highly confidential information regarding the functioning of institutions or the implementation of legislation. Second, they help to understand documents and official reports that were published at a particular time and not subsequently updated, and third, the elite interviewees contribute to establishing networks to activate the snowball process.

Nonetheless, elite interviewing is not without problems. The difficulty in accessing certain people owing to their position and power might bring some representative challenges to the sample. In addition, the reliability of elite interviews can at times be questioned, especially regarding the relationship of the interviewee with the facts: some interviewees might want to dominate or divert the interview towards their own interests (Richards 1996: 200-201), and sometimes the older the person, the less accurately facts are remembered even though this is a challenge that is present in qualitative-interviewing in general.

Elite-interviews with public servants and policy makers in different branches of government that are related to labour and migration were conducted

both in Mexico and the United States. Snowball techniques were also used by selecting interviewees not only by virtue of their political positions and their known involvement in the process of migration, but also by virtue of their reputation among peers. Questions ranged from policies put in place to protect migrants, negotiations with receiving countries and aspects of migratory and labour policy management.

Together with semi-structured interviews with workers and elite-participants, a small but still important part of the data was gathered through informal conversations. I had informal conversations with many stakeholders in policy making, at conferences and presentations and also within the agricultural communities that I visited as part of my participatory observation (Spradley 1980; Chambers 1995; McKechnie 2008). The information collected was usually noted down in my fieldwork diary, and was later used to help interpret the data gathered in the interviews in order to gain deep insight into the situation of labour contracting. Having described the planning and sampling as well as the relevance of the case study the next sections look at the fieldwork activities.

Multi-sited fieldwork activities

This section describes the field research activities that were conducted, and it also analyses how the interviewees and multi-sited visits contributed to the thesis' goals. The research trip began in May 2011 in Washington DC. From Washington DC I travelled to California and from California to Mexico City, and then back to Washington DC. The trips enabled access to key participants who were not available in the UK, and I also managed to retrieve important documentation in terms of policy documents and reports that were not always accessible through the internet.

My fieldwork commenced by taking part in a Conference on 'Immigration Reform: Implications for Farmers and Workers' organized by the University of

California at the Washington Center (May 12 until 13th 2011). Attending the conference was a good beginning for my pursuit of field research, since I managed to get in contact with key stakeholders in American agriculture and labour policy, as well as academics working on similar issues. The process of snowballing began as soon as I landed in Washington DC. I also received helpful advice as to where to conduct field research with migrants, and my choice of California was confirmed owing to the 'openness' of the state towards immigration issues, a more friendly attitude towards researchers in comparison to Arizona, Texas or Alabama to name just a few states.

In Washington DC I conducted elite interviews with policy makers from the Division of Enforcement Policy and Procedures within the Wage and Hour Division at the US Department of Labor (DOL), who were very helpful in providing in-depth detail regarding the activities of farm labour contractors across the United States and the regulatory problems that the government faces. Later on, those interviewees directed me to the key investigators in the California region, who gave me interviews in San Diego. Analysts within the Labor Market Unit at the Inter-American Development Bank were also contacted to see how the issue of labour contracting was framed within the region and whether it constituted an issue at all. Academics within the Woodrow Wilson Center for International Scholars (particularly from the Mexico Institute), and policy makers at the Mexican Embassy in Washington DC were also interviewed to assess the areas of cooperation between the governments of Mexico and the United States. Those contacts were very helpful in providing further access to key informants for my field research in Mexico City.

After spending ten days in Washington DC I flew to Los Angeles, where I interviewed academics at the Department of Sociology and the Labor Center at UCLA. Those interviews were useful to get insights into the 'migration industry' concept and whether it could be applied to agriculture; I was also able to inquire further about the nature of contracting practices in California and whether

innovative research was being conducted. Academics also shared information on other potential informants in the area.

Later on I moved to Indio, close to Coachella City, where I spent time in Riverside County. Lawyers and community workers within the Farm Worker Project run by California Rural Legal Assistance provided insights and interviews into the state of contracting practices and labour standards in California. At that time, my major challenge was to get access to migrant communities that had contact with farm labour contractors. Accessing respondents is always a concern in qualitative research (Mason 2002, Parker Talwar 2012).

I was also concerned as to where approach the migrant workers for interviews. Their workplace was probably not ideal, since I would be interrupting their activities, and thus impacting on their salary (some were paid by the piece and others by the hour). In addition, farmers and ranchers were very unlikely to grant me permission to stay in the fields. Therefore I visited the field only with the community workers from CRLA, making rounds to check that the health and safety provisions were in place and sometimes approaching some workers during lunch time, though since they only had ten minutes, I was reluctant to interrupt their breaks. Hence, the best time and place to conduct the interviews with the workers was after the harvesting was finished for the day, in the migrant home, *Las Mañanitas*, or during the break in the area around the mobile shower-trucks provided by the county of Riverside close to the Salton Sea, and around Mecca in the Market called *Leon*.

In total 22 in-depth interviews were conducted with migrant farm workers. In general they were one-to-one interviews, but I also interviewed a whole family who were living in one of the flats in *Las Mañanitas*. I had to work particularly hard in establishing trust and building rapport with the migrant population, since not only did they have to trust me so that I followed the ethical guidelines of my research, but also I needed them to buy into my research project so that their responses would be honest, open and would help me in my research. Migrants tend to be resistant to researchers, who some of them equate with agents from

Border Patrol (*la migra* as they call it). My Latin American background and my Argentinean accent proved to be an ‘unintended asset’, and because I realised that many farm workers like football, I was able to use that as a means of breaking the ice before the interview. Also, as I visited the migrant home everyday for a few weeks my face became familiar to them, and so the feeling of trust increased.

However, having access to labour contractors in California was particularly difficult because it was the peak harvest season and they were reticent about speaking to researchers and thereby revealing their labour strategies. In order to overcome this pitfall, I relied on the support of California Rural Legal Assistance (CRLA) and United Farm Workers (UFW), who provided me detailed information on cases involving farm labour contractors, and through my in-depth interviews with farm workers I gained knowledge of their own workplace and life experiences with their own farm labour contractors.

My next move was to the Central Valley, and I spent a few days in Fresno at the heart of the harvest region. According to the latest Census of Agriculture by the US Department of Agriculture (USDA)²⁷, Fresno is one of the counties with the highest proportion of migrant workers. In Fresno I got in touch with the *Centro Binacional para el Desarrollo Indígena Oaxaqueño* (Binational Centre for the Development of the Oaxacan Indigenous Community), whose Director introduced me to the problems of the Oaxacan community and the extent to which farm labour contractors are bringing more and more people from the Mexican province of Oaxaca. I visited the fields from the outside since it was very difficult to gain access: the size of the farms is bigger than those in the Desert Area and this area really constitute what Wells coined a ‘factory in the fields’ (Wells 1996).

After completing my visit to Fresno, I travelled south to San Diego to conduct more elite interviews with policy makers in the Department of Labor in charge of the Southern region, and also with stakeholders in the California Division of Occupational Safety and Health (CAL/OSHA). The nature of

²⁷ The latest available version at the time of completion of this research is the 2007 Census.

agriculture is different in the San Diego region, with farms being smaller in size and a higher presence of certified farmers' markets. The regulatory side was further analysed in this trip to the South, and academic institutions such as Palomar College and University of San Diego (UCSD) were visited.

In addition, during my stay in San Diego I spent three days with an undocumented family who kindly allowed me to live with them and experience the life of the 'undocumented' through their everyday activities. This participatory observation was particularly useful for understanding the ways in which undocumented workers are not considered citizens although their children are, as well as the complexities of everyday life, from doing the shopping to avoiding certain routes while driving so as not to encounter the police.

The last stage of the field research involved travelling to Mexico City to interview policy makers and unravel their perceptions on contracting in the United States and whether farm labour contractors constituted a 'Mexican issue'. In Mexico City, informants were from the IOM Mexico office, the ILO Mexico office, the Instituto Nacional de Migración (National Institute for Migration), Instituto de Mexicanos en el Exterior (Institute for Mexicans Abroad) and Dirección General para América del Norte (National Directorate for North America) within the Secretary of Foreign Relations, as well as the representative for United Food and Commercial Workers (UFCW) in Mexico City.

Overall, the total number of participants was 45: 22 migrant farm workers were interviewed and 23 elite interviews were conducted in Washington DC, Mexico City, Los Angeles and San Diego over a period of three months (a full list of interviewees is provided in the Appendices A and B) in addition to the ILO interviews. The field research contributed to the development of the thesis' argument in two ways.

First, in order to address the research question, the thesis needed multi-sited field research that tried to cover the 'trans' element of migrants' connectivities in addition to the perceptions and experiences of policy makers in

terms of cooperation in the recruitment of agricultural workers from Mexico to the United States. Therefore it provided insight into and depth on the situation, while the various trips helped to build the theoretical framework since the different interviews revealed the elements of the tensions between segmentation and fragmentation. The multi-sited field research allowed me to gather as much information as possible over the framing of contracting practices, and the perception of the issues by migrant workers and policy makers. Consequently, my theory was developed and shaped by the fieldwork process itself.

Second, the fieldwork contributed to the clarification of the thesis' research problem. For example, the reasons why the failed cooperation between Mexico and the United States in terms of migration persisted was more evident in the field than had been portrayed in the literature, since I was able to gather my own data from Mexican policy makers. I was able to understand the Mexican perspective and not only the American view on the issue of labour contracting in agriculture. As the interviews progressed, the framing of the policies along the different regimes of segmentation-fragmentation were becoming clearer to me.

This section has set out the fieldwork activities that were undertaken to pursue this research. The next section provides a brief reflection on the challenges and ethical considerations that had to be considered in the fieldwork.

Methodological issues and reflections

Critical reflection on the research involved analysing the methodological challenges that are associated with this research and how I addressed those challenges in the course of the fieldwork and also during the reflective experience of data analysis. Moreover, my positionality as a PhD student involved considering the unequal relations of power that being a researcher involved *vis-à-*

vis the migrants and the elite interviewees (Arendell 1997), which carried ethical considerations.

One of my first concerns was whether I would need special authorisation to access migrant populations and interview them. Since I was not conducting a PhD in an American University based in California but was rather coming from the UK, I somehow felt an 'outsider' to the problematique within California. I had gained permission from the Ethical Committee within the School of Social Sciences in Manchester to conduct my field research, but I was uncertain as to how gain access to migrant workers. Thanks to the help of attorneys from CRLA and the community workers, the migrant home *Las Mañanitas* allowed me to speak to the workers who were staying there during the harvest.

In some instances, migrant populations can be considered vulnerable since some farm workers have been subject to abuse in the workplace or outside. Even the experience of crossing the border was difficult for many; therefore, the issue of how to treat the migration status which is usually linked to 'migrant illegality' and the constitution of labour markets (Anderson, Rogaly and Ruhs 2012) is another important challenge in this research. In studies of precarity in high-income countries, the focus on domestic labour markets and the fact that 'illegality' carries high political connotations and is defined by law, problematises the access to workers and when those workers become available, a whole set of ethical dilemmas emerge related to their vulnerability and situations of exploitation. In the United States, however, there is an extensive tradition of researching 'illegality' within migration studies (De Genova 2002), and since illegality was not my main focus of explanation, I dealt with it in two ways.

First, the tenuous legal status was not a driving variable in search of informants. The emphasis was put on whether workers had a relationship with a farm labour contractor. I never asked workers about their immigration status, even though at some point in the interview it came up and they decided to reveal their status according to how confident they felt talking to me or whether it helped to explain their relationship with the farm labour contractor.

Second, 'illegality' was not a main focus in my analysis but since the majority of the farm worker population in California is undocumented, the significance that migrant workers gave to their own status in the interviews allowed me to construct it as a category of analysis for the development of the concept of everyday precarity. Differing immigration statuses and how workers felt about their status provided them with different degrees of agency (a topic further explained in Chapter Eight). I also deliberately decided to avoid the use of the term 'illegal' by adopting the term 'undocumented'.

Another methodological challenge of conducting this research was how to link 'the global' with the 'local' (Parker Talwar 2012) in understanding the transnationalisation of labour markets. Well-established categories such as 'nation-states' and the statistical information that stems from them as units of analysis are not enough to account for the underlying tensions at the different levels that are presented by the intersection of the regimes of segmentation and fragmentation. In contrast to the term 'inter'-national, which posits two distinct polities in formalised contact by diplomacy, warfare or border-crossing trade to name a few examples, 'trans' dissolves the separating qualities of borderlines to a degree (Hoerder 2012:69). The challenge then becomes how to investigate the lived spaces with the 'beyond', how to empirically trace the trans-local, trans-regional and thus transnational levels at which migrant connectivity is acted out and where farm labour contractors play a crucial role in channeling those connectivities.

Another way of extending the exploration of those connectivities further would have implied visiting the communities back in Mexico where workers came from and where they met their FLCs. Visiting communities in Oaxaca for example would have been illuminating as to how everyday precarity extends at the local level in Mexico adding another layer of complexity to the analysis. However, in the course of this research, 63.2 per cent of migrant workers interviewed met their FLCs in the United States (see Appendix B), therefore despite the fact that workers had ties with their home communities back in Mexico, the main relationship with

FLCs were experienced in California. The main exploration of this project implies distilling the intersecting regimes of segmentation and fragmentation and how they influence upon migrants' experiences in the constant construction of transnationalised labour markets. For this reason, and also adding the fact that in Mexico City the regulatory sphere of labour contracting was the focus of the research, I decided not to visit the communities back in Mexico. Such an exploration would have added another interesting layer of complexity to the study but would have also required an in-depth ethnography that was outside the scope of this project.

Embracing my research from an interdisciplinary perspective has allowed me to treat the complex causality of the transnational dimension in my case study as conjunctural: it depends on a particular context and the history of its development (Ragin 1987). It was very important to carry out the interviews at a micro-level to collect information on experiences, but my analysis and construction of the analytical framework embedded those experiences in an understanding of macro-level structural factors that shape mobility and contracting practices in a specific historical situation.

It could be said that research in migration studies poses a research question in itself, owing to the interdisciplinary nature of migration, the diversity of approaches and research techniques that abound. Migration studies do not escape the debate over the divide between quantitative vs. qualitative research that has been persistent within the social sciences. On one side stand those who treat the phenomenon as an independent variable (Delgado Wise and Covarrubias 2012:92) and thus rely heavily on surveys and quantitative methods in the search of patterns of regularity within a positivist tradition. In contrast, sociologists and anthropologists interested in the life trajectories of migrants rely on extensive ethnographic work, case studies and oral histories.

In this thesis, the aim of combining structure and agency to provide an understanding of recruitment practices within processes of transnationalisation of labour markets relies on an alternative political economy framework rooted in an

interdisciplinary tradition that addresses the subject from the historical, structural and agential viewpoints. For these reasons, the relational-qualitative nature of my research contributes to middle level theorising to unpack the everyday in processes of migration in the global economy. As is well established in case-study research, the method illuminates important aspects of everyday precarity and the role of farm labour contractors in transnationalised labour markets, but it accepts the limitation that extrapolation from this particular instance to the general is beyond the scope of this research.

Finally, I had to be very cautious with regard to the treatment of migrants' overlapping arenas of agency, which were exacerbated by their relationship with farm labour contractors. My research has shown me that rather than looking at nation-states as whole entities, migrants participate in regional frames, such as particular labour markets. However, the political structures determined by nation-states have deep influences in terms of shaping their experiences, and therefore their everyday precarity, and this is what constitutes the first regime of segmentation-fragmentation that will be further analysed in Chapter Five.

The argument so far

This chapter has explained the research methods that were used to unpack the underlying tensions in the three regimes of segmentation-fragmentation that account for everyday precarity. The research activities helped to explore and analyse these countervailing tensions that lie in processes of transnationalisation of labour markets by following a qualitative methodology. The data gathered contributed to provide flesh to the bones of the analytical framework presented in Chapter Two in order to develop the thesis' argument. The chapter also analysed the difficulties encountered during the research, and outlined some of the measures that were taken in an effort to deal with them. Having presented so far the research problem, the analytical framework developed to study the

transnationalisation of labour markets in the case of California and Mexico and presented the research methods, the next chapters feed the main argument of the thesis with empirical material gathered from the multi-sited fieldwork as well as the literature study. The thesis now turns to elaborate on the seeds of transnationalisation by analysing the forces that drive labour contracting.

Introduction

This chapter analyses the early seeds of the process of transnationalisation of labour markets between Mexico and the United States. In so doing, the chapter contributes to the main overarching argument of the thesis by shedding light on the structural forces that lead to the evolving process of cross-border labour contracting in California agriculture. The chapter shows how contemporary everyday precarity began to be moulded as the product of historical ties between Mexico and the United States

In order to grasp the contemporary phase of everyday precarity, the complex reality that characterises the process of transnationalisation of labour markets can only be illuminated by accounting for its historical development, since migration cannot be analysed outside of the specific historical context in which it takes place (Delgado Wise and Márquez Covarrubias 2012:101). The historical dimension is important for contextualising the theoretical framework set out in Chapter Two in a way which accounts for the contingent nature of everyday precarity as well as achieving a more comprehensive integration of structure and agency.

In order to analyse the early seeds of transnationalisation, the chapter is organised as follows. The seeds of the farm labour contracting system were germinated a century ago by the notion that agriculture is a special sector and

should thus be granted particular exceptions. This special treatment has been encapsulated in the idea of 'agricultural exceptionalism', which is addressed in the first section.

Agricultural exceptionalism, and particularly in the case of California, has operated through two constructs which, while seemingly contradictory, have been fundamental in the crafting of migration and labour policies in the process of transnationalisation of labour markets: *i) the political and social construction of a notion of an unlimited supply of foreign labour, and ii) the construct of labour shortages.* The relationship between these two constructs within the context of the transnationalisation of labour markets is analysed in the second section of this chapter. By weaving the changing nature of United States and Mexico policies towards migration in a historical context, we can begin to fully unpack the foundations leading to contemporary transnationalisation.

Crafting transnationalisation: 'Agricultural exceptionalism'

The exceptionalism of agriculture, which manifests in the combination of immigration and labour laws that grant benefits to the agriculture sector, has changed over time, evolving from an aggressive paradigm of a state support system to adopt a more 'liberalised' tone after the 1996 Fair Act. The exceptionalism of agriculture has been foundational for the United States. It is important to understand agriculture in light of immigration policies, since over the years these policies have been responsible for shaping the type of workers that are desirable and allowed to enter the country as well as providing the political terrain for the restructuring process in agriculture that would lead to further fragmentation. In this context, the construction of Californian agriculture in relation to policies of agricultural exceptionalism has contributed to its industrialisation, and labour and the labour recruitment process have been germane in the evolution of the sector.

Moreover, the conditions that made Californian agriculture a complex set of specialised sub-sectors, organised by commodities, in which production is concentrated in large agricultural corporations (Pfeffer 1980; FitzSimmons 1986; Olmstead and Rhode 2003), were deliberately put in place in response to policy decisions in the domain of labour, immigration and economic reform. This aspect related to California will be analysed in detail in Chapter Six, which focuses on the second regime of segmentation-fragmentation.

Hence, we need to understand agricultural exceptionalism as a moment in the historical development of the United States where the nation-state was managing emerging social relations. In so doing, the early seeds of the transnationalisation of agricultural labour markets were being planted, that would later influence the interweaving regimes of segmentation-fragmentation that this thesis develops. Agriculture summons romantic images of a lifestyle based on rural principles, and the idea of families labouring the fields. Since the earliest period of American history, agriculture has been closely linked to the national consciousness:

The farm sector's economic, social, political, and cultural primacy is self-evident. This belief in farm life as a bellwether for the rest of society has endured throughout American history and has transcended numerous social barriers. Benjamin Franklin extolled agriculture as 'the only honest way' for a 'nation to acquire wealth', in stark contrast with the alternatives of war ('plundering') and commerce ('generally cheating'). (Chen [1995] cited in Luna [1998:490])

The notion that agriculture has been an 'exception' is grounded in the idea that 'agricultural welfare is synonymous with national well-being...A healthy and prosperous agriculture generates action, income and wealth for farmers and non farmers alike' (Chen 1995 cited in Luna 1998: 490). The role of agriculture within the national interest becomes vital, and it is sustained by the provision of special treatment for interests linked to agriculture. In addition, the main tenets of the

idea of 'agricultural exceptionalism' can be seen in the regulatory structure that supports it: the labour legislation, Federal support to farmers and the immigration legislation.

Many components of agricultural exceptionalism highlight the role of law in transferring wealth and power to the sector. Addressing the comprehensive and wide agricultural legislation of the United States is not the aim of this section, but it suffices here to analyse the pillars on which this exceptionalism is made evident. These are crucial for understanding the development of the first and second regimes of segmentation-fragmentation in the chapters Five and Six. These pillars lie in the relationship between employers and workers within agriculture as well as the economic implications of a nation-state-assisted paradigm that characterises the development of American agriculture and dictated its transnationalisation.

Unlike the industrial sector or manufacturing, agriculture presents particular traits that make it 'different'. The perishability of products such as vegetables and fruits, the time gap between the principal production activities such as planting, cultivating and harvesting, the relative immobility of agricultural firms, and the greater uncertainties brought about by nature and weather conditions, give the sector special conditions for which growers can demand differential treatment. One of the main illustrations of this has been growers' interest in being excluded from the stipulations of the National Labor Relations Act (NLRA) (Thomas 1992: 12-13).

The NLRA was enacted by Congress in 1935 to govern collective bargaining. The Act grants employees the right to collectively bargain with employers over working conditions and to join trade unions. However, agriculture workers are not covered by the NLRA: 'an employee...shall not include any individual employed as an agricultural labourer...' (29 U.S.C. 152 cited in Fuller 1971:66). By exempting farm labour from the possibility of protection by the Act, farm workers find it difficult to unionise and they are vulnerable to legal actions that jeopardise farm workers' attempts at bargaining.

Exemption from the NLRA has been a powerful tool used by growers to exercise power and maintain control of employer-labour relations. Growers are apprehensive about picketing, strikes and what they consider the disruptive effects of such demonstrations, especially during harvest time. The fact that agriculture workers are not covered by the NLRA constitutes one of the key pillars of agricultural exceptionalism by providing growers with a key tool to manage labour relations and limit workers' possibilities of unionisation.

Another feature of the unique status granted to agriculture lies in the development of a nation-state-assisted paradigm through government support for growers by providing farm credits, improved technology and subsidised commodity prices. From the late 1950s through to the 1970s, American agricultural policy alternated between state assistance and market-oriented policies. By the 1980s, the key policy instruments for wheat and other crops were: loan rates, deficiency payments and supply controls (Skogstad 1998)²⁸.

Throughout the 1950s and 1960s, export subsidies were introduced at periodic intervals. These policy instruments maintained US domestic prices well above international market clearing levels over sustained periods, thereby providing important incentives for growers and the sector as a whole. Enhancing producer incomes has been the primary objective of US agricultural policy in view of meeting the 'special needs' and interests of the farm sector (Brooks and Carter 1994; Skogstad 1998).

In the early 1980s, a number of developments posed challenges to the existing American agricultural policy. Budgetary costs for agriculture escalated owing to a severe farm debt crisis as a result of plummeting grain prices and the loss of export markets in the early 1980s. These difficulties put into question the

²⁸ Loan rates supported prices by establishing a minimum or floor price for each crop. In turn, deficiency payments covered on the one hand the gap between a politically determined target price, and the higher of the market price or loan rate on the other (Skogstad 1998:469). At the same time, growers were able to access these mechanisms if they were able to leave part of their land out of production as a means to control supply.

nation-state assistance model (Skogstad 1998:473). However, despite the Republican administration's aim to put American agriculture on a market-oriented path, the 1985 Farm Security Act did not altogether abandon the notion of a nation-state assistance model (Paarlberg 1993). The mechanisms through which agricultural exceptionalism was realised would change, but not the overarching rationale or the idea that agriculture was a special sector with special needs. At this juncture, the process of transnationalisation of the agriculture sector would imply a change in policy instruments which reflected the restructuring process that the American economy was undergoing, but the paradigm of agriculture as an exceptional sector would remain.

Policy instruments were modified as price supports and target price deficiency payments were lowered (Skogstad 1998:474). Another key element at this time was the recognition that American agriculture was an internationalised sector, therefore new expenditures for grain and dairy export subsidies were designed to compete for markets with the European Union. The direct consequence of this policy was to augment the costs of government support for agriculture to the unprecedented level of USD 26 billion in 1986 (Brooks and Carter 1994: 147-148).

Pressures on the budget continued to be the main element of reform in the Farm Bill in 1990. The introduction of flexibility acres in the 1990 Farm Bill allowed production decisions to be guided by market incentives rather than government programmes. The new Farm Bill reduced the land area on which payment was to be made by 15% and allowed planting flexibility on these non-payment acres (FAO 1996). As a consequence, the 1985 and 1990 reforms required US growers to depend more on market prices for their incomes (Skogstad 1998: 474).

Nevertheless, the last straw that would modify the structure of American agriculture was yet to come. In 1996, with a Republican Congress and under budgetary pressures, the 1996 Federal Agriculture Improvement and Reform Act (FAIR Act) deregulated the American grain sector (FAO 1996). The FAIR Act

abolished target prices and deficiency payments, thereby removing the link between income support payments and farm prices and eliminating the income-stabilising feature of the farm programmes that were implemented in the 1970s. Federal payments to crop producers and farm landowners were lowered and the acreage reduction programmes eliminated. Farmers thus had far greater flexibility to make production decisions and the freedom to plant any crop, except for fruits and vegetables, on base acres. As a result, the 1996 reforms accentuated the market nature of agriculture and made market prices the main parameters for production decisions by growers (FAO 1996). This would impact on the transnationalisation of agriculture through a push for further fragmentation in the expansion of a more global agricultural sector that would affect the labour process.

One of the fundamental aspects of the reform that has guided agricultural exceptionalism to adopt a different tone was the need to end restrictions on farmers' freedom as to what and how much to plant. The idea of 'decoupling', that is divorcing government financial support from restrictions on what and how much to produce, was seized upon for its political impact and its effect on farmers' interests (Skogstad 1998:475).

The institutions that have historically contributed to sustaining the idea of agriculture as an exception have been multiple. Among those institutions we can find the Food and Drug Administration (FDA), the Department of Labor (DOL), the Environmental Protection Agency (EPA), the Immigration and Naturalization Service (INS)²⁹, and the Occupational Safety and Health Administration (OSHA). Within this plethora of institutions that serve policy making in the United States the roles of the INS and the DOL stand out, for they have at different periods expressed contradicting views over similar issues (Calavita 2010). The INS has the key role of enforcing immigration law and regulations pertaining to entry into the

²⁹ The INS saw most of its functions subsumed into the Department of Homeland Security (DHS), which was created in 2002 after the terrorist attacks of September 11 2001.

United States, and the DOL seeks to protect labour while attending to the demand of employers for seasonal labour.³⁰

Since agriculture is such a large sector in the American economy, farmers have been able to advocate favourable labour and immigration policies and have achieved a powerful position at the political bargaining table. The political influence of agriculture is noticeable in the United States Congress: agriculture tends to have more support in the Senate than in the House (Martin 2002a: 1126). The variegated nature of institutions that have a stake in agriculture would later permeate the contradictory nature of the first and second regimes of segmentation-fragmentation, since what is established at the Federal level impinges upon regional dynamics, as the case of California will illustrate in Chapter Six.

Agriculture has been successful in obtaining government assistance and it has been tailored as an 'exceptional sector' over shifting modes of intervention by the nation-state. From a more direct influence towards the development of market-oriented mechanisms, the transnationalisation of agriculture and its labour market has been a crafted process. In the following section I will analyse the seemingly contradictory character of the political and social constructions of an unlimited supply of foreign labour and labour shortages that underpinned the transnationalisation of agricultural labour markets. For explanatory purposes only, the section is organised in phases.

³⁰ The politics dynamics between the agencies that are part of the nation-state pertaining immigration is not a focus of this thesis; however, these agencies are mentioned since they represent the institutional dimension as actors that craft the first regime of segmentation-fragmentation. See Cuéllar (2012) and Calavita (2010) for an analysis of the politics at the Federal level in the United States.

Transnationalisation of labour: The notion of an ‘unlimited supply of labour’

The second key aspect of agricultural exceptionalism in the process of transnationalisation of labour markets between Mexico and California links agriculture and the labour pool. The diversity of crops has made Californian agriculture unique and a pull area for demand for farm labour. According to the latest USDA Census (2012), California hired 465,422 workers in 2012 and there were 33,955 farms with hired labour. The number of hired workers represents 17 per cent of the total of all hired agricultural workers in the country, and places California among the top demanding states. Over the years there has been a perception by growers that the supply of labour is unlimited, since at different historical epochs labour has always been available.³¹ This assumption has been a political construction historically rooted in American elites that permeated policy-making as a means of social regulation of agricultural labour markets. Over the course of history, the construct of an unlimited supply of labour brought about changes in the formation of the first regime of segmentation and fragmentation that links the United States with sending countries.

The constant need for farm labour has also been shaped by the politically constructed notion of ‘labour shortage’ which, over time, has been used as a political instrument on behalf of farmers and agribusiness lobbyists to push for particular immigration regulation. There is no unified definition as to what constitutes a ‘labour shortage’ (Sumption 2013; Griffiths 2009), but it refers to the lack of available workers with particular skills to perform a certain task. Consequently, the thought of a labour shortage in agriculture may seem to contradict the notion that there is an unlimited supply of labour since,

³¹ Arthur Lewis was the first to develop the theory of unlimited supplies of labour in agriculture. His model was set up in relation to internal migration (see Lewis 1954), I suggest the use of the term in the context of cross-border migrant labour.

economically speaking, both phenomena cannot take place at the same time. Nevertheless, the use of both constructs and their seemingly contradictory nature contributes to segmentation along with fragmentation, thereby creating tensions in the process of transnationalisation of labour markets.

This section teases out how the construct of an 'unlimited supply' of labour has shaped the demand for farm workers in Californian agriculture allocating them to the agricultural segment of the labour market. In turn, through time the construct of a labour shortage has been a political construct formulated by the agribusiness sector to justify the enactment of particular legislation that contributed to fragmentation. By analysing key developments in the evolution of immigration policy in the United States, this section further contributes to the overarching argument of the thesis by contextualising the foundations of the early seeds of transnationalisation to show the historical developments which preceded the regimes of segmentation and fragmentation.

It is very ambitious to attempt a summary of such a long epoch in the history of the development of California. Therefore, in order to emphasise the key issue - how labour became transnational historically - the section will focus on the need for foreign labour in different phases to highlight how foreigners have been incorporated into the agricultural production processes through a process of transnationalising labour markets.

Phase I: Early developments in the chronic demand for foreign labour (1860-1940)

Mexico held sovereignty over California for a very brief period. During this period, the province's farm commodities were becoming increasingly important within the world economy, and this was a principal factor in the increased efforts by the United States to obtain the territory from Mexico (Acuña 1981:98). After the US conquest of Mexican California in 1846, the state's political, socioeconomic, and demographic aspects underwent fundamental changes. One major political change

was the application of US land law in 1851 to Spanish- and Mexican-era land grants (Acuña 1981:101), while the administrators of the new Land Act were not too sympathetic to Spanish-speaking claimants. The major economic modification that came with the introduction of the Act was the full commodification of production assets, including land, its products, and the 'inputs' of production (Monroy 1993:203).

A natural social change also came with the application of the law, and this involved the ownership of lands of former Mexican California. Many rancho owners were unprepared for the introduction of market dictates within a capitalist economy that is associated with booms and busts. As a consequence, after twenty years post-annexation, the bulk of Californian ranchos were firmly within the hands of new elite of US American owners (Krissman 1997:213) that displaced much of the traditional pre-annexation rural farming style.

Another important alteration was demographic. As a result of the gold rush in 1848, US Americans outnumbered the former Mexicans in California by almost 10 to 1. Moreover, upon completion of the transcontinental railway, Spanish-speaking Californians went from constituting the vast majority to a marginalised minority within two decades (Acuña 1981:98). While Mexicans became marginalised, the First nation Indians population was devastated through the practice of genocide against indigenous people (Monroy 1993: 189). Nevertheless, from the point of view of the development of the early capitalist industries -railroads, industrial mines and agriculture- the demise of the native population was a potential threat to the growth of the state. Yankee settlers recognised the key role of the native population in sustaining the economy of California (Acuña 1981). The abundance of natural resources and raw materials could not be converted into commodities without a ready source of labour at an affordable cost (Vernez 1993; Krissman 1997).

By 1860, the US American capitalists now in control of the old rancho economy in California sought to compete with more established Eastern companies. The pursuit of building a transcontinental railway came with greater

force. This emerging capitalist class of railway proponents played a key role in the process of transnationalisation, since they stimulated the first large-scale importation of non-white immigrant workers to California by engaging labour recruiters to provide a large Chinese work force (Krissman 1997:215). The state sanctioned legislation which differentiated labour by race, and thus capitalist industries also sought to tie 'unfree workers' to their employers by permitting the establishment of coercive contracts. Consequently, most Chinese migrants arrived in California via the indenture system (Krissman 1997:215).

The indenture system required that labour recruitment in rural China and job placement in the United States occurred under the auspices of multi-tier ethnic organisations run by Chinese merchants based in San Francisco (Krissman 1997). Workers remained indentured until the recruiters' service and interest charges for recruitment, transportation, and placement were paid, and mainly deducted from the wages earned. To enforce labour contract obligations the labour contractors imposed strict discipline on their labour force, using the coercion of their status as main agents and the legislation that restricted Chinese workers' mobility due to their non-white status (Lee 2002).

The Chinese contract labour system proved to be efficient in supplying immigrant labour force. According to Krissman (1997:216): 'California's farm labour contractor (FLC) system arose out of the railroad's labour system, and was augmented upon its completion; the Chinese foremen shifted their crews into the burgeoning agricultural sector in the 1870s. The availability of a pool of workers from China met the demands of a growing agriculture sector that was moving from land-intensive livestock rearing to the labour-intensive production of high-value export crops such as citrus and grapes (Saxton 1971).

In the aftermath of the completion of the transcontinental railway, Chinese immigration accelerated (Cheng and Bonacich 1984). Chinese workers were perceived by the growers as a source of 'unlimited supply of labour' with the characteristics that growers needed: hard-working and docile. After the mid-nineteenth century, the extensive wheat farms in California gave way to labour-

intensive crops, a transition facilitated by the use of Chinese labour. As an example of the political construction of an unlimited supply of labour that many land owners crafted, and which manifested itself in the attitudes that many land owners had towards Chinese labour, Coronel W. W. Hollister, a holder of vast amounts of California land, wanted the Chinese to enter '...until you get enough here to reduce the price of labour to such a point that its cheapness will stop their coming... I say labour cheap enough to justify employment is necessary for social progress' (cited in Jones 1970:24).

The Chinese came to comprise 25 per cent of California's total labour force (Saxton 1971:8). Nonetheless, the ongoing influx of Chinese migrants began to worry white residents. The passage from farm labour to urban labour markets during a regional recession in the 1870s escalated anti-immigration sentiments. Since the early 1850s, a virulent anti-Chinese movement in California had produced numerous state and municipal laws aimed at restricting Chinese participation in certain industries and controlling their entry to the state (Calavita 2000:4). In 1882, the Chinese Exclusion Act was enacted. The passing of this Act remains relevant, for it began to give shape to the first regime of segmentation and fragmentation in the history of immigration in the United States for two main reasons.

Firstly, the Chinese exclusion policy is an interesting case because the Act of 1882 was one of the earliest Federal immigration laws passed in the United States to bar immigration of a particular nationality (Calavita 2000). As a result, immigration policy began to determine who is eligible to enter a particular labour market according to nationality, and to confine workers to particular segments. Secondly, the implementation of this law represented the first massive effort by Federal bureaucrats to control immigration. Inspection staff began to take a key role in the Treasury Department and later transferring these inspection functions to the newly formed Immigration Bureau. As a result, growers had to resort to alternative sources of labour, and fragmentation began to take place since despite

the efforts of the nation-state to delimit entry, growers began to rely on labour contractors.

After the enactment of the 1882 Exclusion Act, the first regime began to take shape by determining who should be incorporated and who should be left outside. In this context, Japan became one of the available alternative sources of labour. Growers' contracts for labour provision shifted from the Chinese to the Japanese (Boyd 1971; Krissman 1997). In comparison to the Chinese, the Japanese labour contractors were more successful in promoting ethnic labour solidarity in the face of unremitting racism in California (Cheng and Bonacich 1984).³² In addition, the aspirations of Japanese workers were different as well. As some Japanese FLC agents became farmers, they passed on the mantle to their most hardworking crew members, thereby accelerating labour mobility up and out of the agricultural labour market and entering competition with white farmers.

The rapid inclusion of Japanese workers into the labour markets and the new 'threat' that they represented to native white workers contributed to a second wave of demands from Californian groups for restrictions on immigration. As a consequence, in 1908 the Japanese government signed the Gentlemen's Agreement with the United States, in which Japan restricted itself from sending migrants who would work in the United States. The main effect of the Gentlemen's Agreement was to change the type of Japanese immigrant to the United States, but it did not halt immigration or reduce the West Coast agitation against the Japanese, as evidenced by the legal ineligibility of immigrant Japanese for naturalisation (Boyd 1971:50).

In turn, the Immigration Act of 1924 restricted immigration into the United States to 150,000 a year based on quotas, which were to be allotted to countries in

³² Cheng and Bonacich (1984: 160-162) point to the relationship between sending nation-states' power and receiving nation-states by signalling that the Chinese were relatively weak in relation to US imperialism, while Japan was much stronger and was able to extend that power to protect its workers abroad. However, despite the differences, Japanese workers were also subject to abuse in their working conditions (Krissman 1997:218).

the same proportion that the American people traced their origins to those countries, through immigration or the immigration of their forebears (Ngai 1999: 67). By that time, Filipino workers had become an attractive source of labour, but the 1924 Immigration Act restricted the availability of Asian workers and growers began to demand Mexican workers. At this point in the history of Mexico-US relations, a new ideology was required to re-fashion the perception of Mexicans as 'foreign enemies' in the United States in order to render them a desirable source of labour. A great deal of effort was expended to create a revised image of Mexicans in the public mind (Krissman 1997:220).

During the first phase of Mexican immigration to the United States in the 20th Century (1910 to 1920), agriculture and railroads were the main sectors that recruited workers to the Pacific West. There was an open immigration policy towards Mexico, and the economic expansion in the United States demanded labour for the development of agriculture and infrastructure. The term '*Bracero* Programme' is widely used to denote the guest-worker programme put in place between 1942 and 1964. However, the US Immigration Act of 1917, which favoured Mexican male labourers for work on the railroads and in the agricultural sector, is properly referred to as the first *Bracero* Programme (French 2010: 72). The United States' involvement in World War I was a key factor in the importation of Mexican labourers. This was justified as a necessary policy to face the demands that the War created for agricultural goods which were needed by the military and the population, and the idea of 'labour shortage' was introduced.

In contrast to previous, Asian, migrant workers, labourers from Mexico were not tightly bound through an indenture system that disciplined them. The cost of travel to the United States from Mexico was relatively low, and the Southern international border was effectively open to unlimited Mexico-origin immigration (Krissman 1997; Mize 2006). Labour recruitment occurred at the border or within each region in the United States that required farm labour, and many of the new FLCs were not ethnically linked to the new sources of labour (Fisher 1953), although FLCs were then not as widespread as they later became.

When the Great Depression struck the United States in 1929, a system of repatriation was put in place and thousands of Mexican migrants and Mexican-American citizens were sent back to Mexico (Morgan 2004:127). During the 1930s, the agricultural labour market flooded with an increasingly diverse population. The Great Depression pushed unemployment rates in the United States above 30 per cent, while low food prices and drought conditions pushed many families off the land. The 'Okies', migrants from the mid-Western state of Oklahoma, had been attracted to California by grower recruitment propaganda (Martin 2011), but these newcomers found the agriculture labour market oversupplied and experienced harsh living and economic conditions.

California's growers were unsuccessful in keeping white workers segmented within a racialised labour market (Krissman 1997:222). Both growers and farm workers of white origin blamed farm labour contractors for workers' grievances and began to exert pressure for the extension of labour rights to farm workers. When the Depression era gave place to a war-time boom, the Okies left agricultural work and got jobs in manufacturing and the armed forces. Californian growers thus demanded a renewal of the Mexican labour supply.

At this juncture, the origins of what will constitute the three regimes of segmentation and fragmentation in the process of transnationalisation of labour markets showed that the fields of California had been harvested by an array of different nationalities as a result of the racial and ethnic conceptualisations of workers made by Californian growers and sustained by the Federal and state governments. The political construction of an unlimited supply of labour translated into the design of immigration policies that at various times would incorporate different nationalities to the agricultural segment of the labour market. The next section evaluates the second phase in the process of transnationalisation of labour markets between Mexico and the United States by looking at the legacy of the so-called *Bracero* Programme.

During World War II, the demand for agricultural products exerted tremendous pressure on the agricultural economy. As a result, the American Congress authorised the importation of contracted agricultural workers from Mexico under the auspices of Public Law 45, and the *Bracero* Programme began.³³

The *Bracero* Programme has a historical significance in the demarcation of future regimes of segmentation-fragmentation since it involved the governments of both countries, and the Programme shaped immigration patterns between Mexico and the United States. The relevance of various socio-political and economic aspects of the programme for both the United States and Mexico has received much attention from historians (see Calavita 2010; Galarza 1977; Craig 1971; Gamboa 1990; Jungmeyer 1988), and it is not the aim of this section to revise these in detail. In order to understand the emerging dynamics of the process of transnationalisation of labour markets, this section will focus on two traits of the *Bracero* Programme that contribute to the argument of the thesis. The first one refers to the role of the nation-state in managing employment relations between the Mexican workers, who came to be known as *braceros*³⁴, and employers. The second aspect involves the nature of the recruitment system that developed and evolved throughout the 22 years of the programme.

As far as the involvement of the nation-state in the process of transnationalisation of the agricultural labour market is concerned, although the

³³ The enactment of the *Bracero* Programme was sanctioned by the US Congress through Public Law 45 on April 29 1943, and it excluded the participation of the state of Texas. According to French (2010:76), 'Texas, with the longest section of borderlands, did not originally participate mainly because Texas farmers and ranchers felt that they could get illegal Mexican 'wetbacks' (*mojados* in Spanish) at a cheaper rate and without adhering to the humane conditions spelled out by the government of Mexico in Public Law 45'. This is a prime example of the perception of an unlimited supply of labour. On the other hand, Mexico was reluctant to contract workers in Texas due to the history of abuse of the working conditions of Mexican workers.

³⁴ This term derives from the word 'arm' in Spanish *-brazo-* to denote that workers were required because of their physical strength to harvest.

Bracero Programme was national in scope, local, Federal, and state officials tailored the Federal farm labour system to meet regional labour market demands. This meant that the *Bracero* Programme differed across regions and it ended sooner in areas of the United States such as the Pacific Northwest but continued in the Southwest until 1964 (Gamboa 1990: xiii). Not only were *braceros* key in the development of Southern agriculture in the United States, but they also moved North to guarantee food production (Gamboa 1990)³⁵.

In the first phase of the *Bracero* Programme which ran between 1942 and 1947, the agreement signed between Mexico and the United States stipulated the conditions for Mexican workers to work legally in the United States. The nature of the jobs open to them included temporary employment in farms, commencing in California and then expanding to other states. The conditions were dictated by the Mexican government in order to secure protection for its workers during their stay in the United States. The main conditions stipulated by the Mexican government were that workers should have written contracts, sanitary living conditions, adequate wages without arbitrary deductions, and transportation to the work place as well as transportation during repatriation (French 2010).

The government of Mexico also included provisions that made employers deposit funds for workers in either the Bank of Workers or the Bank of Mexico, so that workers would be tied to the employers who managed the payment of their salaries. In addition, Mexican workers could not be recruited for US military activities (French 2010: 76). The same wage rate as the one paid to domestic workers (but never less than 30 cents per hour) had to be guaranteed, and the US government agreed to secure 75 per cent of employment during the contract period and subsistence payments for any of the 25 per cent of the contract period in which a worker was unemployed (Morgan 2004:130).

³⁵ According to Gamboa (1990:129), the presence of *Braceros* in the Northwest made it possible for American workers to be employed in higher-paying non-farm jobs: the *Braceros'* main contribution through the programme was to replace the workforce that went into industry, making agricultural expansion possible by sustaining high levels of farm production.

The *Bracero* Programme of 1942 was unique in the relationship between Mexico and the United States, for it allowed Mexico to establish the minimum standards for its workers in the United States. Moreover, the United States consented to Mexico's demands while refusing to provide similar standards for US farm-workers including whites, blacks, Mexican Americans and Filipinos during the Great Depression (French 2010: 77). During this stage, the administration and placement of workers was conducted by both administrations in Mexico and the United States, while Mexico kept the power to determine the working conditions and rights of its migrant workers.

At this juncture, the US nation-state took over and improved upon the traditional FLCs' functions of recruitment and control by 'managing' the segmentation that was taking place with *bracero* labour. Agribusiness industries were required to organise cooperative associations to assess seasonal labour needs, as well as to supervise workers (Krissman 1997:223). Large growers developed internal personnel departments to facilitate the employment process. In the meantime, the Administration of the United States tried to introduce regulatory controls by mandating licensing procedures and business standards for FLCs. In consequence, the US administration, the cooperative grower associations and the agribusiness firms together took on many of the established functions of the FLCs who had brought Chinese, Japanese and the other foreign workers to Californian agriculture (Krissman 1997).

The management of the Programme would soon change during the second phase of the *Bracero* Programme, which spanned the Korean War and extended from 1948 to 1951. One of the major differences to the earlier administration was that agricultural agents could now directly contract with the Mexican workers. This was an important shift in the employment relationship, because it obviated some of the guarantees Mexico insisted upon in the original agreement (French 2010: 77). As a result, the recruitment of Mexican nationals was now mainly conducted by private employers rather than the US government, and this breaking-up of the traditional employment relationship served as the basis for

bringing workers in after World War II (Morgan 2004), and as an indication of fragmentation in employment relations. Public Law 78 which set down the regulatory framework for the second phase thus differed from the preceding law in that the *braceros* now directly contracted individually with the growers, with no direct involvement by the United States government. This latter point is important since it marks a qualitatively different phase in terms of protection that would later influence everyday precarity in the process of transnationalisation of labour markets.

The change from direct contracts administered by the government to private contracts administered by employers began to change the map of conditions that *braceros* experienced in the United States. The United States government was not responsible for contract fulfilment, a minimum hourly wage was not set, and no unemployment payment was available (Craig 1971). Mexican consuls reported numerous breaches of contracts where the Mexican migrant workers were not being paid or treated according to what was originally stipulated in Public Law 45 (French 2010:77). As a result of deteriorating working conditions, regions such as the Pacific Northwest began to see strikes among *bracero* workers (Gamboa 1990).

The formation of an image of docile workers depended largely on the possibility to strike, and on how *braceros* managed to do it. For example, *braceros* in the Northwest went on strike more frequently than *braceros* in other regions of the United States (Gamboa 1990). Workers in Illinois, Colorado, New Mexico, Michigan, and California would rarely speak critically in the presence of farm managers or labour officials; and *braceros* had two alternatives, either to 'shut up' or 'go back' (Galarza 1944). The reluctance to act against unfair treatment created an image of *braceros* as docile, undemanding and incapable of organising themselves, and also contributed to the notion that Mexicans constitute an unlimited supply of labour.

The situation in the Northwest was different mainly because the long distances from the border with Mexico meant that Mexican labour inspectors were

in large measure absent in the North; thus, workers could not be convinced by their fellow nationals to halt strikes. Second, geography acted against farmers since the threats of deportation were not as credible as for those *braceros* who were in the South. In California, farmers could profit from a constant influx of workers who crossed the border easily and thus were more readily available, which fed the image of an 'unlimited supply' of workers. However, the political construction of an unlimited supply of workers was not only numerical but also qualitative, as it referred to the docile and undemanding traits of Mexican farm workers.

Moreover, the *Bracero* Programme benefited from 'recruitment centres' which were key to the development of the fragmentation within the transnationalisation process. These centres were in charge of the logistical organisation of finding the potential workers, recruiting and sending them to the United States. The administrations of the United States and Mexico had to negotiate where to locate the recruitment centres, and the issue was a point of disagreement because Mexico wanted to locate the centres within the country, in areas where potential rural workers had been displaced and unemployed, so that they could find work to travel to the United States. However, the United States proposed locating those centres at the border so that employers could save on transportation costs (Durand 2007:35).

Border recruitment encouraged undocumented migration and promoted the migration of the sparse population who lived at the border who the Mexican government was reluctant to mobilise since it wanted to prioritise the poor peasantry of central Mexico. As the programme advanced, the geographical fragmentation became more apparent since recruitment centres were moved from Mexico City to Irapuato (350km North of Mexico City) and Tlaquepaque (7km from Guadalajara), followed by Zacatecas, Chihuahua, Tampico and Aguascalientes in the North of the country, although workers were also recruited in Hermosillo, Monterrey and finally Empalme, in the state of Sonora, the very North of the country, at the border with the state of Arizona in the United States (Durand 2007).

In time, the Mexican government lost control over where to locate recruitment centres and gradually gave in to the pressure exerted by the United States. In 1954, when Mexico and the United States failed to renegotiate the accord, the United States began unilaterally to recruit workers at the border (Morgan 2004:128). This attempt by the United States government lasted a few weeks; after this incident both countries resumed negotiations to extend the programme.

Under pressure from religious and labour organisations, the *Bracero* Programme was finally phased out and eliminated in 1964 (Massey and Liang 1989:203). Rather than bringing migration to a halt, the wind-down of the *Bracero* Programme paved the terrain for the future patterns of migration that would characterise Mexico and United States relations in the forthcoming years. After the programme began to be scaled down in 1960, undocumented migration began a long and sustained increase that lasted through to 1979, and by the early 1980s deportations fluctuated at around 1 million per year (Massey and Liang 1989:204).

From 1942 to 1964, 4.6 million contracts were signed, with many individuals returning several times on different contracts, making the *Bracero* Programme the largest United States contract labour programme in history.³⁶ The programme contributed to the consolidation of the migratory system between Mexico and the United States. One of the premises of the Programme as outlined by the government of the United States and Mexico was the assumption that former *braceros* would give up a livelihood upon which they depended and not continue to re-enter the United States (Gamboa 1990: 131). As Gamboa states: 'the current population of Chicanos in the Pacific Northwest, as well as in many other parts of the nation, had its genesis in the United States conceived and sponsored *Bracero* Programme of World War II. In this respect, the *bracero* of World War II functioned as a conduit of Mexican immigrants to many Chicano communities throughout the United States' (1990: 131). In California, the end of the *Bracero* Programme made growers fear that there would be a 'shortage of labour', and

³⁶ Bracero History Archive. Accessed in April 2012 at: <http://braceroarchive.org/about>

farmers pressured the Federal government to provide United States residency status to tens of thousands of former *braceros* to retain their current labour supply. Consequently, many former *braceros* and their families re-settled in California.

In this section, I have shown how the idea of labour shortage has been crafted to justify Federal immigration policies that would benefit the agribusiness over various phases in the development of California. Though apparently contradictory, the construct of an unlimited supply of labour implied that workers could be ill-treated since socially and politically crafted images of *braceros* as docile and undemanding were understood as intrinsic characteristics. The early seeds of everyday precarity were planted during this time, and the institutionalisation of the *Bracero* guest-worker programme allowed everyday precarity to grow roots. This programme began with the full participation of nation-states in delimiting the rights and protections of Mexican farm workers, thereby establishing the foundations of the first regime of segmentation and fragmentation. However, successive extensions of the programme allowed less degrees of operation for the American and Mexican governments while growers gained strength with regard to the management of employment relations, contributing to further fragmentation in the migrant farm labour pool. In this context, the emergence of FLCs constituted an important social change in the recruitment process, and FLCs would gain further strength with the passing of Immigration Reform and Control Act (IRCA) in 1986 (Martin 1994; 2002a; 2003; Krissman 1997; 2005), which set the stage for changes in the labour process.

Phase III: Institutionalising the notion of labour shortages and 'unintended consequences' of immigration policy (1965 -)

Within the process of transnationalisation of labour markets, immigration policies had reached a turning point in 1965, with the amendments to the US Immigration and Nationality Act. Continuing with the tradition of racialised

immigration policy originally set up in the 1920s, the 1965 Act was a deliberate attempt to limit the entry of Southern and Eastern European immigrants (Massey and Pren 2012:1). With the aim of eliminating its racist legacy, the new system allocated residence visas according to a preference system based on family reunification and labour force needs that considered the preference of employers (Kalleberg 2011; Mize and Swords 2011; Massey and Pren 2012). When employers become key actors in determining the right type of worker that was needed, the notion of labour shortage was emphasised once again and now passed on to the employers to determine.

The first regime of evolving segmentation-fragmentation contributes to shaping the contours of everyday precarity by setting up the status that migrant workers will be allowed to possess in accordance with the visa system. This is not to say that the first regime, which is determined by migration policies follows a coherent and rational logic. For example, the changes introduced in 1965 aimed at curtailing the number of migrants from Latin America, but in the case of migrants coming from Mexico, this number rose (Massey and Pren 2012:5). The underlying tensions within transnationalisation processes do question the effect that immigration policies aim to have, especially on curtailing a particular migration stream, which also shows the complexity of cross-border migration as well. In addition, the end of the *Bracero* Programme in 1964, together with the decrease in the cap on permanent resident visas for Mexicans, contributed to the rise in undocumented migration (Cornelius 1997; 2005; Massey 1999; Massey and Espinosa 1997; Massey and Pren 2012).

The long-established flow of Mexican migration to the United States that had lasted for 22 years could not be halted as easily as closing the tap of a valve. The streams continued, but in an undocumented way, which set in motion one of the aspects of everyday precarity that lies in the 'undocumented' nature of migrants' status. Curiously, the migration literature normally portrays the rise in undocumented migration as an 'unintended consequence' of immigration policies in the United States (Marcelli and Cornelius 2001; Ariza and Portes 2007; Massey

et al. 2009; Massey and Pren 2012). However, the 'unintended' nature of those outcomes is another manifestation of the complex tensions that lie at the heart of labour markets that are becoming more transnationalised. They are considered 'unintended' since they are rooted in the assumption that migration can be managed and, consequently, the flows directed.

In an attempt to curb undocumented migration to the United States, in 1986 the first regime of evolving segmentation-fragmentation introduced the Immigration Reform and Control Act (IRCA). The main three components of the reform were: provisions put in place to penalise employers who relied on undocumented workers; the legalisation of undocumented workers already in the United States to perform farm work; and revisions made to the early H2 programme that gave birth to the H2-A Programme³⁷.

The IRCA was important because it shared the responsibility of undocumented migration with employers for the first time in immigration legislation (Gammage 2008). The provisions linked to employers prohibited three types of activities: a) the knowing hiring of unauthorised migrants; b) the continued employment of known unauthorised workers; and c) the hiring of any individual without verifying identity and authorisation to work (Kosegi 2001: 280). The sanctions could take the form of civil fines or criminal charges.

The second important component of IRCA was the amnesty programme, which offered to provide legal status to migrant farm workers who were undocumented. This is another example of how the first regime of evolving segmentation-fragmentation blurs outsiders into becoming insiders by changing their status, thus rendering them entitled to work. Therefore, those workers who were segmented into a particular undocumented labour market become

³⁷ In 1952, as part of the Immigration and Nationality Act of 1952, Congress passed legislation creating the H-2 programme. This programme did not receive much attention because of the existence of the *Bracero* Programme. However, when the *Bracero* programme ended in 1964, growers began to focus on the H-2 programme that served as foundation for future reforms under IRCA (1986). See Kosegi (2001) and Calavita (2010).

documented by changes in the law. Under the terms of the programme, known as the Special Agricultural Worker (SAW) programme, any undocumented worker who had completed ninety days of seasonal agricultural work during each of the previous three years would be eligible to gain lawful permanent residency (Kosegi 2001; Calavita 2010). In addition, there was a general legalisation programme (I-687) which granted legal status to undocumented workers if they had continuously resided in the United States since 1982 (Martin 1994:49). In the event that workers from the SAW programme were to leave agricultural employment after gaining legal status, the IRCA provided for the Replenishment Agricultural Worker (RAW) programme. Under this scheme, workers could be brought in only for a three-year span (1990-1993), and only if there was a certified labour shortage (Kosegi 2001:281).

The third aspect of IRCA concerns modifications that were introduced to the H2 Programme that gave way to the H2-A Programme. The new law divided the H2 programme into two separate schemes: the H2-A Programme for temporary agricultural workers and the H-2B Programme for non-agricultural workers, therein delimiting further parameters of segmentation. In order for employers to be able to request H2-A workers, they have to request certification from the Department of Labor (DOL) stating: a) that there are insufficient workers who are able, willing and qualified, and who will be available at the time and place needed to perform the labour or services involved in the petition (that is, a 'labour shortage'); and b) the employment of migrant labour will not adversely affect the wages and working conditions of workers in the United States similarly employed (Kosegi 2001:281).

The DOL is prohibited from certifying a labour shortage if there is a labour dispute in progress. In addition, if there have been previous violations of H2-A worker agreements, or no workers' compensation or insurance is provided, the certification for labour shortage cannot be granted either. If the Secretary determines that the employer has not made positive recruitment efforts within a multi-state region, or if the Secretary finds that there are equivalent United States

workers who, if recruited, would be willing to make the jobs, then the H2-A visas would not be granted.

The aim of the IRCA was to reduce undocumented immigration; however, it had two key consequences that the literature highlights as 'unintended' (Martin 1994). These consequences are very important for understanding everyday precarity since they marked the course of labour contracting for future years. Moreover, they can be interpreted as an 'unintended' form of agricultural exceptionalism that benefits agribusiness.

Firstly, one of the most dramatic changes in the farm labour market has been the switch from undocumented workers to falsely documented workers. By word of mouth, the availability of jobs was made known in Mexico and Central America, and this spawned a business of false documentation to find employment in the United States (Martin 1994:52). Secondly, the sanctions on employers made them pass the risk onto the rising number of FLCs. In California, the market share of FLCs rose from one third of all job-matchings in the early 1980s to over half in the early 1990s (Martin 1994:56). In addition, the SAW Programme legalised persons who later on became experienced migrant workers and turned into FLCs since registration to become one requires legal status (Martin 1994). In sum, intermediaries such as FLCs began to play a key role in supplying migrant labour to farms, and some hired unauthorised workers to perform those tasks. The rising number of FLCs marks a key development in fragmentation as the connection between employer-employee is dislocated. Thus, migration policies segment labour through different channels such as H2-A visas, and at this stage FLCs can be identified as an early transition to greater fragmentation. FLCs benefited enormously from the development of migrant networks that consolidated between Mexico and the United States which had its origins in the *Bracero* Programme.

The main practice in agriculture has been the use of FLCs, and increased steadily between the mid-1960s and 1990s. FLCs have consequently gained prominence in the organisation of labour in agriculture and consequently constitute the third regime of evolving segmentation-fragmentation within

transnationalised labour markets. It is worth mentioning at this stage that the steady increase in FLCs also followed the economic transformations taking place in the restructuring of American agriculture that turned California into a capitalist model of agriculture. This point will be further developed in the forthcoming Chapters Five and Six.

The phenomenon of labour contracting in agriculture should not be analysed in isolation from the political decisions that shape migratory policies within the first regime of segmentation-fragmentation. The notion of 'labour shortage' has constituted a key political motivation on the part of farmers to lobby for immigration policies benefitting to their pursuit of the right type of worker. The *Bracero* Programme, the H2 scheme and the later H2-A Programme are devices put in place to overcome perceived labour shortages in the agricultural labour markets. Therefore, at this stage, Federal immigration policies establish the first regime of evolving segmentation-fragmentation in labour markets by determining who is liable to enter and who is left outside.

The argument so far

This chapter has analysed the seeds that were first planted in the process of transnationalisation of labour markets between Mexico and the United States. In so doing it contributes to the overarching argument of the thesis by laying out the foundations of the structural forces that drive cross-border labour contracting in the selected case-study.

The chapter argued that in crafting the process of transnationalisation, agriculture has been constructed as an 'exception' and consequently, the nation-state had a key role in sustaining and providing support to its development. In addition, the pillars of agricultural exceptionalism were also sustained by two seemingly contradictory constructs: an unlimited supply of labour and labour shortage. Both notions have been politically constructed as a means to socially

regulate labour markets: in the case of the idea of unlimited labour supply, it has numerical and qualitative connotations. The numerical aspect is also geographically determined, since its proximity to Mexico has allowed California to benefit from a constant pool of workers, and qualitatively, Mexican workers have been considered unlimited because of their willingness to endure difficult and harsh working conditions in the fields. This has translated into the idea that Mexican workers are docile and undemanding and therefore constitute the desired type of workers.

Labour shortage allowed growers to push for immigration policies that would suit their labour needs, claiming that there were no workers available to conduct the harvest. The notion of labour shortage began to be institutionalised with the *Bracero* Programme, and it was later left to employers to determine their labour needs in 1965 with the passing of US Immigration and Nationality Act. The construct of labour shortage further consolidated after the enactment of IRCA in 1986.

In sum, the analytical framework developed in Chapter Two explained that transnationalisation is a *process*, and as such, this chapter contributed by adding the historical dimension and analysing the structural forces that underpin cross-border contracting. These forces have shaped various degrees of segmentation in the agricultural labour markets, and with the evolution of immigration policies, fragmentation in employment relations began to take stronger shape. The next chapter explains the development of the first regime of segmentation-fragmentation between Mexico and the United States in detail and elaborates its role in shaping everyday precarity.

Introduction

This chapter presents the ongoing construction and functioning of the first regime of segmentation and fragmentation between Mexico and the United States. As the thesis argues, the transnationalisation of labour markets is a constant and dynamic process, and its ebb and flow are linked to socio-economic restructuring. In this chapter, the notion of economic restructuring is understood as a process that develops transnationally coexistent and competing with local alternatives (Peck 1996:120). In the case of Mexico, the transformation of the economy from an inward orientation to the consolidation of an export-oriented base modified the productive structures that shaped domestic labour markets by slowly weaving them into American productive structures. At the same time, the reinforcement of flexibilisation in labour markets in the United States also adapted productive structures to flexible, contingent labour in many industries, especially in agriculture. The interlocking forces of economic restructuring in both Mexico and the United States moulded the development of the regime of segmentation and fragmentation in the process of transnationalisation of labour markets.

Moreover, the cooperation that took place during the early *Bracero* times never reappeared, and the asymmetry in the bilateral relationship became a

permanent feature of US-Mexico relations,³⁸ which affected the development of the first regime by exacerbating fragmentation in terms of protection policies. To illustrate all these points, the chapter is organised as follows: first, the chapter begins by briefly teasing out the case of the United States and Mexico in terms of the economic restructuring between both nations that resulted in the positioning of Mexico as the US's backyard for the expansion of transnational production. The North American Free Trade Agreement (NAFTA) played a key role in consolidating the economic transnationalisation of both countries. Second, the dynamics of the first regime of segmentation-fragmentation are presented to shed light on immigration policies and moving beyond 'status'. Third, the chapter pulls together the threads of developments at both sending and receiving ends to cast light on the fact that despite increasing levels of transnationalisation, the interplay of the resulting migration and protection gave way to an asymmetrical relationship. Finally, the chapter draws to a close with a reappraisal of the argument developed so far.

Transnationalising labour markets: The United States and Mexico

In this section the socio-economic process of restructuring is analysed to understand the underlying forces that drive the tensions between segmentation and fragmentation which, as discussed in Chapter Two, condition the first regime of segmentation and fragmentation. Within this process, the role of the nation-state should be seen as a catalyst of accumulation (Brenner, Jessop, Jones and MacLeod 2003) and as the actor shaping capitalist social relations in the assemblage of transnational labour markets through the first regime. Moreover,

³⁸ There is an extensive literature on the nature of United States-Mexico foreign relations from an International Relations and Political Science perspective that focuses on various issue areas and regime change (See Fernández de Castro 1998; 2001; Domínguez and Lawson 2000; Domínguez and Fernández de Castro 2003). For the purpose of understanding the first regime, this thesis focuses on migration issues.

the nation-state has various imperatives such as shaping its relationship with its citizens and non-citizens and delineating the political boundaries of belonging and exclusion that determine the first regime, as well as the protection mechanisms for workers. This is not to assume that the forces of economic restructuring dictate the parameters of the first regime in a unidirectional way, but they are intrinsically related, especially through the economic cycle. Employment relations tied to transformations in production processes and the redefinition of social contracts affected agriculture as well as manufacturing, rendering recruitment practices more flexible and delimiting further segmentation.

The development of the first regime in the case of the United States can be traced to the roots of the process of nation-building. From the moment the United States managed their own affairs, well before political independence, Americans were determined to select who might join them, and through different periods in history they have maintained that determination, which has rendered the United States a 'nation by design' (Zolberg 2006:1). Immigration has a deep root in the course of nation-building in the American case; therefore, successive administrations have contributed to the demarcation of the elements that constitute the first regime.

In addition, the American economy underwent important economic and social transformations, particularly after the 1970s, that modified the circumstances under which employment relations were managed, giving way to the emergence of further flexibilisation in labour markets (Kalleberg 2009; 2011; Vosko 2010). The changes towards flexibility in the domestic American labour markets had an important influence on the process of transnationalisation with Mexico, since those changes provided the context for the development of immigration policies. Accordingly, the pace of transnationalisation of labour markets between Mexico and the United States contributed to the germination of everyday precarity in agriculture. American agriculture has been riddled with complexities, and its move towards flexibility and liberalisation cannot be easily compared to any other sector in the United States. Agriculture has historically

managed to mobilise an important lobby in Congress that would have a relevant voice in immigration reform (Hooks 1990; Martin 2009a; Martin 2011; Gardner 2009).

The years 1974 and 1975 saw the beginning of macroeconomic changes in the United States that would refashion the system of employment relations and work organisation till the present (Kalleberg 2009; 2011). These changes included an ideological shift towards market mechanisms to rule social relations, accompanied by an increasing process of competition in product markets that pushed towards flexible specialisation, and consequently forced companies to adjust their strategies of production (Dicken 1998; Gereffi 2008).

These changes took place in the context of globalisation and spatialisation (Peck 1996; Dicken 1998; Gereffi 2008; Gereffi and Korzeniewicz 1990) in which the further integration of international trade has encouraged manufacturing firms to seek the expansion of their production capacities beyond national boundaries. Hence, together with the revolution in communications and decreasing costs in transportation, manufacturing companies expanded their activities to set up production networks that cover vast geographical spaces (Gereffi 2008; Barrientos 2008).

At the heart of the domestic economy in the United States, one of the paramount transformations was in the world of work. The early 1970s saw a weakening of government intervention in labour markets that also debilitated unions and thus diminished workers' power (Kalleberg 2009; 2011; Standing 2011). In this vein, the model of industrial relations shifted the balance towards employers who pushed for further flexibilisation in the labour force. The standard employment relationship, defined as full-time, continuous employment where the worker is tied to an employer and receives benefits and protection (Vosko 2010), began to give way to non-standards forms of work, which overtime became precarious (Vosko *et al.* 2003; Kalleberg 2009; 2011)

In the agricultural sector, the notion of restructuring manifested in particular ways. As was argued in Chapter Four, agriculture receives a special place in the building of the United States as a nation and across the years has benefited from its exceptional position. One of the key institutional transformations that affected agriculture was the ongoing process of decentralisation of Federal government functions. Under decentralisation, state and local governments were to receive less aid from the Federal government, which according to Falk and Labao (2003:162) modified the social rural American landscape. It is important to highlight at this stage that the programmes applied to American white rural population, the population considered at the core of sustaining American values and 'American rural life'. While many Americans were reaping the benefits of growth, many *braceros* were still gathering the harvest, since the *Bracero* Programme had been extended many times. Therefore, the retreat of the Federal government from welfare administration that was passed on to counties affected mainly the rural American population. California was one of the big states whose counties were given greater responsibility for welfare reform.

Another important consequence for agriculture was the abandonment of farming as a household livelihood strategy which accompanied the transformation in farm size (Buttel 2003:180). Since then, there has been a decreasing trend in the number of farms; however, in order to assess the transformation of American agriculture, it is necessary to consider farms of different sizes separately. The number of farms with annual sales of more than USD 500,000 quadrupled between 1978 and 2005, from 18,000 to 79,000 (Gardner 2009:177). Moreover, the number of farms with sales between USD 100,000 and USD 500,000 also increased during those years. The number of farms with sales of less than USD 25,000 per year, however, has held quite steady. Farms with sales between USD 25,000 and USD 100,000 represent the largest portion of the total decline (Gardner 2009:177). The trend has been a huge concentration of farms.

Consequently, there is an increasing interdependence across the food chains, and a rise in mergers and acquisitions, strategic alliances and networks among agricultural firms. The ongoing internationalisation of the sector dictated by globalising forces propelled the spread and development of the food industry into 'global production networks' (GPNs), which began to characterise the landscape of industrial agriculture, particularly in the state of California.

Long-distance food supply systems involve not only industrial consolidation and oligopoly, but also the prevalence of vertical integration. This means that further vertical coordination is taking place, which leads to a steady shift in the locus of decision-making power within the food system (Buttel 2003). These networks also modify the contractual relationships along the chains, meaning that in order to minimise risk, contracts are established along the different nodes of the chain. For example, big companies such as United Brands and Sole sold their operations, and the food system began to push profits towards food retailers so that the risks and pressures on cost reduction were put onto the farmers (Martin 2002a: 1140).

The agricultural labour market began to experience the introduction of intermediaries in the supply of labour. Farm operators were able to play these intermediaries off against each other, and the result was that 'direct hire' farm worker employment fell, and indirect forms of employment through a third party intermediary rose. The nature of the agricultural sector, especially fruit, vegetables and horticulture, began to change, evolving from local business to an industry of large farms producing commodities for distant markets (Martin 1985: 142). On this account, the sector became global in nature (Gereffi 1998; McMichael 1994).

These economic restructuring processes that can be labelled as the 'neoliberalisation of agriculture' still took place within a preferential position ascribed to the sector. This preferential position at the Federal level can be seen in the way that the Farm Bills have been introduced and modified through the pressure of the Farm Bureau. The Farm Bills, especially after the Uruguay

Round³⁹, have introduced 'market mechanisms' to reduce direct support but still give the United States a preferential position in world trade.

The broad battery of agricultural policies in the United States since the Uruguay Round Agreement on Agriculture (URAA) has exhibited a remarkable consistency with earlier decades. Old instruments have been adapted and new ones developed towards 'market liberalisation', but the policy mix serves the same purposes, and benefits the same groups (Orden *et al.* 2010: 162). Chapter Four argued that Farm Bills were part of the notion of 'agricultural exceptionalism'.

General discussions over the Farm Bills and agricultural policies at the Federal level do not include the farm worker population. Those who make the work happen, fall outside the realm of discussions over policy exceptions; however, the role of immigrant farm labour remains at the heart of immigration discussions at the Federal level in the United States. The agribusiness lobby is key in Congress, but also gets power by endorsing the silence over the immigrant farm labour issue and buck-passing it to the other issue of 'immigration'.

Migratory flows from Mexico to the United States are also part and parcel of economic transformations in the location of transnational capital which has impacted on employment conditions and relations between domestic capital and labour (Sassen 1988; 2001). From the late 1930s until 1982, Mexico embraced a development strategy based upon an economic model of import-substitution industrialisation generally referred to as 'ISI'. In a nutshell, the basic premise of ISI was to develop a domestic industry by allowing import duties and other forms of protection such as import licensing and subsidies in order to produce goods for domestic consumption (Baer 1972; Aspra 1977). During this period, the Mexican government sought to develop the country's industrial base by creating and financing infrastructure projects and subsidising manufacturing production. An

³⁹ The conclusion of the Uruguay Round of trade negotiations was a landmark not only for the creation of the World Trade Organization (WTO) in 1994 but also for setting out the Agreement on Agriculture (URAA), a multilateral framework for government policies in the areas of domestic support, market access, and export competition. (See Narlikar 2003 and Wilkinson 2006).

important consequence of the ISI model was the growth of a large skilled and semiskilled urban working class, which benefited from low inflation, price controls on food staples, and expanding private and public employment. The nation-state acted as a mediator between labour and capital, and this was also possible owing to the legacy of the corporatist system that was established during the post-revolutionary period (1920-1940), which allowed the control of civil society (Teichman 1996).

The increase in industrialization led to a rapid urbanisation that brought concentrations of the population into the main cities of the country, such as Mexico City and Monterrey. One of the key impacts on social life was the abandonment of rural and agriculture activities by vast parts of the population, who migrated to the urban centres. Consequently, permanent internal migration reinforced the process of urbanization and this was also accelerated by the fact that the agrarian reform under Cardenas (1930) did not allow the economic units that were distributed to be fully productive (Lozano Ascencio *et al.* 1997).

During the 1950s and 1960s, Mexico experienced sustained economic growth, and the urban-industrial working class not only had few incentives to migrate to the United States but also had been purposefully excluded from the *Bracero* programme (Hernández León 2008: 32). In turn, rural workers who engaged in *bracero* work contributed to the survival of towns in rural Mexico because the seasonal nature of employment as a *bracero* allowed a process of circular migration to unfold (Durand 1994), in which *braceros* returned to their home communities and invested their earnings in their communities.

However, the economic structure of the country was being transformed completely, with manufacturing coming to account for a large share of Mexican GDP and absorbing a large proportion of the economically active population (Garza and Rivera 1993). Hence, the attraction of vast masses of population from the rural areas consolidated a bias of the ISI strategy towards urban centres. Manufacturing production increased by 7.5 percent annually between 1960 and 1976, with sectors such as assembly, machines, and household appliances growing

by 12 to 16.3 percent annually during the same period (Guillen Romo 1985). The national economy also registered high growth rates of 5.73 percent from 1940 to 1955 and 6.74 percent from 1956 to 1970 (Hernández León 2008:35). This latter period is known as *el desarrollo estabilizador* ('stabilising development') and *el milagro mexicano* ('The Mexican Miracle'), in which GDP figures were high, inflation low and there was a stable exchange rate of the peso to the US dollar.

In the manufacturing centres where economic growth was rampant, the working classes that benefited from growth also profited from the social programmes that the Mexican government put in place to supplement family wages. In 1943 the government established the *Instituto Mexicano del Seguro Social* (IMSS, the Mexican Institute for Social Security) to provide medical attention, child care, and retirement benefits to workers and their families. In 1972, the federal government created several funds to provide affordable (owner-occupied) housing to salaried workers, being the most prominent the *Instituto del Fondo Nacional de la Vivienda para los Trabajadores* (INFONAVIT, Institute for the National Fund for Workers' Housing) (Gutiérrez Garza 1988).

Nonetheless, the benefits previously described only included workers in the formal sector of the economy, and vast segments of the population were excluded from the expansion of social rights (Hernández León 2008:39). Almost the entire rural population in Mexico was excluded from the benefits of 'the Mexican Miracle', together with the urban poor and the underemployed and unemployed (Gutiérrez Garza 1988).

The ISI functioned as a 'containment strategy' for the working urban classes who participated in the manufacturing sector and benefited from the programmes put in place by the government to enhance their socio-economic situation. ISI acted as a containment strategy in the sense that these urban working classes did not consider migrating to the United States as an opportunity to enhance their situation, and the domestic labour markets that provided stable employment to those workers were sufficient for that population. In contrast, agricultural workers did not participate in the Mexican miracle in similar terms, and many engaged in

international migration to the United States as part of the *Bracero* Programme, which functioned as a 'safety valve' for many families and marked an important stage in the transnationalisation of labour markets in agriculture with the United States (Hernández León 2008; Durand 1997; Délano 2011). However, the permanent exclusion of vast segments of the population from growth was not sustainable, and the ISI project was confronted with its limitations as a development strategy.

The period of ISI segmented the labour force into an internal labour market in manufacturing while leaving agricultural workers aside. In addition, the agricultural reform undertaken by Cárdenas left many farm workers without lands. As a result, the domestic segmentation of labour markets that was taking place in Mexico, through which agricultural workers began to experience more precarious conditions in relation to manufacturing workers, set the foundations for these farm workers to consider emigration to the United States as an employment alternative.

While the economy developed during the ISI period, the nature of the 'closed model' translated into a rather 'distant and defensive' foreign policy towards the United States (Chabat 1996). In the case of Mexico, migration policy is part of a broader foreign policy strategy that in relation to the United States becomes an 'emigration policy' (Fitzgerald 2009; Délano 2011). Since the ISI marked the development of a closed economy, there was not much engagement with developments relating to Mexican migrants in the United States, and emigration was regarded as a safety valve to alleviate unemployment problems in Mexico, avoid political pressures and prevent political mobilisation (Délano 2011:80). In their pursuit of a closed development paradigm, Mexican political elites did not fully grasp how relevant migrant citizens would become, and this

translated into a paucity of migration policies towards the United States.⁴⁰ The table would turn at the outbreak of the 1982 Debt crisis that was to follow.

The 1980s became a landmark decade for the record number of Mexicans who migrated to the United States, either directly or via internal migration through neighbouring states; they surpassed the 2 million mark (Lozano, Ascencio, Roberts and Bean 1997 cited in Hernández León 2008: 47). The crisis signalled the transition to a new phase of economic development for Mexico. The major transformation encompassed the departure from an overprotected and inward-looking manufacturing sector into an export-oriented economy which aimed to become internationally competitive. Nation-state institutions, together with transnational and national corporations, have modernised the manufacturing sector through the incorporation of new technologies and flexible systems of production and the establishment of strategic alliances between local and foreign capital (Dussel Peters 1996). Second, the Mexican government liberalised trade, opened the economy, and furthered its integration with the United States by lowering duties and eliminating import restrictions, joining the General Agreement on Tariffs and Trade (GATT) in 1986 and later establishing NAFTA with the United States and Canada (Gereffi and Martinez 2005; Pozas 1992; Wise 2009).

At the core of the transformations in the economy lies the quest for flexibility in terms of employment relations, and the organisation of production with the overarching rationale that labour flexibilisation was needed to attain higher levels of productivity and thus expand products across markets through an export-oriented industrialization. A combination of industrial modernisation and liberalisation of the economy was set in motion with the key parameter being the liberalisation of trade.

⁴⁰ From the end of the *Bracero* Programme until 1982, Mexico followed what the literature has come to recognise as 'the policy of having no policy', which implied not bringing migration issues to the bilateral agenda with the United States. However, it did not mean that the country had no consular activity across the border (García y Griego 1988; Bakker 2010; 2011; Délano 2011).

In this way, the industrial labour relations that had emerged during the ISI based upon an important role for trade unions, and a protective nation-state were dismantled little by little in order to attain the desired flexibility. The emerging flexibility was to become apparent in the rise of informality and subcontracting (Gutierrez Garza 1992; Pozas 1992; Dusell Peters 1996). Mexico has been marked by a nation-state corporatism in which organisations that represented workers and peasants were incorporated into the apparatus of party-relations that characterised the party system (Teichman 1996).⁴¹

The reorganisation of capital through the opening of the economy created dislocations in domestic markets that drove the working classes in Mexico to consider migration to the United States (Hernández-León 2008:49). Since the ISI had acted as a 'containment valve' for the urban centres, the architecture of the employment relations that were built during those times and dismantled as a consequence of restructuring processes created a pool of workers who began to consider employment across the border (Sassen 1988; 2001).

The patterns of urbanisation and internal migration that characterised the ISI period gave way in the 1980s to contraction of job opportunities in the country's largest cities. For example, Mexico City not only ceased to attract internal migrants but also began to lose population (Lozano Ascencio *et al.* 1997). Browning and Corona (1995) estimated that during the period 1987-1992, nearly 661,000 people emigrated from the Mexico City metropolitan area to other states in the country. In turn, the border cities and the Northern region of the country experienced the most significant gains in terms of flows of migrants in the reorientation of internal migrations (Lozano Ascencio *et al.* 1997).

The process of economic restructuring that began in the 1980s reorganised internal labour markets in Mexico, and in turn started to modify internal migratory flows in the country. Rural migrations took place first, and later on,

⁴¹ The corporativism during the ISI period was accompanied by patron clientelism to minimise the potential of social unrest. The restructuring process put in place by president Miguel de la Madrid in 1983 gained further force under Salinas de Gortari's presidency (1988-1992).

owing to diminishing opportunities for salaried work, especially in manufacturing, international migration to the United States arguably became an alternative for rural as well as urban populations (Hernández-León 2008:47). Accordingly, urban and economic restructuring, together with changes in the rural composition of the labour force that was also an outcome of agrarian reform, delineated the contours of the evolving migratory system between Mexico and the United States.

During the period 1982-1988, Mexico reformulated its relations with the United States in terms of economic integration and foreign policy objectives (Fernández de Castro 1998; 2001; Délano 2011). Emigration to the United States became a preoccupation after the passage of the IRCA in 1986, which modified the pattern of circular migration in favour of settlement owing to the programme of legalisation. Mexico kept a distant position from the negotiations in the United States and the passage of the IRCA. However, by the early 1990s the further reinforcement of economic ties with the United States would make Mexico reshape its position in terms of emigration policy.

NAFTA: trade and migration

The negotiations and the signing of the North American Free Trade Agreement (NAFTA) between Mexico, the US and Canada were a milestone in the process of transnationalisation between Mexico and the US. The rationale behind the treaty between Mexico and the United States rested on the assumption that more trade would halt migration from Mexico to the United States (Russell and Teitelbaum 1992; Pellerin 1999; Martin 1993; 1996; 2002b; Martin and Taylor 1996).⁴²

⁴² The theoretical foundation of this rationale lies in the principle of neoclassical trade economics epitomised by the 'trade-migration substitution principle'. The principle has its origins in the Heckscher-Ohlin-Samuelson model by which trade emerges because two countries have different

The expectations that the trade treaty could resolve immigration problems between the United States and Mexico were high, which is curious since NAFTA had no provisions on migration, and only a short section on the temporary mobility of business professionals.⁴³ Nevertheless, NAFTA incorporated a supplemental labour agreement, the North American Agreement on Labour Cooperation (NAALC). This agreement was intended to improve working conditions and living standards in the three countries involved, and to encourage cooperation in order to promote compliance with each nation-state's labour laws (Vega 2000; Russo 2002; Bieszcak 2008).

The NAALC was designed to reinforce international labour standards and avoid labour abuse related to forced labour, child and underage labour and to assure compliance with key ILO conventions on freedoms of association, the right to strike and the prevention of occupational injuries and illnesses (Vega 2000, Bieszcak 2008).⁴⁴ The NAALC included a principle to protect migrant workers as well. Despite the political rhetoric to protect workers, evidence presented so far in the literature shows that the NAALC has failed to protect workers, especially the *maquila* deaths cases⁴⁵ (Vega 2000), and it failed to avoid violations of workers' health and safety, specifically of many Mexican migrant workers (Delp *et al.* 2004).

factor endowments. If factor mobility reduces these differences, there is no incentive to trade, thus trade and factor mobility are merely substitutes. In this vein, under the trade liberalisation proposed by NAFTA, a country would export the goods in which it has a comparative advantage. In other words, it will export the goods that comprise its relatively more abundant factor in the production process. In the Mexican case this encompasses labour. Therefore the labour-abundant country will implicitly export labour and import capital, resulting in the simple equation that trade in goods is a perfect substitute for factor mobility. See Collins, O'Rourke and Williamson (1999).

⁴³ Part V of NAFTA deals with Investment, Services and Related Matters and Chapter 16 covers the temporary entry of business persons. See full text at: <https://www.nafta-sec-alena.org/Default.aspx?tabid=97&language=en-US> (Accessed in June 2013).

⁴⁴The complete document can be accessed at the Secretariat of the Commission for Labor Cooperation: <http://www.naalc.org/naalc/thenaalc.htm> (Accessed in June 2013).

⁴⁵ This refers to the cases of bodies of young women that appeared in the outskirts of the main *maquila* towns in Mexico. Vera (2000) traces the development of the *maquila* industry and the emergence of cases of abuse and death of young women who worked for the *maquila* industry.

The adoption of NAFTA in 1994 consolidated the transnationalisation between both nation-states along the lines of trade and investment, with migration and labour issues partially and superficially addressed. The finalisation of the treaty's terms and conditions would have development implications for all parties involved. The United States faced increasing pressure to address undocumented immigration and to find a solution to the issue of provision of the public goods that newcomers demanded.

On the other side of the border, the Mexican government aimed to complete a process of economic reform, the main tenets of which were liberalisation of trade and investment. In addition, there was a strong consensus among many economists and policymakers of orthodox outlook that the modernisation of the Mexican economy would result in rapid job creation, an increase in wages, and the reduction of consumer prices (Otero 1996). This would lead to higher standards of living, geographical distribution of foreign direct investment (FDI), and in turn, the expectation that further development would decrease migration to the United States (Schiff 1996a; 1996b; Martin and Taylor 1996; Martin 2002b).

One of the key manifestations in the process of transnationalisation in light of NAFTA was the development of export-oriented industrialisation through *maquiladora* plants in Mexico. *Maquiladora* plants export labour services that are incorporated into products assembled in Mexico and consumed in foreign markets, mainly the US, based on duty-free inputs from those markets (Gereffi 1996: 85). The Mexican government authorised 100% foreign ownership of *maquila* enterprises, provided that the entire output was exported.⁴⁶

On this account, NAFTA consolidated the development of an export-led model. Mexican exports rose by 347 per cent from 1994 to 2007 and manufactured

⁴⁶ Despite the fact that the *maquila* project took greater force after the enactment of NAFTA, it was initially put in place in 1965 with the end of the *Bracero* Programme. There was high unemployment in Mexico when that programme ended, especially in the North of the country, and this prompted the government of President Gustavo Díaz Ordaz (1964-1970) to launch the Industrialization Programme in 1965, whose principal tenet was the *maquila*.

goods constitute the main factor. The manufacturing industry absorbed 53 per cent of all FDI inflows to Mexico during the period 1994-2004 (Moreno-Brid *et al.* 2005:17). Also, no more than 300 firms, most of them linked to transnational corporations, account for the bulk of Mexico's manufacturing exports (Dussel 2000; Mattar *et al.* 2003). Export industries tend to be highly labour intensive, this being precisely one of the rationales for locating factories in low-wage countries, which is indicative of further global fragmentation of production. The export drive that motivated Mexico to jump onto this bandwagon was the relatively higher dynamism of manufactures, changing Mexico's export profile from primary commodities (especially oil in the seventies) to manufactures that carried an important labour component in the assembly line.

For advocates of neoliberal paradigms both in Mexico and the United States, the *maquila* project is seen as an effective way of deepening integration by allowing foreign capital into the Mexican economy, increasing exports and providing jobs for Mexicans. However, more critical views question whether the *maquila* can even be considered a 'national' development strategy because of its consequences for job creation and the type of employment it creates. The economic impacts of the development of *maquilas* have been widely analysed in the literature (Dussel Peters 1996; Delgado-Wise and Mañan García 2005; Delgado-Wise and Covarrubias 2007), but for the purpose of this section, I will concentrate on job creation and patterns of migration.

NAFTA advocates usually justify the success of the integration scheme between Mexico and the United States by the number of *maquilas* set up and by the absolute number of jobs created as indicators of the transnationalisation of labour markets. In addition, advocates claim that the *maquila* has also contributed to the upgrading of the skills of the Mexican workforce, as firms have invested to some extent in training and the establishment of links with local educational institutions (Buitelaar and Padilla 2000: 1663). But the extent of 'human upgrading' is very limited, because the activities conducted by workers are basic assembly ones that do not require technological skills or further training. Thus, the technological

advancement of the *maquila* should be analysed cautiously. The fact that *maquilas* are incorporated into a transnational technological value chain does not make them technologically upgraded on the industry ladder (Dussel Peters 2003a; 2003b).

There is also evidence that *maquilas* contribute to the precarisation of labour. *Maquilas* are based on the employment of labour that is paid relatively low wages, workers have low or non-existent levels of unionisation, there is high worker turnover and lack of job security (Delgado-Wise and Covarrubias 2007:664). The strategy of transnational corporations based upon *maquilas* relies on embracing flexibility in the form of subcontracting and searching for efficiency gains in more advantageous locations, for example, *maquilas* in Yucatán, Puebla and Oaxaca (Southern Mexico) suffer competition from Central America.

The restructuring of economic activities within the Mexican economy has also produced a social reorganisation through internal migration. This social reorganisation of labour spawned a flow of internal migration from the less-developed Southern states to the faster-growing Northern states in Mexico, and from there, many continued to the United States (Zabin and Hughes 1994:415). For instance, the specific recruitment of the 'poorest of the poor' seemed to be a common strategy of horticulture producers in Northwest Mexico, and many Oaxacans migrated to these areas in search of jobs.

The enactment of NAFTA evidenced the ties of the Mexican economy to the United States, and by 2002-2005, when 85 per cent of its exports went to the North, Mexico's economic cycle is now intimately tied to the ups and downs of the US economy (Hernández-León 2008:53). By the time NAFTA consolidated the integration of Mexico to the US economy, the migration flows from Mexico to the United States took greater significance, which obliged Mexico to redefine its position vis-à-vis its 'emigration policy'. Mexico had deepened its integration with the United States and this implied the need for a more mature attitude towards its citizens who were living at the other side of the border. However, rather than having a comprehensive strategy, Mexico expanded its consular activity in the

United States and decided to engage its Mexican community there (González Gutiérrez 1997; Délano 2011).

The American economy plays a key role in attracting Mexican workers to particular sectors of the economy, such as agriculture and construction, through the process of segmentation of its labour markets. Historically, the United States has resorted to migrant labour for its economic activities. Mexicans constitute in excess of 85 per cent of all agricultural labourers and are the backbone of the workforce in the production of tobacco (North Carolina), onions (Georgia), mushrooms (Pennsylvania), cherries (Michigan), poultry (Arkansas, Delaware), meat (Iowa, Nebraska), and seafood (Maryland) (Durand and Massey 2006:11).

The process of restructuring in Mexico shaped the transnationalisation of its labour market with the United States. It was shown how in different periods in history, migratory flows to the United States were part and parcel of changes in a domestic labour market that was becoming more and more transnational.

Dynamics of the first regime of segmentation-fragmentation: Precarious status and protection

Immigration policies and the legal production of precarious status

The first regime matters because it outlines the migration policies that allow migrants to participate in labour markets by establishing the visa systems that provide workers with status. The granting of a visa and the consequent status derived from it render workers 'legal' in the sense that they can offer their migrant labour power to the receiving country in a particular sector of the American economy. H2-A visas are solely for the purpose of agricultural work, whereas H2-B visas are used for sectors such as hospitality, restaurants, landscaping and amusement parks to mention just a few examples. These visas allocate workers to

a particular segment of the domestic labour market and this is the way that the first regime contributes to segmentation. Then, overstaying a visa or simply entering a country without the visa will give workers what advocates call 'undocumented' and critics call 'illegal' status.⁴⁷ The differentiation between 'legal' and 'illegal' is the first aspect that public discourse and the media tend to focus on to shape particular immigration discourses (Menjívar 2000; De Genova 2005; Bauder 2006). However, everyday precarity, as will be shown in Chapter Eight, moves beyond superficial readings of status and emphasises that the binary created between 'documented' and 'undocumented', 'legal' vs. 'illegal' is not enough to embrace the complexities of recruitment and labour market transnationalisation practices that impinge upon workers' experiences in labour markets.

The first regime of segmentation and fragmentation matters because it establishes the parameters of those migrants who, by achieving an H2-A or H2-B visa, can perform in a particular segment of the domestic labour market. Nevertheless, status becomes the first element determined by the first regime since it emanates from migration policies, but in order to grasp the complexity of everyday precarity shaped by cross-border recruitment, in this thesis I argue that the first regime of segmentation and fragmentation is dictated by (im)migration policies but also incorporates protection policies.

These protection policies need to be analysed in conjunction with immigration policies in order to account for the tensions that emerge out of the transnationalisation of everyday precarity when it comes to the set of rights and the relationship between migrant workers and their contractors. Looking at migration policies and protection policies in the domain of labour together facilitates comprehension of the role and place of FLC recruitment practices. In

⁴⁷ For the purpose of this research I focus on labour migration and thereby on the labour visas for agriculture. However, other means to enter the country via family unification, refugee status, and spouse-sponsorship provide spaces for other precarious status conditions to emerge. However, these are not analysed here. For more insight into the US case, see Bergeron (2013), and Sumption and Papademetriou (2013).

this way, the debate over precarious employment moves away from the representation that workers face bad working conditions or experience precarity simply because they might be undocumented, as if the portability of an undocumented status were the direct responsibility of the migrant as a social agent. The first regime of segmentation-fragmentation matters for it highlights that precarious status is also created by the institutional architecture that determines certain visa policies.

The institutional architecture of immigration and protection policies shapes the development of precarious status by allowing certain practices that might be considered 'legal' but also constitute the social and legal production of *undocumentedness*. Everyday precarity goes beyond 'illegality' or being 'undocumented', that is just a trait exploited by FLCs since the docility and vulnerability implied by undocumented status becomes tools of action for FLCs who move workers up and down the state. Therefore, the implications of everyday precarity go beyond status in the sense that legality does not necessarily mean good working conditions and respected rights. Status is important because it determines a set of rights that workers might possess, but the institutional frame also creates situations of legality that can be precarious, thus giving shape to *precarious status* in processes of transnationalisation.

As a concept, 'precarious status' was developed in the context of Canadian migration (Goldring *et al.* 2009), where it is marked by the absence of any of the following elements normally associated with permanent residence (and citizenship): i) work authorisation, ii) the right to remain permanently in the country (residence permit), iii) not depending on a third party to remain in Canada (such as an spouse or employer), iv) social citizenship rights available to permanent residents (public education and health) (Goldring *et al.* 2009:240-241). In this thesis, precarious status refers to the dubious situations where some practices might be legal (such as authorising FLCs to bring in H2-A workers, or focusing on the registration of FLCs with the DOL to be allowed to operationalise) but imply abusive practices on behalf of contractors since the legal loopholes are

present for FLCs to exploit. It is a concept that emerges not only from the migration law but it is understood as a component of the everyday precarity that stems from the intersecting regimes in the process of transnationalisation of labour markets between Mexico and the United States.⁴⁸

For example, as will be elaborated further in Chapter Six, the fact that FLCs need to register with the Department of Labor at the state level is a newly established provision by the Migrant and Seasonal Agricultural Worker Protection Act (MSPA); however, certification on its own is just the first superficial stepping stone to address the abusive practices operated by FLCs. As will be shown in Chapter Seven, the fact that FLCs have to be registered to operate constitutes the legal aspect of the production of informality, since FLCs can only get the certification for a year and then renew it for up to two years. However, once the business has been established, FLCs rarely dismantle it, and they either work illegally (without being registered), or they register under a different name.

For this reason, the status of migrant workers on its own is not sufficient to understand the complex dynamics of everyday precarity within the transnationalisation of labour markets. The analysis of recruitment, the role of FLCs and the legal practices around the certification of FLCs are key components that need to be put into question. Hence, the first regime is not simply determined by the boundaries of inclusion and exclusion through visas and status creation, but also by the protection mechanisms it puts in place.

Another important element of the first regime is that it is not set in stone. It changes according to context, for example, the framing of immigration policy as a national security concern took greater force after the attacks of 9.11.2001, however, Reagan had already thought to exploit the political advantages of demonising Latino immigrants and asserting that 'illegal immigration' was a matter of national security (Massey and Pren 2012:7). In a 1986 speech, Reagan stated: 'terrorists and subversives are just two days' driving time from [the border crossing at]

⁴⁸ This will be further elaborated in Chapter Eight.

Harlingen, Texas' (Kamen 1990 cited in Massey and Pren 2012:7). Since then the focus has been on border enforcement and on portraying the same migrants that are widely necessary for the harvest as 'illegal', 'dangerous' and a 'threat'. This move towards securitisation and border enforcement has actually exacerbated conditions of fear and insecurity for migrant workers themselves by exacerbating everyday precarity. Since the border with Mexico has become more difficult to cross without authorisation, migrant workers have decided to remain in the United States for future harvests to avoid apprehension and risking their lives (Spener 2009; Mize and Swords 2011).

Debates in the United States that span immigration reforms and include legalisation programmes address the 'status' issue and the accompanying set of rights to which workers are entitled by particular status. But they do not address the underlying root causes of abuse and exploitation in the agricultural sector of the United States, or the transnational character of the integration of labour markets with Mexico. In the case of the United States, the first regime of segmentation and fragmentation is set up unilaterally in the sense that it is not discussed with Mexico. The next section looks at the protection mechanisms put in place to move beyond 'status'.

Beyond 'status': The first regime of segmentation-fragmentation and the protection of farm workers

This section elaborates why the transnationalisation of labour markets and emerging forms of everyday precarity need to account for protection and take the first regime to a level beyond status. The incorporation of protection in the context of processes of transnationalisation that have been shaped by economic restructuring sheds light on fragmentation, and how rising flexibility within both the documented and undocumented labour force brings about fragmentation.

The first regime of segmentation-fragmentation informs the second and the third not only by providing the 'umbrella effect' of status but by also delimiting the protections to farm workers in different contexts and spaces. In this way, the first regime can be seen as an uneven, intersecting and contradictory force that operates in the process of transnationalisation of labour markets. The categories that stem from the first regime include the social, administrative, legal and political categories of migrant workers that permeate their everyday lives and it creates the means of fragmenting them even within the same segments of labour markets. This latter point is illustrated as follows.

In the United States, two pieces of legislation are fundamental to understanding the role of protection of farm workers. The Fair Labor Standards Act (FLSA) originally enacted in 1938 guarantees most workers a minimum wage for each hour worked. The FLSA also provides for overtime pay by requiring that most employees who work more than 40 hours per week are paid one and one-half times the regular pay for each hour of overtime worked. Until the year 1966, the FLSA excluded farm workers⁴⁹. Since the 1966 inclusion of agricultural workers in the FLSA, the minimum wage and recordkeeping provisions have been applied to most agricultural workers and employers. However, the overtime provisions of the FLSA are still not applicable to the entire population of farm workers in the United States. This is an example of fragmentation: in spite of being applied to the agricultural sector across the United States, it does not cover all farm workers evenly. Also, regulations fluctuate depending on farm size: many agricultural workers employed on smaller farms⁵⁰ are not even covered by the minimum wage provisions of the FLSA, another example of fragmentation.

The second important piece of legislation is the Migrant and Seasonal Agricultural Worker Protection Act (MSPA). The MSPA is the main Federal employment law for farm workers. At the Federal level, this legislation does not

⁴⁹ Agricultural workers are excluded from the protections of the National Labor Relations ACT (NLRA).

⁵⁰ A small farm is any farm that employs fewer than seven workers in a calendar quarter.

grant farm workers the right to join labour unions or access to collective bargaining; however, in the case of California this is allowed by the California Agricultural Labor Relations Act.

One of the key aspects of the MSPA is that it regulates the functioning of FLCs⁵¹. The MSPA requires agricultural employers to disclose the terms of employment clearly at the time of recruitment, and when growers use FLCs to recruit, supervise and/or transport farm workers, they must confirm that the FLCs are registered and have been licensed by the US Department of Labor (DOL). Those who are providers of housing to farm workers must meet the local and Federal housing standards, and when workers are transported to or from the fields, the vehicles used should meet the basic Federal safety standards. In a similar fashion to the FLSA, the MSPA does not apply to small farms (Farmworker Justice 2013).

The enactment of the MSPA in 1983 was an important turning point at the Federal level because it replaced previous legislation drafted in 1963, the Farm Labor Contractor Registration Act (FLCRA). The FLCRA had focused on the regulation of FLCs without proper involvement of the growers who relied on the FLCs for the supply of their crews. The MSPA established labour law obligations on the part of the growers who employ farm workers, even if growers rely on the services of FLCs. Despite these changes in legislation, over the years some growers have claimed that they do not 'employ' farm workers (when they use FLCs) and thereby, they do not need to comply with minimum wage laws and other protective legislation. Those growers claim that the FLC is the employer of the worker and for that reason they do not have the responsibility over labour conditions (Interview with Attorney Beaman from CRLA).

In order to address the pressure from growers to disconnect themselves from the responsibility for their migrant farm workers, Congress adopted a broad

⁵¹ Chapter 20 of the MSPA covers 'Farm Labor Contractors', see <http://www.law.cornell.edu/uscode/text/29/chapter-20/subchapter-I> (Accessed in April 2011).

definition of the employment relationship in agriculture. This broadening of the definition implies that in instances where a farm worker becomes an employee of the FLC, and the grower relies on the FLC for the provision of labour, then as a joint employer, the grower is also responsible for providing farm workers with the MSPA's labour protections (Farmworker Justice 2013). The MSPA is administered by the Wage and Hour Division of the DOL and lawsuits may be filed by farm workers in Federal courts. Both the joint employer definition and the possibility of filing lawsuits are present in the legislation but barely permeate the reality of the farm worker population, whose precarious status conditions, mainly undocumented, make them fear the use of this possibility and some do not even know that they have that legal tool at their disposal (interviews with Attorney Beaman at CRLA and Wage and Hour Division Official at the DOL).

Despite the changes in the MSPA to include farm labour contractors, little progress has been achieved in terms of the monitoring and enforcement of compliance with MSPA provisions on behalf of growers and FLCs (interview with WHD Official at the DOL). Moreover, growers have sought to exercise pressure in Congress to weaken the MSPA's protections and enforcement. Big companies tied to the agribusiness lobby in agriculture operate through trade associations such as the Farm Bureau Federation, state Farm Bureaus and in the case of California, the California Grape and Tree Fruit League. These associations push for diminishing standards, arguing that the MSPA is too onerous and that agriculture is an international business with competitors worldwide where labour standards are even lower than in the United States. Together with agricultural policies linked to trade support, the pressure for the reduction of labour standards can be seen as another facet of agricultural exceptionalism, as discussed in Chapter Four, which feeds the first regime of segmentation-fragmentation on behalf of the Federal government.

Consequently, everyday precarity feeds from the existing legislation to protect farm workers which is weakly enforced and not seriously taken into consideration. Therefore the first regime matters not only because it determines

who is able to enter the country on a particular status, but also for the battery of legislation enacted to protect those workers. In the case of agriculture, those protections have been historically minimal in relation to other workers in the United States and they have also been the product of struggles by social movements such as the United Farm Workers (UFW) in California who, under the leadership of Cesar Chávez, managed to introduce minimum wages in the state of California (Shaw 2008).

I have argued here that the first regime of segmentation-fragmentation incorporates migration policy and protection legislation on labour standards for migrant workers. The reason why both should be combined lies in the fact that as spheres of regulation, generally presented separately, they overlap at the nation-state level, but also across the second and third regimes of segmentation-fragmentation, creating therefore the tensions that shape complex forms of everyday precarity. By establishing precarious statuses, the migration policies not only delimit the boundaries of inclusion and exclusion, but also generate an array of categories in the legal production of *undocumentedness*. Moreover, protection legislation functions as the umbrella for what should be expected, but breaches are found and the way that FLCs are legislated and monitored (if monitored at all) also contributes to the legal production of informality and abuse under everyday precarity. The elites in Mexico did not manage to fully outline the elements of the first regime of segmentation and fragmentation, which has resulted in an asymmetrical relationship with the United States in terms of low-skilled migration. The next section analyses this latter point in detail.

Transnationalisation between Mexico and the United States: Asymmetry at the first regime of segmentation-fragmentation

This section argues that the failed history of cooperation between Mexico and the United States in terms of migration policy and the protection of farm

workers shapes the asymmetry in the first regime of segmentation-fragmentation by exacerbating fragmentary forces that later shape the other two regimes and affect variegated forms of everyday precarity.⁵²

The level of asymmetry is translated into a deficient form of cooperation at the Federal level between both countries. Negotiations and discussions have been taking place for a long time without fully developing into a system of formal protection or recruitment management on the part of both states. In turn, the United States has continued its unilateral policy in terms of migration ('immigration policy' in the American parlance), and in recent years, Mexico has tried to permeate American politics by setting up more consulates in many states of the United States to provide services to Mexicans in an effort to engage its diaspora abroad (Laglagaron 2010; Délano 2011).

The nature of the migratory system is also a result of political decisions taken by governments in terms of migration, trade and labour relations. The politics of both countries involved in the system as well as the evolution of their economic and cultural relations define the transnationalisation patterns that in turn define the everyday precarity of which precarious status is one element.

Contrary to some policy debates that present Mexico as a future model of engagement with its diaspora in the United States (Laglagaron 2010), Mexico has failed its farm workers when it comes to protection. It thereby contributes to precarious status on the other side of the border, and to the everyday precarity that arises when Mexican farm workers are dependent on FLCs.

In recent years, especially after Salinas de Gortari's administration, Mexico has made efforts to engage its nationals in the United States. This effort has been accompanied by President Fox's idea to redirect the discursive representation of migrants from 'traitors' to 'heroes' in order to account for the hard work that Mexican workers endure in the United States and the way in which, by sending

⁵² This part of the argument is illustrated by material gathered during field research in Mexico City.

remittances, they contribute to the Mexican economy. In 2003, the *Instituto de Mexicanos en el Exterior* (IME, Institute for Mexicans Abroad) was created under the auspices of the *Secretaria de Relaciones Exteriores* (SRE, Secretary of Foreign Affairs) to manage Mexicans' needs abroad. A vast array of programmes have been set up since its creation to foster civic engagement, the provision of low cost and linguistically appropriate distance-learning instruction for adult Mexican migrants, provision of information regarding health issues and in recent years, the provision of financial literacy.⁵³

The majority of these services are provided through the actions of consulates in the states with the highest Mexican population.⁵⁴ In the case of California, there are 10 consulates operating in various spaces that include major cities such as San Francisco, Los Angeles and San Diego, but also rural towns such as Fresno, San Bernardino and Oxnard. One of the main activities of consulates is to issue the *matrícula consular* (consular identification). This form of ID (that is not a passport) has been widely used by Mexican workers (regardless of status) as proof of identification in financial institutions and police departments in the United States. Despite the fact that Mexico has been issuing consular identification since 1871, the demand increased significantly after 9/11 owing to tightened US security measures (O'Neil 2003).

⁵³ For a comprehensive view of the programmes set up by the IME see Délano (2010; 2011), Cano and Délano (2007), Gutierrez (2009) and IME (2006). For the purpose of this research, I only focus on those programmes that could be extended to farm workers, despite the fact that a special programme for the protection of farm workers does not exist. The relevance of some programmes was highlighted during interviews conducted in Mexico with civil servants at IME, the *Secretaria de Relaciones Exteriores* (SRE, Foreign Affairs Ministry) and the *Instituto Nacional de Migración* (INM, National Institute for Migration). The views expressed by civil servants in Mexico contrasted with life experiences of Mexican migrant farm workers in California.

⁵⁴ Ten states account for over 83 percent of the Mexican immigrant population in the US. According to the US Census Bureau American Communities Survey (2005-2007), these are: California (4,427,671), Texas (2,415,084), Illinois (717,289), Arizona (650,193), Florida (316,306), Georgia (273,666), Colorado (245,523), North Carolina (247,395), Nevada (236,555), and New York (235,668). Data retrieved in June 2013 from Laglagaron (2010). Available at: <http://www.migrationpolicy.org/pubs/ime-jan2010.pdf>

Farm workers also need their consular identification, no matter what their status. The consular ID allows them to identify themselves to law officers in case of enforcement measures, to access certain financial services, especially to remit money, and to provide identification to telephone and utility companies so that they can get services in the United States (O'Neil 2003). The reason why this is another face of everyday precarity lies in the fact that consular IDs do not guarantee any labour right but it does allow workers to perform as consumers. As a result, the American economy (in particular American companies) benefits from the services that migrants pay for, the use of mobile phones, etc. while the Mexican government contributes indirectly to that by providing identification which does not carry labour protection.

As illustrated above, consular activities aim to foster the integration of Mexican workers into the American economy but do not establish any formal mechanism in terms of recruitment or the protection of labour rights (Interview with IOM official in Mexico). Historically, the government of Mexico did not want to bring labour issues to the agenda for fear of ruining its bilateral relationship with the United States (Delano 2011). Also, during the 1970s, while Cesar Chávez was organising farm workers in the fields of California, the Mexican consulate tried not to engage with those activities due to the same fear of ruining the bilateral relationship. As one informant from UFW states:

The consul at that time told workers to stay away from Chavez so that he would not upset the Secretary of Foreign Relations who did not want to ruin or bring any issue of concern to the Mexico-US relationship (Interview 14.07.2011).

The use of consular identification has become a key issue for the Mexican administration as one of the Directors of the Secretary of Foreign Relations states:

We are working hard to provide them financial education so that they do not rely on companies such as Western Union to remit and the monies come to the government (Interview 21.07.2011).

There is an intense interest on the part of the Mexican government to capture the remittances that have become a crucial source of income for the Mexican economy. Remittances have become the other key side of the coin in the transnationalisation process between both economies, since many families in Mexico have become dependent upon the flow of money sent by relatives abroad, which has strengthened the networks that have developed between Mexico and the United States.

The Mexican government has failed its farm workers since it has not managed over the years to ensure labour rights for the many Mexican farm workers who harvest and collect crops in California and other states of the United States. When many civil servants are asked about the nature of recruitment from the US and why Mexico has not managed to establish a system of 'migration management' in comparison to the Philippines and other high-sending states, the general feeling is that assuming that the majority of Mexicans go abroad to work and institutionalising those departures in some form of 'POEA' as exists in the Philippines represents a 'failure of development' (Interview with IOM official in Mexico and various civil servants).⁵⁵

In consequence, the agenda of 'managing' remittances is part and parcel of the debate over migration and development, but there is an absence of recognition of the possibility to get to grips with the channels of recruitment in the United States. In stark contrast, the SAWP with Canada in the view of the interviewed Mexican policy makers is celebrated as a 'model' programme which was hoped would be the platform to negotiate a similar programme with the United States. However, those aims have not materialised and in the near future it seems implausible since, the US treats its immigration issues unilaterally. An official at the INM admitted: 'We need further work in terms of a notion of shared

⁵⁵ The idea that migration represents a 'failure of development' as explained to me by various civil servants in Mexico represents the rooted assumption in some generations of policy makers who see that further development in the domestic economy can imply that people would stay in the country. In the migration literature, the evidence is mixed and some point to the fact that further the notion that development will stop migration is a myth (see de Haas 2007).

responsibility' (Interview 20.07.2011). He also added: 'Our wish for workers to depart well (*que se vayan bien*) is present but difficult'. I later enquired what 'depart well' meant and he elaborated on the desire to guarantee a safe trip and good working conditions once in the United States. It implied the idea that the nation-state can virtually accompany workers throughout the complete trip, from departure to return and guarantee a safe and decent working environment. He also acknowledged that the H2-A scheme is not a 'programme' in his eyes, since there is no cooperation and it is unilaterally administered by the United States.

Another important aspect of the role of consulates that came up in the interviews with civil servants in Mexico City relates to health issues. The government has put in place a programme called '*Ventanillas de salud*' (Consular Health Stations). It began in 2003 as a pilot project in Los Angeles and San Diego, as a joint initiative between the IME, the California Endowment and the US-Border Health Commission. The *Ventanillas* are kiosks within Mexican consulates in the United States that provide on-site assistance to low-income Mexican migrants unfamiliar with the US health system (and who cannot afford it). *Ventanillas* have been useful to workers in sectors such as construction, hospitality or domestic services; however, for the case of farm workers, their role is more questionable. An official from the SRE highlighted to me that in Fresno they had a 'mobile *Ventanilla*' for farm workers (Interview 21.07.2011). From my fieldwork conducted in the fields in the South of California and in Fresno, farm workers in general do not go to the *ventanillas* because that means missing time from work in the fields. Consequently, *ventanillas* serve one part of the immigrant Mexican population in the United States but their efficacy and role for agricultural workers remains questionable.

The issue of FLCs has not become an item on the bilateral agenda between Mexico and the United States. The issue is recognised in Mexico, which is aware of their presence although there has been little engagement at the political level to learn more about their role and how they drive the migratory processes, and yet there are still difficulties in framing the issue in terms of a 'transnational' process

in the eyes of some policy-makers in Mexico. In recent years the Mexican government has become more aware of contractors, since a similar situation is taking place along its Southern border with Guatemala. The presence of Guatemalan *enganchadores* (contractors) in Chiapas and their role in driving the labour contracting process in Mexican farms in the South has prompted efforts to know more about them and to seek to regulate them (IOM official interview, 20.07.2011), but only at a domestic level.

Before the passing of the Migration Law in Mexico in 2011, the American government accused Mexico of not having the 'moral authority' to claim better labour rights for Mexican workers on American soil. This accusation stemmed from the fact that more cases in Mexico of kidnapping and deaths of transit migrants from Central America on their way to the United States were coming to light (INM Official, Interview 20.07.2011).

The perception of transit migrants' deaths and the role of Guatemalan contractors in Chiapas as 'domestic' problems spurred debate in Mexico over the Migration Law with regard to the treatment to immigrants, and also prompted debate on how to reshape Mexico's demands of and relations with the United States.⁵⁶ It is still premature to evaluate how the ongoing transnationalisation of labour markets, not only with the United States but also with Central America, has affected Mexico's identity as a country of not only emigration but also of transit and settlement of migrants. However, the issue of Mexico's changing role and place in the dynamics of transnational mobility in the global economy came up many times in the course of this research.

This section has shown that in the case of Mexico, its 'emigration policy' towards the United States constitutes a key pillar of its foreign policy, while for the US the presence of migrant workers is still primarily perceived as a matter of immigration, and therefore, a domestic issue. The asymmetry in the bilateral

⁵⁶ The current position of Mexico as a country of transit, and not only a sending nation, has made Mexico reshape its migration policy (Alba 2013).

relationship when it comes to the first regime of segmentation and fragmentation shows that nation-states are caught up in a contradictory conundrum when it comes to the protection and surveillance of recruitment practices in agriculture. The truly transnational character of the labour market is not fully recognised by the political elites even though *de facto* transnationalisation is a tangible reality. The asymmetry and failed history of cooperation is also exacerbated by the fact that in both the United States and Mexico, labour migration and labour law are treated as separate entities.

In the case of the United States, Congress makes policy decisions that are not rooted in a comprehensive understanding of the underlying dynamics of the social processes involved in the migratory systems of the United States (not only with Mexico but also with the rest of Latin America). The battery of reforms put in place during the 1960s and 1970s took little notice of the history of recruitment in the Western Hemisphere, or of the particular degree of circularity that existed in Mexican migration flows which were tied to structural demand and supply issues. Congress was oblivious of the role of networks in sustaining migratory flows from Mexico to the US (Massey and Pren 2012), and this omission carries important consequences for the role of FLCs in Californian agriculture.

The argument so far

This chapter has explored the construction and functioning of the first regime of segmentation and fragmentation between the United States and Mexico. The chapter discussed how processes of economic and social restructuring in the United States and Mexico have extended to transform the nature of the social relations domestically, but most importantly, transnationally. In so doing, this chapter has illustrated the phases that both economies underwent in the process of transnationalisation of labour markets, and how this process was also shaped by trade, finance and political relations.

Furthermore, the chapter demonstrated how the first regime matters not only because it dictates the boundaries of inclusion and exclusion in labour market segmentation, but also for the incorporation of protection policies in terms of labour standards for farm workers create tendencies towards fragmentation. The United States, it was shown, contributes to the creation of precarious status by delimiting which workers are allowed to participate in particular segments of labour markets. In turn, Mexico has failed its migrant farm workers in terms of the protection of labour rights in US agriculture. Mexico has not managed to instigate a coherent cooperation scheme with the United States in which labour rights become an issue of action rather than rhetoric on the bilateral agenda. Profiting from its position in global politics, the United States has managed to pursue immigration policies unilaterally without accounting for the interests of its main partner in its labour protection policies. In so doing, an asymmetric relationship in terms of low-skilled labour migration has emerged between both countries, and the first regime does not possess the same weight in the transnationalisation of both labour markets since there is no unified cooperation scheme.

The chapter also began to provide further understanding of the tensions that emerge in the process of transnationalisation of labour markets. While migration policies contribute to segmentation by establishing the visas that workers are allowed to possess to participate in particular labour markets, the asymmetry in the relationship further exacerbates regulatory fragmentation. In the context of an increasingly globalised agricultural sector, these tensions are also influenced by processes of economic restructuring towards further flexibilisation of labour relations and the integration of economic activities through cross-border investment and trade as the case of NAFTA has shown. The tensions in processes of transnationalisation between segmentation and fragmentation are deeply shaped by both economic restructuring and the institutional manifestation in migration and protection policies that manifest at the level of the first regime.

Finally, this chapter has shown one aspect of those transnationalising tensions caused by (im)migration policy which is determined by the Federal level but does not really take into account the spatial unevenness of restructuring and labour markets in different local spaces. For this reason, the transnationalisation of labour markets also needs to be analysed at the regional level, and California is the selected case-study to do this. The thesis now turns to analyse the second regime of segmentation and fragmentation as it shapes everyday precarity.

Introduction

In the previous chapter it was shown that the first regime of segmentation-fragmentation is dictated by nation-states at the Federal level, and that it includes migration policies that determine which workers are allowed to enter through the visa system, which consequently confines workers to particular segments of the labour market. It also showed how the first regime incorporates protection legislation which dictates the conditions under which migrant workers should work. In order to advance the understanding of the process of transnationalisation of labour markets, this chapter discusses the second regime of segmentation-fragmentation that takes place at the regional level by looking at the case of the state of California.

The chapter illustrates how California is allowed to establish legislation inspired by the Federal law but different in some aspects pertaining to employment. This second regime is relevant because it shapes the institutional context that determines working conditions and rights within a particular space, but this space is becoming increasingly transnationalised. The chapter demonstrates, first, how California underwent a process of restructuring characterised by an increased industrialisation in agriculture. This transformation is explored to set the context of the regional analysis that explains the fragmentation in employment relations. This is also a demonstration of how

California became more transnationalised economically via its integration with global agricultural markets.

Next, the chapter shows how the employment legislation evolved to set the conditions that frame everyday precarity. This is achieved by scrutinising the California Agricultural Labor Relations Act and the state provisions for the operation of farm labour contractors. The second regime of segmentation-fragmentation is also analysed in light of the first regime, since everyday precarity is gestated at the heart of their intertwined dynamics and manifested locally through the role of farm labour contractors, who consolidate everyday precarity at the local level.

Transnationalising California

This section delves into the factors that account for the structural changes and policy interventions at the state and Federal levels that have transformed California into the transnational agriculture powerhouse that it is today. Understanding the construction of California in much more detail helps unveil everyday precarity, and also to comprehend the ways in which the interplay of the first and second regimes of segmentation-fragmentation determine the actions by the FLCs who carry out the third regime of segmentation.

Californian agriculture is large, diverse, complex and dynamic, and its role in the US economy is prominent. Agriculture in the state accounts for 18.5 per cent of national GDP⁵⁷. In 2011, Californian exports represented 10.8 per cent of the national total and 35 per cent of the top 25 commodities exported by the United

⁵⁷ US Bureau of Economic Analysis, data as of 2010. It also includes forestry, fishing and hunting. Accessed in March 2012 at:
<http://www.bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdn=1>

States.⁵⁸ California is the largest producer of agricultural products and the main exporting state. The state is not only relevant because it feeds the whole nation, but also because it has internationalised its exports of products that span high-tech goods to vegetables and fruit. Agriculture in California is larger than, for example, major agricultural producers such as Canada or Australia (Siebert 2003).

The combination of natural resources with specific biophysical factors, together with specific management policies, has turned California into a unique laboratory of agricultural production. California is the leading agricultural state in the United States in terms of farm sales, and the largest employer of farm labour as a state. In 2010 Californian agriculture generated about USD 37,5 billion in cash receipts, which represented 11.9 per cent of the total of the United States. California is the US' top agricultural state in terms of cash receipts, and its main products are dairy, greenhouse and nurseries, grapes, lettuce, cattle and calves, poultry and eggs, strawberries and tomatoes. One of the key features of Californian agriculture is the diversity of its crops, while other states specialise in a few commodities (Sumner *et al.* 2003).

At the end of the 19th Century, California had already experienced important transformations. Agriculture in California was started by the Franciscan missions set up in the state which introduced livestock, field crops, and horticulture to feed the settlers and to provide economic activities to the newly converted natives. In the years 1821-1847, it moved to an agricultural economy of 'California Rancho' that relied basically on one commodity -cattle- by exploiting large tracts of undeveloped rangeland. Later on, the cattle industry was overtaken by the sheep industry and wheat production. Over the years the key development that would change Californian agriculture forever was the move from extensive dryland agriculture to intensive irrigated agriculture (Olmstead and Rhode 2003; Johnson and McCalla 2004).

⁵⁸ US Census Bureau. Accessed in March 2012 at: <http://www.census.gov/foreign-trade/statistics/state/data/ca.html>

The literature on Californian agriculture highlights four main factors that explain the passage from extensive to intensive agriculture: i) the availability of labour from different countries; ii) the irrigation developments; iii) improved transportation services that spanned the completion of the transcontinental railroad in 1869, which integrated California into the rest of the US economy, the refrigerated rail shipping, trucking and rural roads, and improved handling, storage, and transportation technology; and iv) the development of market cooperatives that provided innovation in selling the products outside California and to the world (Johnson and McCalla 2004). The combination of these factors has made California a corporate agriculture, that is also called 'agribusiness'.

Despite the fact that California has been blessed with a rich variety of soils, there has historically been one major drawback: water. (Johnson and McCalla 2004). For this reason, water developments in the region have tried to resolve this deficiency. The early investments were carried out by private companies in ditch and gravity flow systems, to be followed by public investments starting with the Federal Reclamation Act of 1902 that funded irrigation projects in twenty states of the US including California. There were large Federal investments in the 1930s and 1940s for initiation of the Central Valley Project (CVP) by regulating and storing water in reservoirs in the Northern part of the state that is rich in water, and then transporting that water into the San Joaquin Valley and its surrounding areas by the use of canals, aqueducts and pump plants. In the 1960s, there were significant investments in the California State Water Project (known as SWP) to irrigate the South of the state. These projects combined, managed to bring almost nine million acres under irrigation by the end of the 20th century (Johnson and McCalla 2004).

The attempt to solve the irrigation problems from the beginning of Californian development allowed the basket of products to expand: many new crops introduced into California agriculture were imported from other parts of the world and adapted to the Californian ecology. For example, in the early 1870s, specialists from the Department of Agriculture (USDA) established the foundation

for the state's citrus industry with navel orange budwood imported from Bahia in Brazil. Plums and prune trees were brought from France and Japan, grape vines from France, Italy, Spain and Germany; and figs from Greece and Turkey (Rhode 1995:795).

The nature of the industrialisation of agriculture varies according to countries, but in general terms the literature agrees that agricultural industrialisation describes the 'increasing consolidation of farms and vertical coordination (by contracting and integration) among the stages of the food and fibre system' (C-FARE 1994 cited in Kirsten and Sartorius 2002:505). It also implies larger-scale production units which are linked to processors, distributors and retailers through formal and informal arrangements (Boehlje and Doering 2000).

The term 'industrialisation of agriculture'⁵⁹ implies a whole range of changes that include the development of differentiated products (such as wine), the implementation of biological manufacturing and the formation of food supply chains (Kirsten and Sartorius 2002). However, the two key elements that summarise industrialisation in agriculture as part of the tendency towards global fragmentation are: a shift from food commodities to food products; and a shift from spot markets to more direct market channels, such as production and marketing contracts (Kirsten and Sartorius 2002:505). In the case of the United States, both of these changes have been present with varying degrees. In the case of California, the growth in Californian production expanded its presence in international markets and Mediterranean exporters began to face competition from Californian products (Olmstead and Rhode 2003).

⁵⁹ In the agriculture literature, the term 'industrialisation' is often a cause of debate, used chaotically to acknowledge change in the structure of agricultural production which is sometimes associated with the end of 'agricultural exceptionalism' (FitzSimmons 1986:335). However, this section does not aim to resolve the inaccuracies in the literature but rather to show how the notion of agricultural exceptionalism persists by manifesting in a different dimension by support for irrigation programmes, by state and Federal support for research and innovation and by government direct payments.

The industrialisation of agriculture in the Californian case can be assessed by analysing a number of factors. These include the rising demand by consumers for specific products and supply factors such as the structure of agriculture (by looking at concentration through the size of farms), the organisational structure (the use of contracts), and the regulatory environment. Let us look into these factors with more detail.

Since 1971, the largest per capita consumption increases in the United States have been in fresh fruits (a rise of 26 per cent), fresh vegetables (32 per cent) and tree nuts (55 per cent) as of 2003. Per capita consumption of meat has been more or less stable in the last thirty years, with consistent increased substitution of chicken for red meats (UCAIC 2009: 2-3)⁶⁰. These trends accompany the worldwide increase in consumer demand for differentiated agricultural products that are relatively labour intensive (Rhodes 1993; Royer 1995; Pasour 1998). The general improvements in the US standard of living after World War II made fresh and processed vegetables, formerly luxury goods, a regular part of the food-basket of ordinary families (FitzSimmons 1986:346). In addition, food expenditure by American families and individuals represented 14 per cent of disposable income in 1970 and fell to 10 per cent in 2004 (UCAIC 2009:2-3), which is another indicator of rising standards of living.

As a measure of the concentration of production in agriculture in California, and following the national trend in the United States, the number of farms and the total area of land being farmed has continued to decrease (UCAIC 2009: 1-14). At the same time, the average number of acres per farm in California increased by about 6 per cent between 1997 and 2002 (See Table 6.1). In addition, a great proportion of California farmers (around 76.5 per cent) are the full owners of their farms, which is higher than the national average of 67.1 per cent. Full ownership in California has been above two-thirds of the farms since 1940. Over 90 per cent

⁶⁰ Primary information on Californian per capita consumption of major foods is not available. However, the aggregate statistics for the United States are available from the USDA.

of the farms in California have no more than two operators per farm (UCAIC 2009: 1-15).

Table 6.1⁶¹. Number of farms and land in farms, California and the United States, 1945-2007

	California			United States		
	Number of farms	Land in farms (1,000 acres)	Average size (acres)	Number of farms	Land in farms (1,000 acres)	Average size (acres)
1945	138,917	35,054	252	5,859,169	1,141,615 ^a	195
1964	80,852	37,011	458	3,154,857	1,110,187	352
1987	83,217	30,598	368	2,087,759	964,471	462
1997 ^b	87,991	28,796	327	2,215,876	954,753	431
2002	79,631	27,589	346	2,128,982	938,279	441
2007	81,033	25,364	313	2,204,792	922,096	418
2012	77,857	25,569	328	2,109,303	914,527	434

a. Excludes Hawaii and Alaska

b. Figures from 1997 were adjusted for coverage in 2002 and are not directly comparable with previous years.

Source: USDA Census of Agriculture 2007, 2012.

Individuals or families control 81 per cent of California's farms, a lower percentage compared to the United States as a whole, where 90 per cent are family or individual-controlled farms. These individuals or families account for 54 per cent of the agricultural area and 33 per cent of total sales in the state. In turn, corporations account for 16 per cent of the agricultural area and 38 per cent of total

⁶¹ This table should be read with caution because the definition of 'farm' has changed several times, and with each change, some of the smallest farms have been removed from the Census of Agriculture. The 2002 Census of Agriculture introduced another change in the way the survey was conducted, which resulted in better coverage. However, this change makes it difficult to compare the most recent records with those before 1997. However, general long-term trends remain in place (UCAIC 2009).

sales. The corporate farms are also larger in terms of the average value of land and buildings compared to individually owned or family farms (UCAIC 2009:1-19).

One of the key developments in the way of doing business has been the move towards an approach of vertical coordination in the supply chain, namely, contracting between farmers and downstream processors (Ahearn *et al.* 2005). Two broad categories of contracts are marketing and production contracts. Production contracts are arrangements between a farmer and a non-farm firm which specify the kind or amount of farm product to be produced and may also specify variety or breed, the operation to be performed during production, and the inputs and technical assistance to be supplied by the contractor (Wilson 1986:50). The farmer (contractee) typically does not own the commodity being produced, while the contractor typically specifies production practices and provides some or all of the inputs (Ahearn *et al.* 2005:355).

In turn, marketing contracts stipulate the kind or amount of farm produce to be delivered, but rarely specify the particular operations or methods to be used in production, nor do they require the processor to furnish inputs such as seed, feed or equipment. Marketing contracts play a narrower role in the supply chain and they typically specify a pricing mechanism under agreement which is in place before the completion of the production cycle (Wilson 1986; Ahearn *et al.* 2005:355). The incidence of contracting varies considerably by commodity.

California leads the nation in the use of marketing contracts. In 2002, 70 per cent of the vegetable crop producers⁶² marketed their crops under contract. The majority of producers (54 per cent) use contracts with a predetermined price, while only 4 per cent market in a spot market. These data refer to 'specialty crops', that is to say, horticultural crops that account for nearly 60 per cent of the total farm revenue for the state of California.

⁶² The data presented here comes from the Report UCAIC (2009) which is based on a survey conducted by Lee *et al.* (2004).

A closer look to some products reveals a similar trend. For instance, 76 per cent of Californian grapes are marketed under contracts and 18 per cent through a cooperative. Contracts with predetermined prices cover the marketing of 56 per cent of all grapes, while 21 per cent market under contracts without price. In the case of nuts, 50 per cent of the produce is moved through cooperatives while 44 per cent is under contract, of which 33 per cent of the nuts marketed are under contract without a predetermined price and the remaining 11 per cent are under contracts with a predetermined price. As with grapes and vegetables, the majority of fruits are marketed under contracts (60 per cent). For fruits, the three channels are distributed between cooperatives (35 per cent), under contract with a predetermined price (32 per cent) and under contract without a predetermined price (28 per cent) (UCAIC 2009:4-9). Most of the contracts are written with a specified price to avoid the fluctuations of supply and demand and diminish risk. In this way, agribusiness controls production at the expense of the farmers.

In addition, cooperatives have been developed by farmers as a means to coordinate product differentiation at the farm level and to capture profits for producers from the later stages of the market channel, where the amount of processing, value-added, and product differentiation are the greatest (Royer 1995:480). Cooperatives have been created to strengthen bargaining power, manage risk, reduce costs, purchase inputs, and market products among other activities. Levels of cooperative membership among the nation's farmers have consistently declined over the past 40 years, and this has also been the situation in California. Many Californian producers are members of cooperatives headquartered in other states (UCAIC 2009:4-3).

At this juncture, it is important to mention that a relevant component of the process of transnationalisation of California is the industrialisation of its agriculture through its integration with global markets. International exports are an important part of agribusiness. In 2011 Californian exports represented 10.8 per cent of the national total. California's agricultural exports accounted for 13.8 per cent of total US agricultural export value in 2009 and 14 per cent in 2010

(UCAIC 2012).⁶³ In addition, for several major commodities, California represents 100 per cent of US exports: table grapes, raisins, dried plums, olives, dates, kiwis, figs, garlic and artichokes⁶⁴. Also, California accounts for more than 90 per cent of US exports of processed tomatoes, wine and plums.

In the period 2008-2010, the main export crops of California were: almonds, dairy and dairy products, wine, walnuts, rice, pistachios, table grapes, oranges, processed tomatoes and cotton. The main destinations for Californian exports are Canada, the European Union, Japan, China, Mexico, South Korea and India. The main products exported to Canada in 2010 were lettuce, strawberries, wine, processed tomatoes and table grapes. To the European Union, almonds, wine, pistachios, walnuts and raisins; to Japan: rice, almonds, hay and beef and beef products; to China, almonds, pistachios, walnuts, cotton and wine, and finally, to Mexico, milk and dairy products, seeds for sowing, processed tomatoes, table grapes and almonds.

The internationalisation of Californian crops is also the result of years of funded research and collaborative projects between the state and universities. Without effective control over biological and chemical factors such as crop genetics, plant nutrition, and disease and pest control, farmers would have not been able to accelerate or standardise agricultural production. For these reasons, the development of agribusiness in California has profited from extensive research, production management and public investment. The successful production of perishable products such as fruits, vegetables, and livestock products needs to be accompanied by well-organised, efficient, and innovative marketing skills as well as institutional innovation. Those elements that characterise manufacturing sectors in capitalist societies are also present in the case of Californian agriculture.

⁶³ Latest figures available at the University of California Agricultural Issues Center, <http://aic.ucdavis.edu/pub/exports.html> (Accessed in February 2012).

⁶⁴ According to 2009 and 2010 data, however, there has been a historical trend of major US exports for these products.

For example, in 2001, United States agricultural experimental stations, which are mainly associated with land grant universities, collectively spent 2.3 billion dollars on agricultural research (UCAIC 2009:3-36). The University of California acts as a 'think-tank' that develops innovation and conducts extensive research on agricultural issues. The University of California developed the Division of Agriculture and Natural Resources (UC. ANR), which is a state-wide network of researchers who are dedicated to the creation, development and application of knowledge in agriculture, natural and human resources. Over the period 1993-2007, the UC.ANR expenditures for Cooperative Extension (CE) and Agricultural Experimental Station (AES) annually averaged USD 284.7 million (UCAIC 2009: 3.36).

In relation to this, Chapter Four showed how the nation-state crafted the agricultural sector as an 'exception' by providing direct assistance through different means. When it comes to the role of the Federal government⁶⁵ in supporting Californian agriculture, the state received in 2010 only 2.9 per cent of total direct government payments, and this rate has been kept stable for years. One of the main reasons for this low participation is the fact that California's fruit, tree nut and vegetable crops are not commonly provided with such payments. However, the most relevant means of assistance comes from irrigation and conservation projects that are key to sustain agriculture. Also, the Agricultural Risk and Protection Act of 2000 led to higher insurance subsidy levels, higher levels of coverage and availability of insurance for additional crops. The Catastrophic Coverage Program (CAT) is available for many policy types and is fully subsidised by the Federal government (after a USD 100 administrative fee per crop per county). In addition, farmers can also choose from higher levels of insurance that are partially paid by the government (UCAIC 2009:4.24).

⁶⁵ The central legislative basis for Federal farm programmes is the Farm Security and Rural Investment Act (FSRI ACT) of 2002 that affects programme crops and provides a framework for government support of some conservation programmes that affect a wider array of commodities (Sumner and Brunke 2003).

A more complete way to measure the effect of government subsidies on agricultural commodities is to use the 'producer support estimate' (PSE) which is designed to capture the total benefits to recipients of government policies and supports (UCAIC 2009:4.20). The PSE is a widely applied summary measure of agricultural policy that attempts to measure the money value of explicit or implicit income transfers to agriculture. The PSE may also be decomposed by policy type to indicate the relative importance of different policies (OECD 2002). In the case of California, import barriers account for the largest share of support, followed by government payments in the period 1999-2001. The most important policy tool in terms of the aggregate PSE is the dairy import barrier, valued at more than US\$1.15 billion per year (Sumner and Brunke 2003: 162).

The rising industrialisation of Californian agriculture and the changes previously discussed have had an important impact on the nature of the labour process. There is an ongoing debate in California with respect to the nature of mechanisation as a means to save on farm labour (Interview with DOL official). Opinion remains divided, since machines usually harvest crops in one pass through the field, which encourages biologists to breed plants whose fruits and vegetables ripen uniformly, but machine-harvested crops are not as 'clean' as hand-harvested commodities (Martin 2009a:153), and this is why many growers prefer to rely on labour to conduct the harvest. The commercial pressures at the top of the production network impinge upon growers' reliance on FLCs to meet the demands of retailers, and as will be explained in much greater detail in Chapter Eight, FLCs inspect workers closely to guarantee quality in picking the crops.

This section has shown the process of transnationalisation of California through the increased industrialisation of its agriculture. The battery of measures put in place to achieve the industrialisation of agriculture has shown the regional aspect of the notion of agricultural exceptionalism applied to California. However, the abundant natural resources and raw materials of California could not be converted into commodities that generated high rates of capital accumulation

without a ready source of labour at a considered low cost. The following section analyses the evolution of labour legislation that emerged within the context of a highly developed capitalist mode of production in agriculture which has been sustained by labour-intensive production. The evolution of the legislation is fundamental to fully comprehend the operation of the second regime of segmentation and fragmentation, and how it contributes to everyday precarity within the process of transnationalised labour markets.

California: Setting the contours of everyday precarity

California has historically stood out for being different from other US states with regard to its farm workers and immigration. Even when the selection of case studies for this research was investigated, anthropologists working on the field of labour migration and recruitment suggested that I should look into the case of California since people there are ‘more open’ to talking about those issues, and they are used to the culture of researchers and activists in the field.⁶⁶ Despite the comparative openness on the issue of contracting abuse and harsh working conditions in agriculture in California, reaching farm labour contractors and growers proved daunting given their fear of publicising their activities and strategies.

Having said this, it was argued in the previous chapter that the first regime of segmentation-fragmentation includes not only the immigration policy but also the protection policy towards farm workers. In the case of California, there are a number of laws that differ from the Federal law even though they operate under the umbrella of Federal legislation. In addition, the fact that immigration law, and specially immigration control, is the exclusive responsibility of the Federal government (Rodriguez 2008) makes the first regime of segmentation act as a

⁶⁶ Informal conversation with David Griffith (see Appendix A for details).

concentric contour that shapes and constraints the possibilities within which the second regime of segmentation operates.⁶⁷

Chapter Four argued that farm workers were excluded from the NLRA through the means of agricultural exceptionalism. However, when it comes to employment legislation, Californian law differs in a few important ways from legislation at the Federal level and in other states throughout the country with regard to farm workers and FLCs specifically. One of the manifestations of everyday precarity concerns wage and hours standards. As will be shown in Chapter Eight, everyday precarity does not only refer to conditions in the workplace, but payment is important and that is an element subject to regulation by legislation. The Fair Labor Standards Act (FLSA) is the primary Federal legal instrument that guarantees wage and overtime pay for most workers, but as explained in the previous chapter, this first-regime level legislation affords the agriculture sector specific exemptions. Under the FLSA, farm workers are not entitled to overtime pay or periods for rest and meals. However, California stands out for including farm workers in all state wage and hour protections as well as mandatory rest and meal periods. The minimum wage in California is USD 8 and for overtime, the California Labor Code establishes that workers who work for longer than the standard 8-hour day should receive 1.5 the standard hourly pay rate up to 12 hours of work, and for the first 8 hours on the 7th day of work. They should receive double pay for working more than 12 hours per day or more than 8 hours on the 7th day. Farm workers are also entitled to a 30-minute unpaid meal period for every working 5 hours of work (See Table 6.2).

⁶⁷ There are academics and advocates who believe that the supreme power attributed to the Federal government to dictate the parameters of (im)migration law obeys to 19th Century understanding of the nation-state that does not abide by the current realities of different states in the United States (see Rodriguez 2008).

Table 6.2. First and second regimes of segmentation-fragmentation: Minimum wage and Hour Protections for farm workers

Current Min Wage (as of 2011)	Min wage	Overtime	Required rest period	Required meal period	Laws/Codes & Regulating Department
Federal	USD 7.25 with exemptions: -small farms -grower family members -piece rate workers -some minors				Fair Labor Standards Act (FLSA) WHD (DOL)
California	USD 8.00	1.5 x pay for ->8 hs per day up to 12 -First 8 hs on 7 th day 2xpay for ->12 hs per day ->8 hours on 7 th day	10 minute paid rest period for every 4 hours of work	30 minute unpaid meal period for every working 5 hours of work. Second meal period required	California Labour Code Industrial Welfare Commission Wage Orders Department of Industrial Relations

Source: Own elaboration based upon the 'Inventory of Farmworker Issues and Protections in the United States', 2011.

In California, the passing of the California Agricultural Labor Relations Act (CALRA) in 1975 was a landmark in the history of farm legislation (Villarejo 2000; Wells and Villarejo 2004). Under the influence of United Farm Workers (UFW), the CALRA expressly aimed to encourage and protect farm workers in their efforts to organise and bargain collectively (See Table 6.3). At the same time, it intended to 'ensure peace in the agricultural fields by... bringing certainty and a sense of fair play to a presently unstable and potentially volatile condition in the state' (ALRB 2007). The Act recognises the right of employees to form, join and assist a labour organisation and to engage in other concerted activity for their

mutual aid and protection. It provides for secret ballot elections through which employees may freely choose whether they want to be represented by a union, and if so, by which one, and it obliges employers to bargain with a so-chosen organisation (Wells and Villarejo 2004:297). In addition, the CALRA defines, declares unlawful, and aims to remedy practices committed by either unions or employers –called ‘unfair labour practices’ (ULP) in the legislation- that interfere with the exercise of rights according to the Act.

Table 6.3. Legal Protections for Farm Workers Collective Bargaining

	Protections	Laws/Codes	Regulating/Enforcement Agencies
FED	-	NLRA	National Labor Relations Board
CA	-Employer retaliation -Secret-ballot elections -Good-faith bargaining -Secondary boycotts -Investigation and judicial review	California Agricultural Labor Relations Act (CALRA)	California Agricultural Labor Relations Board

Source: Own elaboration based upon the ‘Inventory of Farmworker Issues and Protections in the United States’, 2011.

When it comes to the definition of ‘agricultural employer’, the CALRA stipulates that this is any person, association or group engaged in agriculture, and any person acting directly or indirectly in the interest of an employer, or of any grower, cooperative grower, harvesting association, hiring association or land management group is included as an employer (ALRB 2007:2). In addition, an agricultural employer is responsible for the acts of its supervisors or other persons with supervisory authority over employees. The legislation also stipulates that

farm labour contractors might be involved in the process. When a labour contractor is engaged by an agricultural grower, the grower is responsible for the acts of the labour contractor, its foreman, other supervisors and any other agents acting on his/her behalf (ALRB 2007: 2). This latter aspect is relevant to understanding the local dimension when the third regime of segmentation-fragmentation is analysed, since this stipulation is rarely respected and FLCs find ways to breach it.

Interestingly, the history of the CALRA negotiations between the UFW and politicians during the 1970s reveals that farm labour contractors were excluded at that time from the clear drafting of the legislation largely because the UFW argued that their marginality and small size would make it harder for the agency to hold them responsible (Wells and Villarejo 2004:297). Thus, for the purposes of the CALRA, the entity engaging the contractor's services, that is to say the grower or the farm operator, is considered the main employer as the definition of 'agricultural employer' set out.

The Agricultural Labor Relations Board (ALRB) is responsible for the implementation of the Act. Its main headquarters is in Sacramento and it conducts elections through the staff of its regional offices (Salinas, Visalia and El Centro). It also acts as a quasi-judicial body in reviewing appeals of administrative law judge decisions on ULP and election cases (ALRB 2007). The general counsel also has substantial influence over the implementation of the Act and has the 'final authority' to decide whether to dismiss ULP charges or move them forward to the status of complaint, a decision that is not reviewed by the Board (ALRB 2007:32).

California's ALRA is more favourable to labour than the Federal NLRA, and all of the differences were proposed by the UFW and orchestrated to accommodate the unique character of farm employment. This is a reflection of the historical construction of variegated regimes of segmentation-fragmentation that operate differently at the regional level since there are political and social processes of regulation that modify spaces in differing ways. For this reason as

well, everyday precarity takes many forms, as will be further elaborated in Chapter Eight.

As far as the role of UFW is concerned, the ALRB adopted an 'access' rule that grants union organisers access to an employer's fields and premises in order to communicate with the workers and solicit their support (Wells and Villarejo 2004:298). This access clause was attacked by growers as a dangerous infringement on private property rights. However, it was included with the aim to protect farm workers' right to self-organisation in a context where elections take place very quickly, where workers are mainly migrants, cannot be reached at permanent addresses and move from site to site in the course of the day and the harvest season (Wells and Villarejo 2004:299). Moreover, many workers are illiterate and do not speak English, so they need a member of UFW to explain the conditions and the situation by unionising.

In the previous chapter I also described how all agricultural employers, including FLCs, are required to abide by the Federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA) which is the main employment law for farm workers. The MSPA requires that any person or institution willing to act as a FLC should apply for certification and demonstrate that they are in compliance with the provisions of the Act. In addition, the MSPA requires that any employer who relies on FLCs to recruit, supervise, or transport farm workers must confirm that those FLCs are licensed by the Department of Labor.⁶⁸

As part of the second regime of segmentation-fragmentation, California has its own licensing programmes. While these are dependent upon the Federal level, the state also it establishes its own particular legislation through the California Labor Commissioner (see Table 6.4). The certification process is shared with the Federal level, however, Californian legislation allows for a surety bond to ensure

⁶⁸ The Wage and Hour Division (WHD) of the Department of Labor (DOL) publishes the list of FLCs licensed to operate in the country. This list is updated quarterly and can be accessed at: MSPA, Registered Farm Labor Contractor Listing, <http://www.dol.gov/whd/regs/statutes/FLCList.htm> (last accessed on September 25th 2013).

the payment of farm worker wages. Any person or business unit that would like to register as an FLC needs to guarantee a surety bond as evidence of financial stability and security towards the payment of future farm workers. In addition, there are other mandatory rules that FLCs need to follow which include the passing of an exam and continuous education on issues related to labour contracting, heat stress and labour standards.⁶⁹

Through the development of the Farm Labor Contractor Association, farm labour contractors are expected to comply with certain responsibilities in terms of education as a means of socially regulating them. They are expected to be trained in issues of work abuses and health and safety issues pertaining to agricultural work. The training is conducted in the state of California and locally, with no engagement of any Mexican consulate. At this stage, the FLC issue is considered a matter of a domestic labour market, and in particular, a Californian labour market. This is an important aspect in the way that the construct of the right type of worker needed is crafted at the regional level. The training of FLCs contributes to the creation of an environment where workers can and should be more efficient (not only in terms of production) but assuring health and safety conditions that will lead to better 'job quality' guaranteed by FLCs. California is one of the few states that requires their FLCs to continue further training and education (Interview with DOL official). FLCs are expected to be socially trained in order to regulate local labour markets better.

⁶⁹ Created by the major FLCs in California, the Farm Labor Contractors Association (FLCA) disseminates information regarding training and regional activities which contribute to the continuous education of FLCs. A list of activities can be accessed here: <http://www.calflca.org/0/home.html> (last accessed on September 25th 2013).

Table 6.4. First and Second regimes of segmentation and fragmentation: Farm labour contractor requirements

	Key requirements					Laws/Codes	Regulating Department
	Certification/ License	Surety Bond	Workers Compensation Insurance	Exam	Continuing Education		
FED	x	-	-	-	-	MSPA	WHD, Employment Standards Administration, DOL
CA	x	x	-	x	x	CA Labor Code	CA Labor Commissioner

Source: Own elaboration based upon the 'Inventory of Farmworker Issues and Protections in the United States', 2011.

In order to provide a picture of the presence of FLCs in the state, the total number of licensed FLCs for California as of September 2013 was 1,822.⁷⁰ The number of registered FLCs shows the extent of their growth but it does not fully represent the nature of the employment relationship with the grower. This number does not say anything about the nature of the FLCs themselves, the number of workers they employ and how the crews are organised. In addition, the CALRA was written and enacted in the mid-1970s with the assumption that workers would be directly hired and managed by farm owner operators, as was the case when the CALRA passed (Wells and Villarejo 2004:299). However, FLCs provided 20 per cent of the farm employment in California in the year 2009 (Martin 2011:8), a trend that has been increasing over recent years.

⁷⁰ Data retrieved from the Farm Labor Contractor Database, State of California, Department of Industrial Relations:
<http://www.dir.ca.gov/databases/dlself/farmlicCMSVer.ASP?LicNo=&Name=&Addr=&City=&State=CA&ZIP=&Expires=&sortfield=Name> (last accessed on September 25th 2013).

The constantly changing face of Californian agriculture means that the legislation was enacted when there was less fragmentation in the agricultural labour market, and the presence of FLCs was not as prominent as it has become in recent years. Segmentation and fragmentation vary across time, creating tensions in the process of transnationalisation of labour markets that can be grasped through the interplay between the regimes. In this particular case, it is seen at the level of a legislation that was created at a time when the labour market was segmented but which has become more fragmented as industrialised agriculture has increasingly passed its commercial pressures onto the labour process. The fragmentation here refers to the expansion of FLCs which constitute a tendency in the break-up of employer-employee relations. These underlying tensions between segmentation and fragmentation do shape and affect everyday precarity as will be further elaborated in Chapter Eight.

Housing constitutes an important aspect of everyday precarity since farm workers are highly mobile, not only across borders but also within the state of California throughout the harvest. Considering the housing in the context of the process of transnationalisation is important because it relates to the assertion that workers are social agents, and as such need housing, and not mere inputs in production function (as was discussed in Chapter Two). Therefore, the tension of crafting an efficient mobile labour force across the state of California while providing decent housing to migrant workers needs to be managed by FLCs. The MSPA includes regulations for the minority of employers who provide housing to farm workers. Farm worker housing is subject to a pre-occupancy inspection and must meet minimum safety standards (Bon Appetit and UFW 2011). For houses constructed before 1980, the regulations that apply are those of the Occupational Safety and Health Administration (OSHA), and for those dwellings built after 1980 the Federal safety standards of the Employment Training Administration (ETA) apply. It should be noted that neither the OSHA nor the ETA standards provide farm workers with tenant's rights while residing in labour camps (Bon Appetit and UFW 2011:22).

Despite the presence of these regulations, the regime of everyday precarity reveals that in Southern California, especially around the Coachella Valley, the issue of housing for farm workers is an important problem since the seasonal and migratory nature of farm workers makes them live in temporary garages, tool sheds, parking lots, vehicles or tents. As will be described in the following chapter, the county of Riverside put in place a migrant home called *Las Mañanitas* that provides part of the solution to the problem of housing. Suffice it to say here that the legal instruments to guarantee the spatial and safety aspect of housing do exist, but whether they are monitored and translated into actions is a different issue.

This section has described the nature of the second regime of segmentation-fragmentation in terms of the Californian regulations and the ways in which they shape the contours of everyday precarity. The second regime is intrinsically related to the Federal (first) regime, and the underlying tensions between the two have been explored in terms of the differing provisions established to protect farm workers. In the following section the role of FLCs and the Californian regulation that moulds their actions are presented to fully illustrate the operation of the second regime of segmentation-fragmentation.

Licence to exploit?

When taken to the fields around the Coachella Valley by the community worker Cristina, who has been working for the California Rural Legal Assistance (CRLA) for almost a year, she told me she believed that the regime of FLCs and their system of licensing was outdated for our times. In her own words: 'They receive a licence to exploit'. Given the fact that many workers are undocumented and rely on the FLCs to offer them work, the possibilities for expressing their complaints are very limited. The system through which the DOL deals with a complaint begins at the local level, in the fields, when workers make a complaint. In an interview with a DOL official, it was recognised:

It is well known that the majority of workers are in an undocumented situation and they would not file a complaint because of fear of deportation.

Despite this fact, the way that the monitoring is enacted takes place when a complaint from a worker arises at the state level and the office of the DOL in California sends the report to the office in Washington DC. After evaluation, investigators from the DOL visit the workplaces. At this point we see the institutional contradiction that shapes everyday precarity, since the legal mechanism expects workers to complain and exert their rights, but this notion is crafted for a very different type of worker to the one that harvests Californian fields. Agriculture is reliant on an undocumented migrant labour force that fears deportation. Despite the existence of legal mechanisms for the monitoring and enforcement of operating rules, the reality is very different, as one public official from DOL admits:

The DOL does not look for status to talk to the workers but other agencies in government do. The problem with unauthorised workers is that they are scared of speaking and going to file a complaint.

In this vein, the same official admitted that the number of violations has been rising steadily and when asked why this was the case, the answer was:

There are many reasons why these violations are committed. And a lot of people would do many different things, but some FLCs do not know how to engage in the business; they used to be workers themselves and sometimes there are cultural differences. There is no systematic study as to why violations happen, nobody from the DOL has looked at the issue in detail.

With regard to the CALRA, the use of FLCs makes it difficult to determine who is the responsible employer, despite the fact that the legislation contains a provision to recognise any intermediary providing labour to the employer as part of the employment relationship. However, in reality the CALRA has failed to recognise FLCs. In addition, the MSPA broadens the concept of employer to 'joint employer'. Congress adopted a joint employment doctrine with the intent of

greatly increasing a producer's responsibility for the actions of contractors who were engaged to employ migrant workers (Le Roy 1998:187). It is important to recall that this introduction was carried out in 1983 to replace the previous Farm Labor Contractor Registration Act (FLCRA) of 1963, which had significant limitations and had exempted FLCs who recruited migrant workers from any foreign nation that had an agreement with the US to provide temporary workers (Le Roy 1998:183-184). Consequently, H2 workers associated with an FLC were left out of the 1963 legislation.

The FLCRA constituted the foundation for the establishment of the first regime of segmentation-fragmentation instrument described in the previous chapter, the MSPA. It was amended in 1973 to increase penalties for contractors who employed undocumented workers (Le Roy 1998:185); however, it was soon repealed by the government and replaced with the MSPA. In 1997, the DOL introduced a 'rule' to reinforce the idea of 'joint employability' in the MSPA. The DOL noted that courts have extensively created confusion in applying the joint employment doctrine and that this principle required clarification. For this purpose, the DOL suggested a proper 'test of an employment relationship', which according to the DOL is 'economic dependence', and which requires an examination of the relationships between the employees and the putative employers to determine upon whom the employee is economically dependent (Le Roy 1998:190). In order to accomplish this, a test must examine the 'economic reality' of all the circumstances and not just isolated factors or contractual labels' (Le Roy 1998:190). This is another example of the tensions that arise from the increasing fragmentation in employer-employee relations, which creates confusion in relation to policy that traditionally assumes a pattern of segmentation in which there are identifiable employer-employee relations.

The aim of the rule introduced by the DOL was to clarify and empower the enforcement mechanisms to track FLCs. Nevertheless, qualitative interviews with officials at different levels of the DOL indicate that the power of the DOL has been diminished. In one DOL official's words:

We do what we can with the resources that we have. In the last years our resources have been diminishing so our enforcement role has been affected.

The problem of monitoring and thereby the rising number of cases of abuse to the migrant farm population has been accompanied by a marked decline in unionisation. The engagement of FLCs in the fields, especially after the enactment of the IRCA, has been accompanied by a steady decrease in the number of contracts that workers have with the UFW because FLCs began to organise the workers into crews which are moved up and down the state (Martin 2004). This has also been accompanied by a steady rise in the industrialisation of agriculture as part and parcel of the process of transnationalising California.

UFW membership may have been as high as 100,000 in the late 1970s, but by the mid-1980s it had dropped to about 40,000, and by the turn of the century to between 7,000 and 8,000 (Wells and Villarejo 2004:303). In parallel, the conditions and historical background upon which the CALRA was framed have changed dramatically over the years. The law has remained obsolete to the realities of farm labour contracting in contemporary Californian agriculture, where FLCs are key actors (Villarejo 2000).

All of these elements show how the second regime of segmentation-fragmentation is context- and space-contingent, conditioned by the local struggles and negotiations of the actors and interests of the time. Deeply influenced by the first regime of segmentation-fragmentation as the analysis of regulations has shown, California is still among one of the most (if not the most) pro-labour states in the United States. More locally based than the first regime of segmentation-fragmentation, the second level spans the whole of California with unequal spaces of development. The unequal manifestation across space is also shaped by the fact that the increased industrialisation of agriculture operates unevenly. The nature of agriculture in the Central Valley may seem similar to that in the Coachella Valley but it is not, especially in terms of the size of farms and the conditions of housing for migrant farm workers and the ways in which workers manage distance.

The argument so far

The chapter has explored the mode of operation of the second regime of segmentation and fragmentation. This regime functions at the regional level, and the chapter has shown how it is conditioned by the process of economic restructuring, in particular the transformation of Californian agriculture into an industrialised sector that has become more globalised.

The transnationalisation of Californian agriculture at the economic level through its integration with global markets would have not been possible without the steady supply of migrant labour, which has also been constructed as 'unlimited', as Chapter Four described. These transformations in agricultural production manifested in the labour process through the expansion of divisions in employer-employee relations. The chapter has further illustrated how the employment legislation that constitutes the second regime of segmentation-fragmentation differs from the Federal legislation but at the same time depends upon it.

It was shown that the passing of the CALRA excluded farm labour contractors from employer status, an exclusion which effectively undermined protection policy by inadvertently promoting the use of FLC recruitment rather than direct-hire. Consequently, growers' capacity as a collective group increased, since they have always pressured for lower labour standards in agriculture as part of the 'agricultural exceptionalism'. Attempts were made in the enactment of the (Federal level) MSPA to patch the legal ambiguity surrounding the status of FLCs, and its inclusion of the status of 'joint employer' was later reinforced by the passing of the (Federal level) IRCA in 1986.' Nonetheless, the ambiguity caused by the differential treatment of FLCs at the regional and Federal level continues on the ground. This is a clear example of how the interplay between multiple regimes of segmentation-fragmentation operates: the second regime (operating in

the Californian sphere through CALRA) is shaped and affected by the first regime (IRCA of 1986), whose consequences are felt in the leeway provided to FLCs to operate at the third regime.

The chapter has also shown the tensions in crafting a migrant labour pool that is efficient and productive, but which requires housing and a set of conditions to attain that productivity, but which at the same time has to be flexible and highly mobile. This is another reason why a neoclassical economics approach, as presented in Chapter Two, is insufficient to comprehend the social nature of FLCs and their relations to migrant workers, since workers are social agents that require and deserve a good living environment as well as a good working one. Migrant workers have needs that are not seen when they are presented as 'inputs', as machines that can be turned on and off.

There is, nonetheless, more to add to the argument in order to provide the full picture of the interplay between the regimes of segmentation-fragmentation, and how everyday precarity spans this continuum of inequality within geographical unevenness. This chapter has shown how the second level of segmentation shapes the nature of employment and migration regulation in California and how those regulations directly and indirectly condition the FLC actions by providing incentives that are used by farm labour contractors. The next chapter, then, adds to the argument by analysing the third regime of segmentation and fragmentation in the complex process of transnationalisation of labour markets.

Introduction

The second regime of segmentation-fragmentation, it has been shown, delimits the contours of operation for farm labour contractors. Taking into consideration the dynamics between the second and the first regimes of segmentation and fragmentation, this chapter discusses the means through which farm labour contractors contribute to everyday precarity not only by exacerbating the process of segmentation through which migrant workers are confined to arduous agricultural work, but also by bringing further and multiple forms of fragmentation into the process of coordinating flexible migrant labour at the local level. The preceding chapters, Five and Six, discussed how agriculture has become a highly globalised sector with increasing fragmentation as part of its process of restructuring. In their making, agricultural labour markets have also become more flexible, and flexible labour markets present a variety of logics.

The logics of the actions by FLCs are determined by the contours of the first and second regimes, as previously discussed. In continuing to analyse the process of transnationalisation of labour markets as institutionalised and politicised arenas which are systematically structured by social relations and by institutional forces, this chapter sheds light on the logic of FLCs. It describes FLCs' actions and modes of organising workplace practices in the fields and beyond as the means through

which they contribute to further fragmentation in transnationalised labour markets, elements that are key to everyday precarity.

The chapter begins by teasing out the nature of farm labour contractors (FLCs), since much has been mentioned about them but no proper definition as to who constitutes an FLC has been provided. The reason why a delimited definition has not been provided lies in the fact that they operate through blurry lines, and definitions established by the law cannot be taken as a full indicator of what happens in the fields, and it is also difficult to establish clear-cut delimitations. This blurry and fuzzy nature of FLCs in the fields obeys the logic of highly flexible labour markets in agriculture, and later on the chapter moves on to illustrate the process of transnationalisation of labour markets brought about by FLCs and the means that they utilise. These means cover an array of logics in terms of the use of precarious status, uncertainty, ethnicity and work ethics, asymmetry in information, playing with and pushing the boundaries of the 'formal' and the use of geography. The chapter concludes by restating how the analysis presented here contributes to the development of the argument of the thesis in terms of everyday precarity in transnationalised labour markets.

Unpacking the logics of FLCs

There is no unified definition as to what a labour contractor is (Barrientos 2013:1059; Martin 2005; Kuptsch 2006). The activities that they get involved in vary and change according to context and institutional settings, and the nature of the contractor itself is complex (Coe, Jones and Ward 2010). Moreover, it is very important to distinguish between those contractors who are registered under the law and take specific institutional forms; these have been labelled in large measure by the literature as 'temporary staffing agencies' (Coe, Johns and Ward 2009b; Coe, Jones and Ward 2010; Peck *et al.* 2005) or private recruitment agencies. As analysed in Chapter Two, agencies that fall within the domains of 'temporary

staffing' are mainly transnational corporations who engage in diverse labour markets by providing their services locally, that is to say, reorganising the labour pool within the local labour market, not necessarily bringing workers from abroad, even though cross-border movement is at the core of their activities.

In terms of the institutional structure and the legal recognition at the global level, the ILO legitimised the emergence of a 'triangular employment relationship' by adopting the labour standard Convention No.181 on 'Private Employment Agencies'⁷¹ in 1997 (Vosko 1997). This convention establishes how third-party employment agencies should abide by labour standards, and it guarantees some protection for workers employed in this manner. However, as of 2013, this Convention has been ratified by only 27 countries; neither the United States nor Mexico has ratified it, and therefore neither country has internalised the convention in their domestic law. The fact that neither country has ratified this convention can be taken as a qualitative indicator of the non-recognition of the global nature of the rising presence of these types of intermediaries, and therefore, the legal treatment towards their presence still remains a 'domestic' issue, not subject to foreign policy.⁷²

The ILO Convention refers to those intermediaries and contractors that are able to set up formal agreements and have a legal presence in a particular country. However, there is a vast array of labour intermediaries who are not formally registered as companies and they take many forms, from labour agents who

⁷¹ Convention 181 defines a private employment agency as one which provides a) services for matching offers and applications for employment without the private employment agency becoming a party to the employment relationship which may arise from there; b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person who assigns their tasks and supervises the execution of these tasks; and c) other services related to job seeking. See Convention 181 at ILO Legal Norms website: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C181,%2FDocument (last accessed 1 October 2013).

⁷² In interviews with ILO staff in Mexico, it was highlighted that even if Mexico ratified the convention, the process of internationalisation and the fact that not many countries have ratified it would still not mean that further cooperation can be achieved in issues of global regulation of intermediaries.

supply workers to a producer, who becomes the employer, for a fee, to contractors who supply workers and also manage the employment relationship (Barrientos 2013:1060). This latter idea reinforces the fact that contractors take many forms, and their modes of operation vary according to historical context, sector and institutional design.

In the case of California, the Labor Code designates as an FLC any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and who, for a fee, provides in connection therewith one or more of the following services: provides furnished board, lodging or transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to these persons (California Labor Code Section 1682(b)). The Californian legislation also includes within its definition of an FLC a 'day hauler', that is any person who is employed by an FLC to transport by motor vehicle, or who for a fee transports, , workers to render personal services in connection with the production of any farm products (Labor Code Section 1682.4).

The definitions inscribed in national legislation are only the starting point for understanding the nature and implications of contract work in the global economy. The state of California presents one of the most organised systems of databases to track registered FLCs. As stated in Chapter Six, the total number of licensed FLCs for California as of September 2013 was 1,822⁷³. However, by itself this number does not fully represent the nature of the employment relationship with the grower and the workers. For this reason, this section is based upon qualitative field research conducted for this thesis in line with anthropological

⁷³ Data retrieved from the Farm Labor Contractor Database, State of California, Department of Industrial Relations.
<http://www.dir.ca.gov/databases/dlseir/farmlicCMSVer.ASP?LicNo=&Name=&Addr=&City=&State=CA&ZIP=&Expires=&sortfield=Name> (last accessed on September 25th 2013).

perspectives that have contributed to the understanding of contractors at the micro-level (Griffith and Kissam 1995; Krissman 2005; Spener 2004).

In the process of transnationalisation of labour markets between Mexico and the United States, many types of contractors take part in the migration experience. Not all workers rely on the services of these various agents. However, in Mexican migration studies one of the classical agents who 'help' migrants begin the journey to the United States is the *coyote*.

Coyotes have been portrayed as 'smugglers' in the process of crossing the border between Mexico and the United States. *Coyotes* are also called *polleros*; they are in charge of providing migrants with information on the different points of crossing the border and they charge a fee for doing this, which can reach up to USD 3500 (Spener 2009). *Coyotes* are usually experienced migrants who have crossed the border many times, have gained detailed knowledge of crossing posts and know how to avoid the Border Patrol ('*la migra*' for Mexican migrants). It is difficult to construct a typology of *coyotes*, but according to the ethnographic literature on Mexican migration to the United States, these can be broadly grouped as: i) rural smugglers, who act as recruiters and also contractors; ii) urban-based coyotes who are embedded in the migrant network but who only offer the service of illegally crossing the border; and iii) border smugglers, who are not connected to the migrant through any social ties (Hernández-León 2008: 161).

The role of *coyotes* is well recognised in the literature on Mexican migration to the United States, and in recent years the fees that they charge for their services have gone up dramatically due to the influence of the first regime of segmentation-fragmentation in moving migration policy towards enforcement and securitisation. Singer and Massey (1998) found that the intensity of American border enforcement increased the demand for *coyotes* and drove up their fees. Most of the migrants interviewed for this study recognised that since the border has become a difficult point of passage (especially after 9/11), they would rather stay in the United States for longer and look for alternative sources of employment when the harvest ends, or move to other states in the United States where they

could continued doing agricultural work. The tighter the immigration controls, the greater the incentive to stay and try to settle in the United States in order to make access to work more secure (Harris 2002:31).

Another relevant figure who collaborates in the process of supplying workers in the Mexico-United States context is the *raitero*, a hispanicised English word used to denote people who provide rides to new migrants (most of whom are undocumented) from locations near the United States-Mexico border to work in the United States. *Raiteros* and 'troqueros' (truck drivers) usually have extensive ties to labour contractors (Griffith 2009), and they are also present in California, especially in the Central Valley where there are more factory fields, the fields are bigger and their services are much needed. In the Coachella Valley and the Desert Region, they do provide rides to take workers to the fields, but other means such as public transportation are also used. The way that *raiteros* and *troqueros* work with contractors varies, but normally they profit from a percentage of the workers' salaries that are discounted from the final payment (Griffith and Kissam 1995).

Farm labour contractors, *enganchadores*, *raiteros* and *coyotes* do not emerge as isolated actors in the process of international migration. Most of them have been migrants themselves, and because of their accumulated experience in crossing the border or in local labour markets, they become embedded in migration networks (Massey *et al.* 1998; 2002; Spener 2004; 2009; Skeldon 1990; 1997) and begin to profit from them. These networks have an important role in transnationalising labour markets since they keep Mexican and American economies joined. Chapter Five explained how the demarcation of visa systems operates as a clear segmentation policy at the level of nation-states, with clear demarcation lines, at least on paper. However, those lines begin to fade when we look at the local labour markets as arranged and organised by FLCs. The contributions of the third regime to fragmentation at the local level of the workplace can be understood by examining the networks that FLCs rely on, which are important in the context of transnationalisation.

Through the role of social networks, Mexican workers who have been harvesting farms in California become aware of job opportunities, and are frequently asked by employers to supply more workers. As a result, more experienced migrants begin to seek ways to become contractors themselves and organise their own business if they find the means to do so. It is important to note that not all farm workers can manage this, but those who do so have the growers' support, since growers have a huge interest in maintaining a steady supply of workers. Consequently, the social network that develops between the potential contractor and the migrant farm workers is functional to farmers because with little effort they secure a steady flow of workers. Many American industries have benefited from the use of international migrant networks, but the agricultural sector has been one of the most salient of these over a long historical period (Krissman 2000; Massey, Goldring and Durand 1994).

The networks are the channels that operate from Mexico to the United States and keep the transnationalisation process alive by acting as the valve that facilitates the stream of potential migrants. The social network is an important starting point for understanding everyday precarity since FLCs emerge as part and parcel of those social networks. As was discussed in Chapter Two, there is a celebratory turn to network theory that highlights the prominent role of the network in sustaining those migratory flows, as if these networks and the migration flows that they propagate are always positive. However, networks are neither unilateral nor constant; they are multi-local, encompassing a variety of geographical destinations (Wilson 1998), and the FLCs who emerge from those networks do not necessarily treat their co-nationals in the way that might be expected, or as well as network theory would claim.⁷⁴ Within the networks, FLCs

⁷⁴ Most of the studies on social networks in migration are conducted at the community level by the application of standard surveys as a common analytical framework, and for this reason, I believe, they tend to find similar positive outcomes in terms of social networks as 'facilitators' of migration. I do not question the validity of social networks as drivers of international mobility, but in my study I aim to look further into the relational nature and the consequences and implications of conditions as well, not only at the domestic level but also stemming from the social networks

join those sending and receiving ends, and at the receiving end the labour market conditions in the agricultural sector determine the opportunities for future migrants to decide to come, even though this information is not always available to workers in a 'complete' sense. The information as to where to work and what the harvest will be like in terms of crops is at the disposal of the FLC, who 'manages' the social network, or at least some parts of it, by maintaining special ties with some members (who may be their relatives) and not with other workers.

Krissman (2005: 4-5) established that networks are composed of many actors and span vast geographical spheres with different nodes of operation, calling them 'international migration networks'. In the context of the geographical spread of the actors that constitute the migrant network the transnational dimension of the integration of labour markets becomes crucial to understanding recruitment as an attractive force. Recruiters, such as FLCs in agriculture, and their relationships with growers become relevant to the demand for, and organisation of, foreign workers in the fields, rather than just providing a sending-community perspective or a labour-supply perspective on the role of the migrant network in international migration, as classical configurations of migrant network tend to suggest. Incorporating employer demand within the context of global processes of restructuring in the agricultural sector in connection with the first and second regimes allows a better understanding of why particular forms of segmentation take place at the workplace and how the network is enmeshed in the socio-economic restructuring which is transnational in nature.

Consequently, FLCs can be viewed as channels of transnationalisation within embedded transnational networks in agricultural markets in the United States and sending communities back in Mexico. It is not simply a case of unidirectional transmission, as classical network theory normally portrays it, but is rather bi-directional, with movement from sending to receiving and from receiving to sending areas, since FLCs also go to Mexico to recruit workers, bring

themselves. This latter point is explored in more detail in the following chapter (Chapter Eight) on everyday precarity.

them to the United States, place them in the fields and then back again. Some FLCs operate locally in California since their irregular situation does not allow them to undertake many border crossings. Since 2001, changes in the first regime of segmentation-fragmentation, dictated by a securitised immigration policy delivered through strong border enforcement, have affected this bi-directional perspective, making FLCs settle in California and profit from the pool of workers that are available in the local areas.

This is another example of how the first regime of segmentation-fragmentation influences the deeply transnational labour market developments that stem from networks, thereby exacerbating the tensions between segmentation and fragmentation: in the case of the former by confining workers to a particular sector (here agriculture), and in the case of fragmentation by turning FLCs into a more 'domestic' actor whose actions rely on the migrant domestic workers that are available in local labour markets.

The relationship between the first regime of segmentation-fragmentation and the role of FLCs is also seen from the agential standpoint of the FLCs. Constrained by immigration policies that craft particular workers as desirable or not, and by establishing precarious status, FLCs are able to profit from and exploit that precarious status in two distinct ways, either through H2-A visas or undocumented workers. The next section looks at the use of precarious status by FLCs as an example of the interplay between the regimes of segmentation in crafting everyday precarity.

The use of precarious status

FLCs make use of precarious status in two-interrelated ways: by relying on undocumented workers, and by using workers who have entered under the H2-A visa system. As set out in Chapter Five, the first regime of segmentation-fragmentation stipulates who is eligible to work in the United States, and FLCs are allowed to bring farm workers in through the H2-A visa system. Under the legislation set up by the Department of Labor, the FLC then becomes the employer of the migrant workers; FLCs manage the whole employment relationship, and they should also provide housing.

In order to bring in foreign workers to conduct seasonal agriculture work for up to a year, FLCs need to be registered under the provisions of the MSPA, and therefore they become the full employers of the H2-A workers that they are sponsoring. Nevertheless, H2-A workers are not covered by the MSPA in the same way as other migrant workers. By leaving H2-A workers outside the MSPA, the first regime is contributing to further fragmentation by allowing the space for a particular group of workers to be covered by the H2-A regulations at the expense of the employers (either the growers or the FLCs who hire them), without the direct involvement of the nation-state in terms of protection. This is an important element of everyday precarity because those workers are unlikely to report abuse since that would mean losing their contract with the employer or being left out of future hires as H2-As.

When it comes to those H2-A workers who are reliant on FLCs, the FLCs are required to be registered and therefore comply with the stipulations of the MSPA. Despite the fact that workers who are employed on H2-A visas are not

covered by the MSPA, the FLCs who bring in H2-A workers⁷⁵ must comply with three additional DOL requirements. First, they have to list the name and location of each fixed-site agricultural business for which they expect to provide H2-A workers, the dates of each employment opportunity, and a description of the crops and activities that workers are expected to perform at each area of intended employment. Second, FLCs are also expected to submit a copy of each contract agreement between them and the agricultural business for which they expect to provide the workers, and third, FLCs have to provide proof that all housing and transportation is provided and secured by the fixed site.

The use of precarious status by FLCs means that workers are tied to one employer so their visa depends on the employer. In addition to not being able to change employer within the agricultural sector, these H2-A workers are also barred from changing to work in a different sector (such as construction). Consequently they are doubly dependent on their employer, and as a result many are subjected to abusive or exploitative practices. Griffith (2009) showed that workers who engage in other types of work outside agriculture, especially during periods of the agricultural calendar when they are left without work, augment their possibilities of resistance because they become aware of other job opportunities beyond the agricultural sector and learn from their networks to engage in other types of employment. The precarious status that is implied in H2-A workers does not allow them to formally move from one sector to another, which accentuates the dependence on their employer.

In the case of undocumented workers, when contractors rely on undocumented workers who are already in the United States, some FLCs deceive them by promising that they will help them get papers, when in reality they do not have access to provide such a service. FLCs make use of the precarity associated with being undocumented by exerting pressure and fear in the

⁷⁵ This is based on the H2-A section of the Immigration and Nationality Act (INA) as synthesised by the DOL. Available at: <http://www.dol.gov/whd/regs/compliance/whdfs26.pdf> (Last accessed in July 2013).

workplace and in promising future employment. Undocumented workers tend to be more vulnerable to exploitation, and FLCs use this directly to exert abusive practices to maximise the manual work performed by farm workers. Nonetheless, as will be further analysed in the forthcoming chapter, the everyday precarity associated with *undocumentedness* allows space for some resistance, since workers are not necessarily tied to their employers and they can freely decide to switch contractors if they wish to since they are already undocumented and some might not feel that there is much to lose.

In California, the historical perception of an 'unlimited supply' of labour, explored in Chapters Three and Six, has resulted in employers not fully relying on the H2-A programme, since the proximity to the Mexican border has shaped the migratory process differently in terms of access to undocumented workers. In the fiscal year 2011, only 18 per cent of workers picking tomatoes and 25 per cent of those harvesting lettuce were H2-As (US Department of Labor Stats). Other states such as North Carolina, Louisiana, Georgia and Florida rely more on H2-A workers.

It can be seen that the MSPA, as an instrument of the first regime, contributes to further fragmentation that is initiated by FLCs since they can organise and move workers at their disposal by exploiting their precarious status. In addition, FLCs are not properly monitored by DOL investigators (interview with DOL officials), and FLCs also profit from and exploit the regulatory tensions that emerge from the intersecting regimes to achieve maximal profit from their workers. The harvesting of everyday precarity will be analysed in more detail in the following chapter, but this section has shown how the use of precarious status by FLCs contributes to further fragmentation at the local level. In the next section, another important aspect of the FLCs' logic of operation lies in their use of information and the management of uncertainty.

Asymmetry in information and the use of uncertainty

Chapter Two analysed how neoclassical economics see intermediaries as the means to overcome informational asymmetry by matching employees with employers and through their role in trying to reduce uncertainty. However, the underlying assumptions that portray these intermediaries as rational-maximisers in the context of easily cleared labour markets do not reflect the relational and contingent-specific nature of the locality of particular labour markets. FLCs do rely on the asymmetry in information and the use of uncertainty, but in ways that are qualitatively different from the portrayal presented by neoclassical labour economists, particularly in the context of globalised production and transnational labour markets.

The well-known particularities of agriculture, which is characterised by production that relies on seasonality and the dictates of nature and its need for flexible employment, create jobs that Mexicans and migrant workers from other developing countries (especially Central America and the Caribbean) are willing to take. The flexibilisation of agricultural work obeys the dictates of the harvest which, although somehow predictable, cannot usually be anticipated with precision. At the time I was conducting field research in the Desert region, one of the migrant workers complained:

I came to do the harvest a few months ago but because this year there was a frost, most of the crops were damaged and we got less work. That meant fewer wages. I was annoyed because I was expecting to work more than 8 hours but at the beginning of the season I sometimes worked 5 hours only.

However, workers who are tied to contractors are subject to double uncertainty: the dictates of nature and the will of the contractor. These double uncertainties also obey the tensions that emerge out of fragmentary forces specifically the fragmentation of global production, which translates into a more fragmented labour process that is mediated by FLCs. In the case of California, the

harvest begins in the South early in June, and contractors begin their operations here in the Coachella Valley and Imperial area. Later on they move to the Central Valley and San Joaquin Valley in the centre of the state to supply labour pools there. Some contractors operate in the San Diego area, even though the nature of agriculture is different in that region: farms have become smaller in size, there are more organic crops and the need for workers is different since farms are smaller (interview with DOL official in San Diego). Some contractors even pursue their activities beyond the state of California, making migrant workers follow them to Oregon and Washington State. However, each state has its own legislation covering the operation of FLCs, therefore, in theory FLCs with licenses issued by the state of California are not legally permitted to operate in other states (Interview with DOL official).

The other source of uncertainty for farm workers that stems from asymmetrical information lies in the relationship that FLCs have with growers. Experienced FLCs who have been supplying workers for a while are aware of the job opportunities that will become available, and these opportunities are transmitted verbally between the growers and the FLCs. For this reason, FLCs manage the information at their own disposal by promising potential placements in the different fields of the state.

The use of asymmetrical information is also seen at the level of the everyday early in the day, when workers need to be transferred to the fields. One farm worker claimed:

They made me arrive at the fields at 5.00am. I was there but no one gave me any job. I was waiting for half an hour till I could receive some work to do.... And then the contractor came and organised us...Nobody is going to pay me for that half hour...If he knew the work was to start at 6.00am, why would he make me go earlier?

Migrant workers cannot access those types of information, therefore the asymmetry between the worker and the FLCs in terms of knowledge about not only job opportunities but also their conditions and schedules, is managed by the

contractor as a means to exercise power in the labour process at the level of time. The literature has also recognised the role of third-party intermediaries in profiting from asymmetrical information and trying to fill the gap in this respect (Martin 2005; Barrientos 2013).

In this section I have looked at the means that FLCs develop in terms of the use of asymmetrical information and uncertainty as underlying logics in their means of operation towards migrant farm workers. FLCs also rely on ethnicity and instil a particular work ethic in the fields to extract the maximum from the workers. The next section looks at this in order to further illustrate the fragmentation that takes place within a particular local labour market in the process of transnationalisation.

Ethnicity and work ethics

This section analyses how the use of ethnicity and a particular work ethic are fully exploited by FLCs as actors operating in the third regime. As a category of segmentation, race has been introduced by radical segmentation theorists (Reich, Gordon and Edwards 1973; Castles and Kosack 1973) as another explanation for the social regulation of labour markets. Similarly, the migration literature rooted in sociology and preoccupied with assimilation developed the notion of the 'ethnic enclave' (Wilson and Portes 1980)⁷⁶ to denote fractions of the labour market that would not join the secondary sectors as posited by dualist

⁷⁶ Enclave theorists do not necessarily see new migrant workers as having to join any of those sectors and therefore they claim that 'immigrant workers are not restricted to the secondary labour market. Enclave workers will share with those in the primary sector a significant economic return to past human capital investment, such return will be absent among those in the 'open' secondary labour market' (Wilson and Portes 1980:302). Ethnic enclaves refer to particular activities that make up an enclave economy with a high ethnic majority, such as Cubans in Miami, Puerto Ricans in New York and so forth. These approaches do not necessarily refer to a particular sector but it highlights cases of migrant success on the economic mobility ladder.

theorists. Authors who read segmented labour markets according to the enclave hypothesis state that 'new immigrant workers will concentrate in the secondary labour market. With the exception of those who gain access to the primary sector, immigrants will share all the characteristics of peripheral employment, including low prestige, low income, job dissatisfaction, and the absence of return to past human capital investments' (Portes and Wilson 1980:301). However, my case study showed that FLCs do not only exploit that ethnicity but also contribute to creating a particular work ethic due to the fragmentation that they are able to exercise in the organisation of labour in the workplace. Hence, fragmentation leads to more intensified risk and vulnerability than segmentation alone, and enclave theories as a variant of segmentation, have been able to describe.

In the case of FLCs, there is an important element in the use of ethnicity that translates into a particular work ethic and this comes from embedded social networks. FLCs profit from migration networks that act as informal institutional structures which dictate segmentation according to the experience of previous migrants, and the receiving labour markets create indirect incentives for the maintenance of certain ties along the networks.

It is within this context that FLCs operate, furthering fragmentation within an already segmented labour market. FLCs allocate different tasks to newly arrived migrants who are working for the first time, since they see how their social identities are still shaped and tied to the sending economy and that they are not yet aware of the local dynamics of the new receiving labour market. Therefore, FLCs allocate them the most difficult and arduous tasks of harvesting or endurance in periods of peak heat.

Not all workers are the same or have the same physical and endurance capabilities, and FLCs make every effort to get to know their crews in a way that would qualitatively maximise the benefits of the harvest. This organisation of the workforce does not obey any price mechanism or organisational theory, it is purely based on the FLC's qualitative knowledge of his crews, and it changes according to the workers they receive from the 'unlimited supply of labour'. This

is an example of the role of FLCs in facilitating the intensification of the labour process.

FLCs are in majority of Mexican origin and some are Mexican-American. There is a wide history of racial stratification of the Mexican population in the United States (Massey 2009; Telles and Ortiz 2008) that goes back to the development of successive rounds of the *Bracero* Programme and the notion that the United States is a nation 'by design', as explained in relation to the first regime of segmentation-fragmentation. Consequently, Mexican FLCs are aware of the cultural practices of hard work instilled in the Mexican way of life and use those psychological mechanisms to exert pressure in the fields since they know that Mexican workers are able 'to cope with that'. Even the term *bracero* developed from the word *brazo* (arm in Spanish) to imply that Mexican workers have good arms to collect the crops and deal with the difficulties of the harvest. FLCs are aware of the political construction of an unlimited supply of labour and they even contribute to the construction of that notion by rendering workers even more available through exploitation of their hard-work ethics. In so doing, they also gain power over the 'labour shortage' as they are willing to provide the right type of worker to fill the shortages constructed by growers.

In my visits to the Central Valley, and from material gathered in interviews, especially with the Director of the Binational Front for the Indigenous Oaxacan Development (FIOB, *Frente Indigena de Organizaciones Binacionales*), it was highlighted that in recent years many farm workers have been of indigenous origin⁷⁷. A high proportion of the population of Oaxaca, which is one of the main sending states in Mexico, is indigenous. Many Oaxacan workers do not speak Spanish, let alone English, therefore, the difficulty Oaxacan farm workers have in understanding even the basics of their employment conditions has become a key issue (Interview with Director of FIOB). The difficulties have been exacerbated by

⁷⁷ Mexican indigenous farm workers who come to work in California are mainly from western and southern Oaxaca. They are highly concentrated by place of origin and language as the Director of the FIOB pointed to me.

the presence of FLCs who see themselves as ‘providing a service to the community’ but in reality are profiting from the distinct cultural experiences of indigenous farm workers who cannot read Spanish and are not aware of the terms of their contracts. The Director of the FIOB also indicated that contractors do not want to have any contact with the centre; they have tried to engage with FLCs in the past to make them aware of the language difficulties experienced by many Oaxacans and other indigenous populations, but in general they refuse to participate.⁷⁸

FLCs organise indigenous workers in *cuadrillas*, groups of 40 workers, and try to make sure that they compete against each other and do not talk during work. At times, FLCs have a supervisor who acts as a crewleader and he or she oversees in detail the movement of workers in the fields. Crewleaders, or even FLCs at times, supervise their crews closely using fragmentary mechanisms in the *cuadrillas* to promote competition between workers.

In addition, some FLCs create ‘blacklists’ where they note down the names of those workers who are more aware of their rights and demand their breaks and rest times. These workers are considered ‘rebellious’ by the FLCs, and their inclusion on the blacklist makes them likely to be excluded from future employment. FLCs are also vigilant to ensure that these rebellious workers do not gather with newly arrived workers to avoid the spread of their ‘rebellious nature’ in the fields.

By the use of race and ethnicity, FLCs contribute to further fragmentation within segmentation of the labour pool in the fields. These logics have been useful in helping FLCs to get the maximum yield from their workers. Even if FLCs portray themselves as fulfilling the regulations, the psychological pressure they exert on their crews is not something that can be easily monitored by DOL investigators but nonetheless this is a key aspect of everyday precarity at the level

⁷⁸ In the training offered to FLCs through the FLC Association, issues of indigenous languages and cultural differences are not addressed. A considerable part of the farm population thus remains ‘silent’.

of local workplace practices. The fragmentation that they bring about is also exercised by playing and pushing the boundaries of what constitutes the 'formal' as established by legislation.

Playing and pushing the boundaries of 'the formal' and the use of geography

The first and second regimes of segmentation-fragmentation establish that FLCs need to be registered by the DOL in order to operate in any state in the United States. The registration implies a certification that indicates the type of activities that FLCs are allowed to perform while providing farm labour. The certification is a regulatory disposition that gives them formal permission to operate in the Californian agricultural labour market. However, the boundary of the formal and the informal is not static across time and this tension is generated by the regulatory disposition. The certification that formally permits FLCs to operate expires after one year, and they are allowed to renew it for another year.

The law stipulates that certification may not be renewed beyond the second year. However, if the FLC has become experienced and skilled and has already set up a business, it is unlikely that he will stop supplying workers to a grower. What they normally do is to draw on kinship structures by using a relative's name to change the name of the person to whom the business is registered. As a result, though the business may be registered to another member of the family, the actual operation of the business is still carried out by the original FLC. It is not surprising to see names such as 'Pérez Labour Contracting' and a phone number that probably does not exist anymore in the databases⁷⁹. FLCs manipulate the regulatory mechanism that renders them formal over time by not abandoning the work at the end of the 2-year period or by operating under a different name.

⁷⁹ I encountered this experience many times during my fieldwork when I tried to interview FLCs by relying on the public databases published by the Direction of Industrial Relations in California.

Moreover, one of the key elements that FLCs have at their disposal and which turned them into active agents is the fact that they are not being chased properly. This point is very vividly expressed by one public official at the Department of Labor in the San Diego area:

We have 12 investigators in the San Diego office that serve Irvine, Orange. There are other four offices but everyone is trained to do agricultural inspections. We got better at it in this area but we still lack resources and we do not go very often in the year

The boundary of formality is also pushed geographically. A DOL officer in San Diego revealed:

FLCs who are registered in Arizona are not allowed to operate in other states, but in recent years there has been evidence of FLCs moving their crews to California paying the minimum wage of Arizona, but we are in California, we have different minimum wages.

The Arizona minimum wage is USD 7.80; that legislation should not be applied in California⁸⁰, but not all workers are aware of the fact that different states in the United States have a set of different minimum wages. Additionally, with all the deductions for the tools and materials they use, some workers hardly understand their pay checks; by the time they are paid, they may have moved onto the next job, while no explanation is provided by the FLC as why they were paid that figure.

In this way, the line between formality and informality is very hard to trace and sustain over time because the duration of the certification is not realistic given the nature of the work conducted by FLCs. Coupled with the lack of control on the part of DOL authorities, there is ample space for FLCs to operate informally and sustain their activities in such a way for a long time. Even if an FLC has a

⁸⁰ As it was indicated in Table 6.2 in Chapter Six, the minimum wage in California is USD 8.00. This might seem a small difference but taking into account deductions (that are sometimes arbitrary and loosely calculated), it has impacts in farm workers' budgets.

valid licence to operate, it is very difficult to check that the driver who works for him also complies with the regulations regarding transportation. There are instances when an FLC can also have 10 or 15 people working for him in the coordination of labour. The San Diego DOL official recognised that they can hardly trace and monitor all the movements of an FLC and the agents that depend on him.

The mobility of FLCs in the state of California, and the possibility to play and move the lines of the 'formal' and the 'informal', is warranted by the use of geography. Geography plays an important role as the scene of operation for FLCs. As noted earlier, the harvest season begins in the South, in the Coachella Valley and Imperial area. Then FLCs move workers to Fresno, Bakersfield in the Central Valley, following the ripening of the crops. Then they move further North to Salinas to do the lettuce season, and some continue further up North to the wine region.

The use of mobility around the vast lands of California is highlighted as a problem by investigators within the DOL, as one put it:

One of our major problems is that FLCs are the same, they move up and down the state, so it's very difficult to pin them down here [in San Diego]... Some might be based here but not all of them' (Interview with investigator, DOL San Diego Office 6 July 2011).

Despite the fact that the nature of the abuse is similar, the geographical unevenness of the agricultural landscape within the state of California places everyday precarity in a different qualitative note. By this I mean that the experiences in Coachella are different from those in Fresno. In the Coachella region, the work is hard, as hard as it is in Fresno, but because Mecca and the nearby towns are smaller, workers develop a sense of 'community' during the harvest, and the everyday at times seems more manageable. In contrast, the vast extensions in the Central Valley place workers in trailers and labour camps, where the experience of working is more intense, and more attached to the fields.

The mobility of the farm workers is reduced when they are in the Central Valley, because not all of them have cars and buses to town are infrequent.⁸¹ What is more, some FLCs also sell food to them in the labour camps at exaggerated prices. Profiting from the fact that workers cannot go to markets in town, most of them have to pay double the standard price for bread and *tortillas*. Conditioned by geography, FLCs use fragmentation strategies in the fields differently: mobility impaired by distances, and the organisation of workers' housing makes the experience of everyday precarity locally contingent as well.

If we extend the geographical dimension, segmentation also begins in Mexico in the form of the information that potential workers receive along the social network. In the same way as FLCs use ethnicity depending on the state in Mexico where workers come from, as the case of Oaxaca illustrated, segmentation takes place in Mexico and translates to the labour market in California via the networks and it is utilised by FLC deepening fragmentation.

Recruiters who are based in rural areas do not look for workers in the city, and when newly recruited rural workers are transported to the United States the *enganchador* tries to make sure that they do not come into contact with their urban compatriots. Rural workers can be thought of as being more vulnerable and less connected with information sources about job opportunities across the border, and for this reason they rely on *enganchadores* to find employment abroad (Hernández-León 2008). The differentiation identified here is supported by other migration scholars' observations that rural and urban US-bound migration streams remain separate, not spontaneously but as a result of the active involvement of 'migration entrepreneurs', and in the case of California, FLCs have a key role to play.

⁸¹ I experienced this myself doing this research without a car. My sense of mobility and reach of places was so limited that I felt frustrated many times. I learned to use and rely on public transport, even to visit the fields.

The argument so far

This chapter has analysed how the third regime of segmentation-fragmentation unfolds through the actions of FLCs. Based on material from my fieldwork, the chapter has shown how FLCs contribute to a qualitative shift in the labour process by exacerbating fragmentation at the local-micro level in already segmented labour markets.

In a context of highly globalised agriculture, FLCs exercise power in the labour process according to the precarious status of migrant workers that is dictated by the first regime of segmentation-fragmentation. Either by being undocumented or through an H2-A visa, the use of precarious status varies in terms of the pressure it exerts on workers in the fields. Moreover, FLCs are able to benefit from the asymmetry in information that runs along the network, and the fact that they are aware of existing and future job opportunities and are more embedded in local labour markets than those who work for them. Migrant workers cannot always exercise their decision in terms of where to work since they do not have direct contact with the grower. Along with the use of ethnicity, FLCs are able to exploit a work ethic based on hard work, and to encourage competition between workers, thereby exacerbating everyday precarity. The vast geography of California plays a key role as the setting for pushing and playing with the temporality of the boundaries of the formal, since an invalid or expired DOL certification will not preclude them from operating in the fields.

Labour is presumed to be fluid across the whole economy under the rubric of 'labour mobility' and 'substitutability' within production (Fine 1998). However, this chapter has shown that even in markets such as the agricultural one, where the supply of labour is considered 'infinite' or 'unlimited', FLCs are able to socially regulate labour by fragmenting the migrant workforce at a micro-level.

Finally, this chapter has contributed to the argument by describing and analysing how the third regime of segmentation-fragmentation adds to the

interplay between overlapping regimes of segmentation and fragmentation that lie at the core of processes of transnationalisation of labour markets. At the heart of the tensions that emerge within that process, everyday precarity is harvested. The next chapter illustrates the nature of everyday precarity.

Introduction

Having unfolded the three regimes of segmentation-fragmentation, this chapter analyses everyday precarity as emerging from the tensions between segmentation and fragmentation in the process of transnationalisation of labour markets. The findings presented here build upon the thesis' claim that the interplay between multiple regimes as elaborated in Chapters Five, Six and Seven, contribute to the emergence of everyday precarity in terms of the lived experiences of migrant workers where everyday precarity presents variegated dimensions.

In order to move beyond understandings of 'precarity' strictly linked to conditions in the workplace, the term 'everyday precarity' is developed in this thesis to capture the multidimensionality and multi-layered nature of precarity that spans not only conditions of work but also the intersubjective life of migrant workers and the ways in which these intersubjectivities are exploited and used by FLCs in the fields and in the everyday life of migrants. Central to the thrust of the argument, this chapter shows how everyday precarity manifests locally but is gestated transnationally. Focusing on everyday precarity facilitates the conceptualisation of migrant workers as social agents with transnational lives which are inherently caught up in the complex processes of segmentation and fragmentation that are managed by FLCs. Thus, using the notion of everyday precarity allows those workers to be conceptualised beyond their function of inputs into production processes.

To illustrate the argument, the chapter is organised as follows: the first section addresses the nature of the regime of everyday precarity as it emerges from the political economy framework described in Chapter Two. Second, the modes of operation and dimensions of everyday precarity are described in light of the case study in California and Mexico, drawing on material from interviews with migrant workers who experienced a relationship with FLCs. Therefore, this section is based upon field research in California, where qualitative open-ended interviewing with migrants shed light on the different dimensions of everyday precarity. These dimensions encompass the potential for agency, the socio-economic aspects, the geographical implications of everyday precarity that manifests locally but it is gestated transnationally, and the experience of everyday precarity beyond the workplace. Finally, the chapter conclusions are drawn.

Unpacking everyday precarity

In this chapter I conceptualise everyday precarity as emerging from the interplay between three regimes of segmentation-fragmentation that characterise the process of transnationalisation of labour markets. Since those regimes are overlapping and not static, the process of transnationalisation is riddled with tensions that emerge at the local level. Therefore, everyday precarity moves beyond conceptualisations of precarity associated with domestic labour markets that are premised within nation-states.

The multiple transnational segmentation and fragmentation of labour markets that takes place between Mexico and California gives the term 'precarity' a different nature since it depends on a particular socio-temporal context. Therefore, the process of transnationalisation of labour markets between Mexico and California shapes particular conceptions of 'precarity' that make sense when scrutinised at the level of the 'everyday' because it is at this level that precarity is exercised and sustained. Thus everyday precarity incorporates not only aspects of

labour markets and pay, but also conditions put on migrants by immigration systems designed by nation-states (first regime of segmentation-fragmentation). Thus precarity in itself is not only confined to particular labour regimes or workplace structures, but also encompasses other aspects of life that constitute the everyday.⁸²

Everyday precarity operates across two overlapping spheres: labour markets on one hand and immigration systems on the other, and these levels are normally presented or thought of separately but they are intrinsically connected and intertwined. Shifting the focus to everyday precarity allows an understanding of the role of FLCs in multiple segmentation-fragmentation processes between Mexico and the United States in a way that analytically joins the immigration status of workers within particular labour markets that are transnational in nature. Consequently, problematising and analysing everyday precarity as an ongoing construction and production of transnational labour market segmentation-fragmentation processes permits the unpacking of its complex nature that goes beyond classic readings of precarity as merely bad working conditions.

In addition, analysing the everyday serves as a means to understand the agency of migrant workers and contractors and the interactions between them. Placing these agencies within the constraints of structures set up by immigration policies permits an understanding of how contractors contribute to the fragmentation of transnational labour markets in their own ways as described in Chapter Seven with the third regime, and how migrant workers become part of the local construction of labour markets while leading a transnational life. As a result of the fragmentation and coordination of labour in flexible labour markets, FLCs segment at the third level and co-constitute everyday precarity as a regime that spans the workplace and beyond to permeate all aspects of the lives of migrants.

⁸² In her work 'Precarious Life', Butler (2004) invites reflection over the fact that the whole of the US lives in precarity after the attacks of 9/11. See also Ettliger (2007).

In addition, everyday precarity is theorised as a process, one that moves beyond the workplace to extend the understanding of precarity beyond spatial and temporal boundaries. This idea can be better grasped by looking at the transnational nature of everyday precarity. While leading transnational lives, migrant workers are not only embedded in their local precarity while contributing to the harvest, but they are part and parcel of the precarity in their home towns. This is not to say that it was only precarity that motivated them to migrate, but while being abroad, they all keep contact with their families and hear about the problems and difficulties which they absorb and also bring to the fields. Therefore, while they are in the fields, their whole life is moulded around work, and this intensifies because farm workers know that the jobs are seasonal. One of the dimensions of everyday precarity is that it is also transnational in nature, and is manifest in the transnational lives that migrants live. The following section looks at this in much more detail.

The ongoing construction and production of everyday precarity

The first important aspect of the notion of everyday precarity is that it emerges from the underlying tensions of the process of transnationalisation of labour markets. In this thesis, this transnationalisation is understood as the intersecting regimes of segmentation and fragmentation that shape everyday precarity in the context of labour markets between Mexico and California, where FLCs are key channels of transnationalisation at the micro-level. Moreover, everyday precarity passes through phases and should be understood as a continuum, as a dynamic that changes according to space and time. In this way, static visions of precarity that focus on bad working conditions within the boundaries of a particular time and space, are not enough to embrace the totality of the everyday and the ways and processes through which it unfolds. As a result of this, as it emerges from countervailing tensions in processes of

transnationalisation, everyday precarity is multi-layered and multidimensional; it not only incorporates conditions of labour but also constitutes a 'life component' of migrant workers' experiences.

The idea of a continuum of everyday precarity also aims to avoid falling into the trap of binary thinking, for example by referring to precarity in terms of particular immigration status such as 'legal/illegal', 'documented/undocumented', 'authorised/unauthorised' and so forth. In the labour process, this avoids conflating precarity as only occurring in 'formal/informal' binaries since it has been well established in the literature that regular employment can also be precarious (Kalleberg 2011; Vosko 2010; Barrientos 2007; 2013; Phillips 2011b).

Everyday precarity resembles the conceptualisation of precarity by Tsianos and Papadoupoulous (2007) where 'precarity means exploiting the continuum of everyday life, not simply the workforce.⁸³ In this sense, precarity is a form of exploitation which operates primarily on the level of time' (cited in Anderson 2007:6). The idea of time and how it relates to everyday precarity will be further explored in the following section, suffice it to say here that a dynamic and multi-layered vision of everyday precarity is developed to account for migrants' experiences and how everyday precarity also unfolds outside the workplace, permeating aspects of break time and in the case of farm workers, outside the harvest.

Immigration systems have the tendency to fashion 'precarious workers' in terms of binaries such as legal vs. illegal by placing strong emphasis on control, and nation-states design immigration policies that function as a regulatory tap by establishing the categories of legality and illegality (Anderson 2007; Bauder 2008). Chapter Five has shown how the understanding of the transnationalisation process between Mexico and California, and the use of FLCs required a critical examination of these immigration systems to unpack the ways in which the first

⁸³ This is particularly important for farm workers who live in the fields and their proximities.

regime of segmentation-fragmentation institutionalises and naturalises certain categories. In the case of the United States, the fact of being an undocumented migrant worker has been normalised as a 'problem' but also tolerated and accepted historically.

As explained in Chapter Five, the first regime operates through the design and implementation of immigration policies between nation-states. The first regime determines the characteristics of entry that potential workers need to meet in order to be part of local labour markets. The immigration policies analysed in Chapter Five are the first stepping stone to understanding everyday precarity, since these policies are a manifestation of the institutional architecture that is in place at a particular conjuncture to shape labour migration flows. The immigration policies mould an important aspect of everyday precarity which is the 'precarious status'⁸⁴ that emerges from different visa systems.

Consequently, along the lines of different segmentation and fragmentation processes together with specific national or regional contexts, different forms of everyday precarity are generated, each associated with particular configurations of rights and/or limitations in working and living conditions that include housing, transport to work and other variegated life experiences as well as migration status situations. These different forms of everyday precarity add to the notion that it should be seen as a multi-dimensional phenomenon.

The multidimensionality of everyday precarity put in the context of the transnationalisation process between Mexico and the United States while scrutinising their immigration policies permits changing the focus in terms of the responsibility for precarious status and 'undocumented' migrant situations from the individual to the structure of policies and institutional design. Therefore, either legal status or non-status are aspects of everyday precarity that connect to the construction by nation-states of the idea that individuals (especially citizens)

⁸⁴ The term 'precarious status' is introduced by Goldring *et al.* (2009) to denote the variable forms of irregular status and illegality in the context of the Canadian immigration policy as it was discussed in Chapter Five.

are responsible for their existence, and in discourses of immigration allows framing 'immigration as a problem' and criminalising 'illegal immigrants' (Goldring *et al.* 2009; Castles 2012).

In the case of the United States and Mexico, as discussed in Chapter Four, the historical construction of status from the *Bracero* Programme until the present, has allowed *de facto* more tolerated forms of undocumented migration. Thus, the first regime of segmentation-fragmentation needs to be seen as the result of a systemic production of 'undocumentedness' tied to features of past and existing policies, together with their implementation. As a case of failed migratory cooperation, both Mexico and the United States' immigration policies have contributed to the formation of precarious status that allowed further transnationalisation in terms of trade and the role of TNCs, but did not take the transnationalisation of labour rights seriously, thereby contributing to everyday precarity in the process of transnationalisation of labour markets. As an ongoing process that is being produced and reproduced, everyday precarity presents many modes of operation and dimensions; these are analysed in the following section.

Modes of operation and dimensions

This section reviews the different dimensions and modes of operation of everyday precarity. These dimensions include the understanding of agency and how it is shaped, the socio-economic face of everyday precarity, the geographical implications of a regime that manifests locally but is gestated transnationally, and the experience of everyday precarity beyond the workplace. The chapter turns now to the agency dimensions.

Agency dimensions: 'I'm not ashamed of not having papers'

Everyday precarity recognises the social nature of labour, that is, workers are seen as social agents and not only as labour, as was discussed in Chapter Two. Therefore, the social divisions constructed around the roles of workers in labour markets are built within labour markets but emphasised, reinforced and practised at the level of the everyday. If workers are seen as social agents or actors, this would allow a better theorisation of agency. And particularly important for the understanding of agency within the context of everyday precarity is the fact that agency is understood as a relational property (Bakewell 2010:1694).

If agency is relational, then the relationship between migrant workers and FLCs becomes crucial to the comprehension of the spaces and degrees of agency. For the purpose of everyday precarity, to be an agent means to be capable of exerting some degree of control over the social relations in which one is enmeshed, which in turn implies the ability to transform those social relations to some degree (Sewell 1992:20). The relational nature of agency not only looks at the interactions between migrants and FLCs but also posits that agents are empowered to act with and against others by structures (Sewell 1992:20). Therefore, structures need to be considered to account for the nature of agency. In this case, the structures are established by the first and second regimes of segmentation and fragmentation and the economic restructuring processes between Mexico and the United States.

In addition, the complex interaction of structure and agency rather than the opposition between the two (Kothari 2002:10), as was claimed by the political economy framework set out in Chapter Two, provides a more useful reading of the issue of farm labour contracting, in which both structure and agency are combined. Once we account for the relational nature of agency, then experience can be better ascertained within everyday precarity.

Not all farm workers share the same experience or the same relationship with FLCs, and the richness of the case study is that it shows how those complex social relationships and experiences are shaped. This complexity is part and parcel of the ongoing dynamic construction of everyday precarity, whose different shades and manifestations take place along its continuum. It is important to reconsider the agency of migrant farm workers and FLCs since the role of experience is undertheorised in segmentation approaches (Bauder 2001:38).

Looking at everyday precarity is a means to recover some autonomy or agency for migrant workers and contractors, and most importantly for the relationship between the two. As stated in Chapter Seven, FLCs perform a key role at the heart of the labour process in profiting from and exploiting the precarious status determined by the first regime. In this way, through the third regime exercised by FLCs, we see how their agency constrains migrants' possibilities to exercise their own agency, depending on whether they have an H2-A visa or are undocumented.

Everyday precarity then shows that for migrant workers, agency is locally constrained and better exercised transnationally. FLCs reduce the space of agency for farm workers but this agency is better exercised transnationally –even though precariously- through the active way in which they engage with their places of origin and with their relatives. Moreover, agency should not only be thought of in relation to the workplace or the possibilities to negotiate better conditions of pay; an important element of the subjective agency that farm workers possess is exercised outside the workplace, and this is why it should be thought of at the level of the everyday. This subjective agency depends on the relationship between the migrant farm worker and the FLC outside the workplace, for instance the ways in which FLCs determine (or not) migrants' leisure activities outside their harvesting work, and whether workers are allowed to leave the labour camps. This illustrates how, under FLCs, whilst there is a dislocation of the employer (producer)-employee relationship, the contractor-worker relationship extends

beyond the narrow confines of the workplace, as discussed in Chapter Two, and it also highlights the ways in which FLCs have extended power over workers.

When it comes to the FLCs, they are able to exercise higher levels of agency both locally and transnationally. This means that FLCs are key organisers of the workplace practices by which the harvest is performed, and it is up to them to determine which is the most effective and efficient way to exercise pressure upon workers' time to do the work, and thus they gain greater power over the labour process at the local level. At the transnational level, FLCs become key channels in the migration network, where they become the point of reference for potential workers who are willing to contact them to be taken to the United States.

There is also another important element that the literature on precarity recognises, and this is the link between the concept and its potential for political mobilisation: precarity encapsulates both a condition and a point of mobilisation in response to that condition (Waite 2009:421). Ergo, another way of looking at agency is through the potential for resistance (Ford and Piper 2007; Mitchell 1996) within spaces of precarity. Others see the agency of unorganised agricultural workers in their capacity to negotiate some of the conditions of employment and also the exercise of agency by the mere act of mobility that migration entails (Rogaly 2009).

However, in the case of everyday precarity, migrant workers find it very hard to exercise some sort of resistance to their FLCs, especially in the workplace since FLCs have become the main actors in determining pay and renewal of future contracts. Their exercise of fragmentation has prevented farm workers from unionising, as shown in Chapter Six, but also allows FLCs to manage the relationship in close contact. Nevertheless, there is still space for some sort of nuanced resistance seen at the everyday level in the subjective mental use and perception of the landscape of large farms in the Coachella Valley. Some farm workers expressed:

I work in the fields, I am free...

It's not pleasant. It's harsh but free. Being in the fields to me is being free

If you want to understand the work in the fields, you have to do it

Despite the harsh and difficult conditions that FLCs have put on the harvest work, some of the farm workers interviewed expressed their sense of 'freedom' when they are in the fields. For some workers, the sense of being in the open air, in comparison to other forms of employment where people are confined to closed spaces, held significant meaning for them. Nonetheless, it is not the majority of workers who feel this way, and despite the 'love' they can put into the job, they expressed their discontent with the way that FLCs are changing the practice of the work. The last statement from one of the migrant workers showed the complexity of agricultural work and the difficulty of grasping it fully without really undertaking it. FLC have completely changed the way the work is organised by extracting the most from workers' energies to fulfil what FLCs consider their own targets, and which are also determined by the grower. As one young male migrant worker stated:

I really enjoy the work. I like being outside, but in recent harvests, contractors are ruining everything. They are pushing us to extreme work and they are ruining the love I have for the job.

Taking into consideration the difficulty that the agricultural tasks entail, many farm workers stated that they used to enjoy the job, however, the pressure put on them by FLCs is changing the perspective they have on agricultural work. Some of the workers who have more experience in agriculture and have been doing the job for some time, are aware of the connections in the supply chain and

the pressure that their own FLC receives from the growers. One worker commented on how the FLC was making the job harder and more difficult:

I worked in construction, I used to pick up very heavy stuff and I worked really, really hard, but I got my breaks. Here it's very hard, I am with a *contratista* [contractor] who is always rushing me... Both the *contratista* [contractor] and the crewleader are after me... Probably it's not the crewleader's fault, it's the owners who are pushing him too.

The relationship that FLCs manage to cultivate with workers varies. In the previous quotes, workers felt the pressure of work but managed to create a subjective feeling of freedom by the representation of landscape in their heads. Nonetheless, in general, workers are very unhappy with the way they are treated by their contractors and are also scared of denouncing the abuse. They feel their agency to be pretty much constrained, and they do not trust their FLC. As one migrant worker put it:

If I tell you I get along well with him I would be lying... But I also ask you: which worker gets along well with his boss? ['him' refers to the FLC].

On the contrary, a worker who has brought all his family (wife and two daughters aged 21 and 23) to perform agricultural work expressed:

We like our *contratista* [contractor]. I've know him for years now and he is a friend of my brother in law. He tells me where the work is and I go with my family.

For this worker, the FLC represented a foot in the United States and the possibilities of development for the whole family. The family relied on the network and the role of the FLC in finding the right work for the whole family. However, the head of the family expressed in the interview that since he was more

aware of the conditions of work in other parts of the state of California, he only allowed his family to do the harvest in the Coachella Valley because there they could live in *Las Mañanitas*, the migrant home set up by the County of Riverside outside the fields.

When it comes to the choice of an FLC, workers do not have a range of FLCs to pick from, and they do not follow a scrutinised cost-benefit analysis to determine which FLC will be able to provide the best service. Contrary to skilled workers, who choose recruitment agencies after scrutiny, for many migrant workers the choice of an FLC is determined by a relative, close friends or other contacts in the network. Therefore, a priori they do not know if that is the best FLC for them. Their need to cross the border and find employment makes them go with the most available and reasonable option for them.

In this way, once they have chosen an FLC, the commitment is expressed towards that FLC and workers have to follow them up and down the state of California in line with the harvest. Since FLCs have become key agents and players in organising and coordinating labour in Californian fields, migrant workers' agency in terms of choice is constrained. The nature of the constrained choice, which points to a pool of workers that is not homogenous but is rather subject to physical and subjective particularities, as discussed in Chapter Two, also depends on the nature of their precarious status.

When they are brought to the fields under the H2-A programme, FLCs have to provide housing and are responsible for the employment opportunities of those workers. Workers must remain with the FLC until completion of the term established in the H2-A visa. In case of undocumented status, workers are more prone to vulnerable situations since they fear being deported and thus, might not want to denounce abuse. In both cases, either by having an H2-A visa or being undocumented, the nature of fear is similar since workers under both conditions do not want to lose the opportunities to work.

Interestingly, one worker used his undocumented status as a means to exercise agency. Since he had spent a long time in agriculture and was becoming older, he had the courage to quit a few *contratistas* owing to the abusive conditions. He used his undocumented status as a means of empowerment since it allowed him not to be tied to one sole FLC. He vividly expressed in the interview:

I tell you, I'm not ashamed of not having papers. They know I don't have papers and they still give me the job. If I don't like it I quit. I don't have to stay with them [farm labour contractors/growers].

Despite the fact that migrant farm workers make constrained choices as regards their FLC, the decision to migrate gives them some sense of agency. However, when it comes to the transnational aspect of how they lead their lives, the fact that migrants are able to send remittances back home (through different means), and the act of doing so, made them feel important and key actors in their home communities. Once remittances are put into action, by paying for children to go to school, buying produce or building houses, the hard work in the fields takes on a completely different meaning for them. The difficult conditions endured locally are felt differently when put into the transnational context in their minds. The next section illustrates this aspect more vividly.

Locally manifested but transnationally gestated

Another important dimension of everyday precarity is its manifestation in space. The aspect of space and place is linked to the third regime of segmentation, as presented in Chapter Seven, because it deals with the local manifestations and the use of geography by FLCs. Experiences and representations of the place are shaped and used by FLCs in the organisation and coordination of labour.

This section reviews how everyday precarity is manifested locally but gestated transnationally and thus, by analysing the locality of labour markets, it adds to Peck's problematisation that the territoriality of labour markets matters and that it is the local level that needs to be looked at because it is where production takes place on a daily basis (Peck 1996:263). This is certainly the case, but my case-study also showed that the emerging forms of everyday precarity that manifest locally are gestated transnationally through the role of FLCs.

The small city where most of the farm workers stay during the harvest is Mecca. A small city only a few miles from the saline lake Salton Sea, Mecca hosts many seasonal farm workers who cannot afford proper housing, and/or are not in agricultural work under the H2-A programme. Mecca is a small rural city and the main square beside Leon's market is filled with cars where farm workers sleep during the night. These farm workers do not want to pay rent; they claim that the families who live in Mecca sublet their garages to farm workers but the prices are too high for them to sleep on the floor (they said they could be charged USD40 per week). Rather than paying and sleeping in overcrowded rooms or garages, they would sleep in their own cars.

However, many farm workers have complained that it is not safe, as people become aware of pay days and some workers have seen thieves stealing workers' pay. The area is not secured and the *migra* (US Border Patrol) does not normally patrol the area when the harvest is at its peak. The vast majority of farm workers are undocumented and therefore they prefer the US Border Patrol not to be in the area. They would tolerate the risk of being robbed rather than being apprehended by the US Border Patrol. Therefore, one aspect of everyday precarity involves not only the insecurity at work, but also the feeling of being unsafe and of not having a place to secure their pay until they can remit the money to Mexico or find another way of putting it away.

Another group of workers decide to live in the farm worker residence built by the Riverside County at the beginning of 2000s called *Las Mañanitas*. This residence was built as part of the Coachella Housing Project and opened on

September 13 1999. It can host only 128 farm workers in flats of 4 rooms each where workers share the bathroom, the kitchen and a living room. Rogelio and Patricia have been the resident managers since its beginning and in order to be granted admission, workers need to be above 18 years of age and show an ID from Mexico where they can prove that they are farm workers. Applicants are not asked about their immigration status and they are charged USD 25 per week.

Housing has been an important issue for farm workers in the Coachella Valley. Linking back to the discussion in Chapter Six over the relevance of housing in the context of a highly mobile migrant labour force, housing is a key issue in everyday precarity as it refers to the needs of workers to be properly housed. Under the H2-A programme employers have to provide housing to the workers, and normally these are trucks close to the fields where the FLCs have better control over the workers' time since the working day is relatively extended owing to the proximity of the workplace. Other farm workers who work directly with FLCs and possess an undocumented status have to find a house for themselves. *Las Mañanitas* represents a good option for those workers with families, at least for the ones who manage to get in. The problem is that there is only one place like *Las Mañanitas* in the Coachella Valley, and this place cannot host many people. Other workers prefer to live in the square in Mecca to save the rent, but do so at the risk of being robbed.

Everyday precarity has many facets, and manifests locally in the proximity of housing to the workplace and the ways in which this proximity is used by FLCs to exert pressure upon workers' time. Where FLCs do not provide housing for their workers, the workers experience further vulnerability since the options are limited and many live on the streets and sleep in cars in Mecca's square.

For those workers who do not have housing, the County of Riverside has set up mobile trucks with showers where farm workers go after the harvest. The County has also put in place a system of buses from some points of the fields to the place where the trucks are located, an area called *El Descanso* (The Shelter). It

takes 15 minutes to reach *El Descanso* and buses run every 30 minutes for two hours.

Some workers do not manage to take the buses to *El Descanso* or might miss the last bus, and they have baths in the Salton Sea. The Salton Sea has high levels of salinity and in recent years it has become more polluted. Thus this represents a risk for the farm workers who decide to take a bath there⁸⁵.

Despite the difficult housing situation in the Coachella Valley, many workers still preferred to work in the Coachella Valley (especially those interviewed who lived in *Las Mañanitas*) in comparison to the situation in the Central Valley. They complained that there is no place like *Las Mañanitas* in the Central Valley, and they have to live in garages and trucks very close to the harvest, far away from the main cities such as Fresno, Tulare or Bakersfield. The workplace practices of exerting control over workers' time are more intensively exercised in the Central Valley, since the geography of the harvest makes the workers invisible.⁸⁶

FLCs contribute to the spatial implementation of the labour market fragmentation since they go to Mecca and to the surrounding areas looking for willing workers to take on for the harvest. Once the workers accept work with FLCs, they have to go wherever the FLCs send them. FLCs manage which grower they will work for and for how long. Since FLCs move the workers up and down the state of California, they transform the idea of labour shortage since they are able to provide the pool of workers that are needed faster than the time it will take growers to go through the application process for H2A workers. This is a reason why more growers rely on FLCs since they are quicker at providing crews.

⁸⁵ Community workers at CRLA have been campaigning hard on the case of pollution at the Salton Sea and in interviews the issue came up many times.

⁸⁶ The construction of the landscape in California that renders workers invisible is very well described by Mitchell (1996). In this case, I refer to how invisible workers become to the eyes of consumers and regulators. Driving along the C-99 from Fresno to Los Angeles, the vast extensions of the farms can be seen but workers are 'hidden' within them.

The geography of California and the size of the fields allow a further segmentation of labour since FLCs profit from transporting and moving workers up and down the state, thereby rendering workers practically 'invisible'. These manifestations of everyday precarity take place at the level of local labour markets in the Coachella Valley and Central Valley, but the mode of operation of FLCs and the lives of migrant farm workers show that the seeds of the segmentation-fragmentation at the third regime in labour markets have been planted transnationally.

Previous chapters Five and Six showed the global and national levels that rendered labour markets transnational in nature, and in this section we can see how everyday precarity materialises in a local labour market through the embodied experience of farm workers who came on their own to find their FLCs in Coachella, or have been brought to the fields by an FLC from Mexico.

There is a locality embedded in everyday precarity but focusing exclusively on the local aspect is like thinking that plants have no roots, and in this case, the roots of everyday precarity are transnationally gestated. In the following section the socio-economic face of the everyday precarity manifested in the local labour market is analysed.

The socio-economic face of everyday precarity

This section takes stock of the socio-economic implications of everyday precarity that permeate the production process and the workplace practices. As has been shown, FLCs have a key role in the organisation and coordination of labour in the local labour market in the Coachella Valley and the Central Valley. However, despite the fact that FLCs are seen as providers of employment and dynamic actors in labour markets, their modes of operation are not free of the abuse that exacerbates the difficulties that migrant farm workers are already

exposed to through the interplay between the three regimes of segmentation-fragmentation.

FLCs have been able to instil a work ethic among farm workers that is based upon hard work. Not only are farm workers made to perform long hours in the fields, but FLCs also exploit the ethos of hard work by penetrating workers' inner thinking to make them compete with their co-workers. In this way, farm workers change the perceptions they have of their co-workers and the sense of solidarity diminishes. For example, one farm worker would like to see his colleagues work harder; when asked about social life in the fields, he expressed:

Some [of the other workers] do not work hard enough, and I can see that it's not fair that we are all treated equally.

This worker perceived that some of his colleagues were not performing at the same level as he was, and therefore he wondered why they were paid the same. The dynamics of competition also vary according to age. Among younger farm workers there is a feeling that their co-workers are competitors and that they need to outpace them. For them, the task of higher performance and endurance becomes an important issue in terms of agricultural work, and they see it as a means of proving their own capacities and powers of endurance to themselves and how much they can attain.

FLCs benefit enormously from introducing competition practices that are based on the ethos of hard work that workers already possess. Consequently, more crops can be harvested and more fruits collected, and the daily targets set by FLCs are normally met at the expense of solidarity and consequently through the building of a culture of stress among farm workers. Speed and dexterity in conducting the work is very important for FLCs, and these are linked to the creation of the idea of 'good worker' implied in the ethos of hard work. Since Mexicans have been historically portrayed as hard-working individuals, contractors exacerbate this cultural understanding and use it to guide the

workplace practices as a prime example of fragmentation at the micro-local level. As one farm worker articulated:

The woman who acts as crewleader makes us compete in the packaging. We all have a number of packages we can do...But she decides on the number and the one who cannot make it to that number is sent to the fields... For example, No.8 did 20 boxes and that's the limit she sets so we have to make it to 20 and there is a lot of pressure.

FLCs get to know their workers and their physical capacities in detail, and they also use that knowledge to make them compete and set the numerical targets (as reflected in the packing case for instance) so that they achieve higher levels of productivity. This clearly reflects that one of their key means of operation is at the level of time. FLCs are also able to manipulate the break times that workers have for lunch. Laura, a young female farm worker has been in the packing area of chilli peppers and complained about the pressure exerted by the contractors:

I can't even finish my *taquito* because they are rushing me. I'm given 10 minutes but I get deductions if I take them.

Farm workers are entitled a 10-minute break every 4 hours of work, and if 5 hours of work are conducted, then workers should have half an hour to have lunch. However, in reality many FLCs do not allow them to take 30 minutes for lunch and if they take their 10-minute break, deductions from their pay follow.

Another means to exploit workers at the level of time is seen in the time used in transportation to the fields. The Californian legislation states that if growers need workers to be present at the fields at a specific time but the harvest does not start till later, thereby making them wait a few hours, then workers have the right to be paid from the time they arrived at the fields. However, work times are rarely respected and FLCs do not comply with the legislation in terms of transport and waiting times. This point is vividly expressed by this worker:

I get to work at 5:00am but we don't start till 5.30 and no one pays me for that half hour. They don't pay me overtime, only when I do more than 11 hours a day

The minimum wage in California is USD 8.00 per hour. Workers should be paid this amount even if they work by the piece. In case of overtime, the legislation stipulates that workers should receive USD 12.00 after 10 hours of work or during the seventh day of consecutive work. Many farm workers do not know their rights and they are not normally paid overtime. However, I came across a worker who was more experienced in the field and was aware of his rights, and stated:

But I know my rights. Most of my fellows are scared of losing the job so they just take a 5-minute break... I know I am entitled to a 10-minute break.

Instances like this one, where workers are able to exercise their agency in terms of their break rights, are rare in the fields. This particular case was interesting because this worker had previous experience in construction and other sectors in the American economy, and the reason why he was performing agricultural work lay in the fact that fewer jobs were available in construction after the 2008 crisis that hit the United States. He saw his agricultural job as temporary and the relationship with his FLC as simply a means to get income, and in the past he had broken up relationships with previous contractors.

FLCs not only control the labour process in terms of time, but they also scrutinise workers very closely. As a result, they do not hesitate to shout at workers when they are showing signs of tiredness in their bodies:

don't lean, don't lean, work straight up.

One of the migrants remarked that they are shouted at. FLCs aim to control the physical look of workers in case of investigators from the Department of Labor monitoring the fields or even community workers from California Rural Legal Assistance. FLCs are aware that during the harvest, the monitoring is less

frequent, and it normally takes place upon complaints from the workers, but workers rarely complain and monitoring seldom takes place.

The harsh and strenuous physical effort of agricultural work has been well documented (Martin 2009a; Wells 1996; Griffiths 2009; Mitchell 1996). Workers complain that the physical positions required to harvest certain crops are already difficult, strawberries (known as *la fruta del diablo* –the devil’s fruit), lettuce and other crops. However, FLCs are constantly correcting workers even if the positions that they demand are more tiring for workers themselves to conduct the work.

FLCs are also insensitive regarding the issue of injuries at the workplace. Farm workers’ main tools are their hands; they need to keep them safe for their own health but also because hands are the means through which they can make a living. One of the workers commented on the treatment he received from his contractor:

In my *cuadrilla* I work with 50 people, the wife of the *contratista* is the one who organises the work (*mayordomo*). I do this because I need it, look how I have my hands, last week my hands were bleeding and she did not allow me to wear gloves because it was going to ruin the chilli peppers...So I had to wear them in secret, otherwise I could not work...And I need to work. She is very hard on us.

The importance of workers’ hands came up many times in the interviews, and also in relation to how we understand skill. Traditionally, farm workers are portrayed and seen in public discourse and reports as ‘unskilled’ or ‘low-skilled’ labour. Nevertheless, after hearing many of the interviews with farm workers it was evident that many of them felt they have gained a particular skill over the years in knowing how to cut the grapes or collect the strawberries so that the crops are not damaged. They mentioned that they were proud when they could work fast but still keep high levels of quality in the fruits and vegetables.

For all these reasons, the notion of ‘skill’ in agriculture needs to be reconsidered. Skill should not be seen simply as a resource that is rewarded in accordance with the precepts of human capital theory, but as an ideological

construct reflecting the distribution of power in the labour market (Peck 1996:135). Farm workers possess certain skills that are not recognised in theory by the world of 'productivity' and human capital rationale. However, at the practical level, the way farm workers carry out the harvest dictates a particular manual skill that requires further recognition and becomes important for growers at the time of considerations of quality in their products. For example, retailers would not accept chillies that are not cut properly or do not have the expected stem length.

The construction of farm workers as low-skilled or even unskilled workers in the case of California is also fed by the fact that for many years there has been an assumption of an unlimited supply of migrant workers from Mexico, as elaborated in Chapter Four, and in recent years from other countries in Central America. The changing nature of the labour process is also shaping which type of worker is becoming unlimited.⁸⁷ Hence, skills become a very relative, nuanced issue for FLCs which might be perceived as not being important as such. Physical endurance becomes a more important aspect desired in workers.

However, in the workplace, FLCs create a competition mechanism between those workers who have 'flexible skills', have been in agriculture for many years and have experience in harvesting different types of crops, and those who do not. Workers who have spent more time in contact with the cycle of nature are able to better read when the crops are ready and know how to cut them better. FLCs create an informal distribution of power between those who know and those who are learning and achieving those flexible skills. The way in which FLCs reorganise skills means that they are reorganising power relationships (Peck 1996). Some workers are aware of the fact that they have different skills and how those skills should be recognised in the pay:

⁸⁷ My case study focuses on Mexican workers but the reality is that during fieldwork, many workers began to perceive that a rising number of workers from Central America are also becoming part of the labour process, and there is an emerging sense of 'competition'. This is another indication of the tensions of fragmentation.

I think I should get paid more because my job is different, so I believe they should pay differently.

Despite the fact that gender is not the main focus of this research, the issue also came up many times in the interviews, especially when female farm workers were interviewed. One female migrant worker expressed:

They don't make any difference if I am a woman.

In recent years, more women farm workers are joining the arduous work in the fields either by harvesting or packing. When it comes to the physical endurance that is required to do the job, women and men are treated equally, and many female farm workers complained about that as exemplified in the comments by this woman:

I have been working in the fields for 24 years! Contractors do not pay attention to the fact that I am a woman and they gave me three big boxes to carry the grapes and transport them to the place. They did not provide me with any means to transport the grapes so I had to use my car. I normally give a lift (*raite*) to other workers because they don't have cars but because I had to carry the grapes myself I had to leave my colleagues aside...

The fact that gender differences are not an important issue for FLCs is also coupled with the accentuation of competition practices that hinder the solidarity ties that many farm workers rely upon. As expressed in the comment by the female migrant worker, FLCs do not provide all the tools to conduct proper harvest work, and workers need to use their own at the expense of helping out other colleagues. There is also evidence of deduction of wages for the provision of tools on behalf of FLCs.

The means that FLCs use to organise the work is based upon competition and individualistic behaviour, exacerbating the feeling of loneliness and competition in the fields to gain maximum productivity. Consequently, FLCs are able to deposit in workers' minds the idea that they possess full agency for a better

harvest and then, if they are 'good workers' and take the maxim of hard work, they will be rewarded.

When it comes to the notion of skill, there is also evidence of deskilling. Ana is from Mexicali and she is an accountant. She lost her job in Mexico and applied for an H2-A visa through an FLC. She has three children in Mexico and one is about to begin university. Ana resorted to agricultural work in the United States because she could not find employment in Mexico despite her qualifications. She finds the job very difficult:

What I find hardest about this job is the pressure. They put a lot of pressure on us and some people become paralysed and they can't go on.

Like Ana, there are many migrant workers whose skills in Mexico are not recognised in the United States and she sees agriculture work as a temporary measure allowing her to send remittances back home so that her children can go to school and her eldest son can begin university. She used to work for a company that dealt with international trade, where she found herself on the other side of the transnational labour market:

I used to work for an importer and exporter company, and now I see the boxes and I recognise them... This is where the fruits that we used to work with come from...

Ana is also an example of the precarity of the network. Migration theory celebrates the role of networks in facilitating migration but in this particular case the network functions as a cable that transmits precarity along transnational lines. Most of the FLCs believe they are giving a service to the community while finding employment for Mexicans in the United States. Nevertheless, while finding employment and controlling the labour process they are spreading abuse and profiting from the competition practices they implement in the fields.

This section revealed the socio-economic implications of the regime of everyday precarity as it is organised and conducted by FLCs. Segmentation and

fragmentation not only occur in the United States, where it is assumed that Mexican workers will take 3D jobs, but rather by extending the precarisation through the migratory network, the regime of everyday precarity shows that precarious conditions back home are used by FLCs to cause fragmentation at the level of the third regime. Contractors profit from precarious conditions in the sending community by exacerbating and instilling an ethos of hard work that will make Mexican workers accept agricultural jobs in California.

By providing a sense of belonging through the network, migrant workers' sense of trust is exploited by FLCs and ultimately, by growers. Therefore, there is a dynamic transnational construction of everyday precarity that unfolds through the role of FLCs. The next section shows how the regime operates beyond the workplace.

The experience of everyday precarity: Beyond wage-labour

This section addresses the notion that the regime of everyday precarity transcends the workplace and is not only linked to abusive working conditions. As shown in the previous section, farm workers are subject to deduction of wages for the provision of tools by FLCs, they are rarely paid overtime and their time spent in transportation and waiting in the fields are rarely respected. Competition practices introduced into the fields by FLCs that exploit the ethos of hard work by ruining solidarity ties among farm workers all contribute to difficult and abusive practises. Housing problems are part of the picture as well. Since the majority of farm workers interviewed in the Coachella region were undocumented, and this is a good representation of the overall farm worker population in California⁸⁸, the

⁸⁸ Of all the agricultural states in the United States, the state of California employs the smallest proportion of H2-As workers. Owing to geographical proximity with Mexico, the 'revolving door' (Martin 2002) mechanism is still very much present.

issue of status also becomes an important element in understanding everyday precarity.

The means through which FLCs exert control at the level of time and the spatial dimension were previously analysed, but these dimensions should all be understood and scrutinised in their complexity. They all constitute dimensions of the continuum of everyday precarity which operates along different axes which are interrelated and manifest themselves at different times. For this reason, it is important to account for what happens in workers' lives after the day's harvesting is over, in the little time left to feed themselves, rest and enjoy what is left of their day for leisure and other dimensions. If their time beyond the workplace is accounted for and incorporated, then we can truly begin to think of workers as social agents, since all social agents need time to sleep, rest and leisure. This section addresses four main aspects of the notion that everyday precarity transcends its relation to wage-labour.

First, these aspects are related to the migratory status and in relation to how status allows different degrees of agency. For workers who are undocumented, their sense of movement from their housing to work and beyond feels constrained. Even though monitoring by *la migra* during the peak of the harvest season is not frequent, many workers reported that their sense of freedom feels constrained. They know the routes that they can take in order to avoid checking points and they do not do their shopping for food and groceries in places outside Mecca or far away from the Valley. Most of their socialising takes place in the square in Mecca around Leon's market, and some workers go to Catholic churches to receive dinner.

Second, the social life of workers is constrained by the mobility allowed due to their immigration status but it is also linked to the relationship they have with their contractor. In many cases contractors are relatives, or acquaintances of workers' social network, thus FLCs also organise their social life in terms of places they can visit and how far they can go. In *Las Mañanitas*, after the day of work

farm workers gather to socialise in the garden of the residency and some of them manage to make friends with their flatmates.

Third, for many workers the role of the FLC is also an inspiration in terms of job prospects. They see the contractor as a successful migrant who managed to step up the ladder and create a business out of his own initiative and knowledge of the network. Some workers interviewed aspired to become contractors one day even though they saw it as difficult. One of the key themes that permeate contractors thinking (especially for those who were farm workers before) is the idea that *'si yo sufri, ellos tambien tienen que sufrir'* (if I suffered, they have to suffer too), referring to how enduring difficult circumstances is the means to become an FLC. As a consequence, the social status is no longer directed to the reference of their home community in Mexico solely but in terms of the aspiration to become a contractor.

Fourth, and probably one of the most interesting aspects, is the transnational nature of the regime of everyday precarity. Migrant farm workers have a dual frame of reference (Waldinger and Lichter 2003) according to which their social status is defined by the monetary contribution in their home community through remittances. Those families who are able to benefit from the money that comes from the United States, see themselves as having a higher status in the local community. Material gathered from interviews shows that workers who are in California still feel and live the precarity of the home community. They feel proud of sending their children to school through remittances or being able to build a better home, however, they are still tied to the precarious life through the technologies of communication.

Mobile phones have become very easy to access and many farm workers possess one to keep in touch with their families, and they have become key elements in the exercise of transnationalism (Vertovec 2004). They also watch TV and live at the level of the everyday the problems faced by their relatives and friends on the other side of the border. They are in touch with the realities in Mexico and the news in a constant transnational worry. Migrant workers live in

one place but are tied to the other at the same time through the means of communication, and in many cases through the FLCs themselves.

The transnational lives that migrants live represent an embodiment of the transnational insecurities of the two economies that merge through people's lives and bodies. FLCs profit from this transnational worry for their own business. The emphasis on border enforcement that was accentuated after 9/11 (coupled with the undocumented nature of many workers) made the trips to cross the border a very difficult endeavour, and this has also contributed to a reliance on technologies to keep in touch with their family since they cannot see them, while the imaginary of problems stays in workers' minds.

Everyday precarity has a double nature: its seeds are transnational and it is lived and experienced by workers in a transnational fashion. By being connected to their home communities through mobile phones without being able to see their families and children, they embody a constant worry experienced on a daily basis.

The analysis of everyday precarity beyond wage-labour calls for a brief reflection on how the 2008-2009 financial crisis that began in the United States affects notions of precarity associated with migrant labour. The crisis began in the US financial sector when a credit-fuelled spending boom linked to rising home prices in the US, and many other countries, supported an expansion of the global economy in the previous years, between 2003 and 2007. However, housing prices fell in the context of a credit that was being tightened and as a result of financial institutions becoming unable to make certain estimates of the values of financial assets that had been repackaged and functioned as key assets. Therefore, the rationing of credit brought a diminished consumer spending, and in a downward spiral global trade fell sharply and the crisis became 'global' (Martin 2009b).

There is much debate about the consequences of the global crisis in issues of migration (Martin 2009b, Orrenius and Zavodny 2009, Skeldon 2010, Phillips 2011c) which are mainly centred around the topic of remittances and whether the crisis has really affected the flow of money sent to emigration countries, especially

in Mexico (Wilson 2009) and the impact on flows of Mexican migration to the United States (Alarcón *et al.* 2008, Chiquiar and Salcedo 2013). These are relevant issues that impinge upon debates of migration and development and the ways in which nation-states need to adjust to changes in the economic cycle. At the time of conducting the field research for this study, it was premature to fully ascertain the particular impact that the 2008-2009 crisis would have upon experiences of everyday precarity for migrant workers, and whether the crisis *per se* would change the functioning of overlapping regimes of segmentation and fragmentation that have been historically constructed. However, two salient features can be mentioned.

First, the 2008-2009 crisis impacted in important ways in the construction and manufacturing sector of the United States. For example, US construction employment peaked at 7.7 million in January 2007 and then fell by a million to 6.7 million in January 2009 (Martin 2009b: 677). The unemployment rate for people employed in construction occupations rose from nine per cent to 22 per cent during the same period, and about two-thirds of the Hispanic workers who were employed in the US construction sector in 2007 were born abroad (Martin 2009b:677), meaning that many migrants were affected by the loss of employment in construction. Within this context and it was encountered in this research as previously described, for some migrant workers who were previously employed in construction, agriculture represented a temporary solution to the lack of employment in construction. The most experienced undocumented workers were able to see agriculture as a 'temporary solution' but they were unsure for how long they would remain in agriculture. In this way, agriculture work represented an opportunity for some migrant workers who decided to stay in the United States. However, it was still premature to distil whether the conditions upon which the agriculture work needed to be done and the relationship with farm labour contractors have qualitatively changed because of the financial crisis.

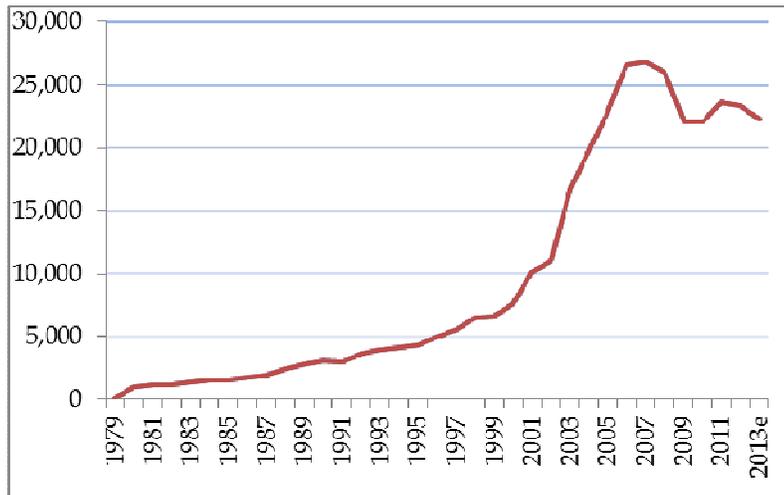
Second, an important aspect and yet speculative at this stage, is the way in which the crisis will modify the nature of flexibility in agricultural labour markets

changing even further the qualitative dimension of the management of fragmentation at the local level by FLCs. At the global scale, an analysis of responses of the main agricultural companies organised in global production networks will be required to understand the ways in which their trade relations have been affected by the crisis, and the ways in which the organisation of the supply chain might be modified to accommodate the supply of products to a sluggish demand. In the case of a highly fragmented agricultural sector, new strategies can imply the push for further flexibility in the provision of agricultural workers. However, at the time of conducting this research, the nature of the final impact was still uncertain.

In another ten years we will be in a better position to ascertain the ways in which the crisis modified the reconfiguration of labour between sending and receiving economies and the ways in which the regimes of segmentation and fragmentation might have been altered to adjust to a new phase in the process of transnationalisation of labour markets, particularly in the case of Mexico and the United States. Also, it will be possible to uncover the uneven geographical impact of the crisis that manifests in changes in state programmes to assist the unemployed, and the relationship *vis-à-vis* municipalities in Mexico and counties in the United States towards migrant farm workers.

In the global picture of the inflow of remittances that Mexico receives, aggregate data from the World Bank shows that remittances to Mexico fell by 15 per cent between 2009 and 2008 (see Chart 8.1 for an evolution of the flows). One aspect of the debate in Mexico focused on the macroeconomic impact in terms of the loss represented by that fall, however, the ways in which those global numbers affect and change perceptions of everyday precarity for migrant workers in the US and their families in Mexico requires a more deep ethnographic study to shed light on the micro dynamics represented in the loss of remittances and in what ways families in Mexico must have been unevenly affected. Thus, the ways in which the global numbers reflect upon the dynamics of the micro is still yet to be further impacted.

Chart 8.1 Migrant Remittance Inflows in Mexico (USD millions)



Source: World Bank, Annual Remittance Data, available at: econ.worldbank.org

The case study of Mexico and California helps to illuminate the particularity of the regime of everyday precarity in which workers are constrained by status but also by their relationship with their FLC and the precarity experienced back home. Labour geographies are still focused on the ‘locality’ of labour markets and the construction of landscape (Mitchell 1996; Henderson 1998) or the possibility of agency of workers (Herod 2001; Rogaly 2008). When migration is incorporated into the analysis, they refer to the everyday practices in a particular local labour market. This chapter has shown how everyday precarity operates transnationally, joining sending and receiving destinations through FLCs who act as channels of transnational labour markets.

Everyday precarity is no longer bound by national rules, and migrants are part of a multiple process of segmentation and fragmentation that emerges in their home towns and the roles they adopt in the receiving society. By looking at precarity at the level of the everyday and unpacking its transnational fashion, we are able to transcend notions associated purely with wage-time precariousness linked to a particular domestic market.

The argument so far

This chapter has completed the thesis' analysis by exploring the final aspect of the process of transnationalisation of labour markets between Mexico and California, namely, how the tensions of intersection regimes play out for workers and manifest in everyday precarity. The chapter has added further empirical flesh to the bones of the argument, namely, the illustration of the ongoing production and construction of everyday precarity that stems from the interplay between the three regimes of segmentation and fragmentation that provide everyday precarity with multi-faced dimensions.

The discussion revealed that the process of transnationalisation of labour markets is riddled with tensions, stemming from the contradictory nature of the first regime of segmentation-fragmentation that tries to delimit certain categories of workers towards domestic labour markets but in the making, it creates conditions of precarious status for migrant workers. The precarious status is exacerbated by the regulatory tensions at the level of the state of California that make up the second regime of segmentation-fragmentation that cannot fully protect migrant farm workers. These tensions are further exacerbated by the actions of FLCs who utilise the tensions to manage flexible workers, thereby contributing to a qualitatively different fragmentation exercised at the micro-local level. In this way, the qualitative micro-dimension of fragmentation, together with segmentation, as elaborated in the analytical Chapter Two, comes to light in the analysis of everyday precarity.

As a process, everyday precarity manifests at the local level but it is gestated transnationally, through the constant actions by FLCs who act as channels of transnationalisation, but at the same time it is constrained by immigration policies and the changing dynamics of the relationships between nation-states. The focus on everyday precarity also shed light on its expanding

nature as a continuum of work and life experiences in which the workplace is only one aspect. This has been crucial to move beyond conceptualisations of precarity determined by receiving domestic labour markets premised within the confines of nation-states. Moreover, it helps to explain the social dimensions of the global economy by portraying migrant workers as social agents rather than inputs in production functions.

Everyday precarity is a systemic production as a dynamic process tied to aspects of existing and past policies as well as modes of implementation and protection. The 2008-2009 crisis that began in the United States and spread globally poses important questions to issues of migration, but for the purpose of understanding in what ways it fully changes the conception of everyday precarity, we are still at a premature moment. Having explored all the different dimensions of everyday precarity within the process of transnationalisation of labour markets, the thesis turns to the conclusion.

CONCLUSION

Transnationalisation and everyday precarity

'Don't judge each day by the harvest that you reap but by the seeds that you plant'

Robert Louis Stevenson

Introduction

This thesis examines the qualitative transformation taking place within the processes of transnationalisation of labour markets that drive a substantive increase in the segmentation and fragmentation of migrant labour. The core question addressed is *How should the transnational dimension of farm labour contracting practices in California be analysed and why does it matter?* In the preceding chapters of the thesis I have shown how the transnational dimension is better analysed as a *process of transnationalisation* emerging from the countervailing tensions in the interplay between the three regimes of segmentation and fragmentation that contribute to contemporary forms of everyday precarity for migrant workers. The thesis has shown how at the heart of the process of transnationalisation of labour markets, farm labour contractors have a paramount role in managing the emerging tensions of the first and second regimes, and most importantly, they contribute to further fragmentation at the local level, which gives rise to a qualitatively different understanding of what this thesis coins as *everyday precarity*.

In the course of elaborating the main argument, this thesis has aimed to fill a gap in the literature on labour contracting by rooting the analysis within the broad field of IPE to show how in the complex process of transnationalisation, segmentation as a unique lens of labour market theorising falls short of adequately grasping the fragmentary forces driven by farm labour contractors at the local level. The objective of this thesis was not to arrive at a single characterisation or generalisation of labour contracting practices in international migration, but to contribute to an alternative analysis of the nature of labour markets that underpin migrant labour contracting. In this realm, Cox's assertion that we divide the world into spheres to provide a better understanding of the complex reality is worth remembering, as the formations of regimes of segmentation-fragmentation are a means to understand contemporary forms of everyday precarity (Cox 1981:1).

This conclusion draws together the main elements of the argument that contribute to existing knowledge while teasing out the consequences of the findings of this research to address *why* the transnational dimension matters. Finally, it also reflects upon the ways in which this thesis could inform further research in order to move the discussion on labour migration and precarity forward.

Why does the *transnational* dimension matter?

The transnational dimension matters because it presents more encompassing meanings than those normally attributed in the IPE and labour market literatures. I have aimed to show that the transnational dimension moves beyond the territorially fixed ideas of nation-states, well-defined transnational corporations, and international institutions which have been widely addressed in light of global governance frameworks. The transnational dimension in the study of labour markets is a process of social transformation, and as such, it has tractable everyday implications that have been obscured by paradigms of labour markets

associated with rational maximising actors that treat labour as mere inputs in production functions, or segmentation approaches strictly rooted in the 'domestic' sphere of nation-states. These approaches have been surpassed by changing processes of transnationalisation, and have become insufficient analytical tools to analyse contemporary forms of transnationalisation characterised by increasing tensions between fragmentation and segmentation.

As a constantly evolving field, IPE has been able to circumvent some of the limitations of well-defined categories such as nation-states within studies of globalisation. It is normally claimed that rising levels of international trade and foreign direct investment are indicators of highly integrated economies, and they are fundamental components in keeping economies glued together. Trade agreements and participation in international organisations are also part of the framing of the integration of labour markets. However, this thesis has aimed to move existing knowledge beyond the simple nature of economies being *glued* together by analysing how they are actually *interwoven*. In contemporary forms of globalisation, labour markets are becoming the key spaces where economies are not simply glued together but actually caught up in the midst of complex processes of interweaving and in which farm labour contractors are fundamental actors in stitching transnationalised labour markets at the micro-level.

Hence, the transnational dimension matters because it helps to elucidate the contemporary tensions that emerge out the three regimes of segmentation and fragmentation. The main contribution of this thesis lies in developing an analytical framework to conceptualise this interweaving process of transnationalisation of labour markets through the interplay between three regimes of segmentation and fragmentation (Chapter Two). Migrant workers represent the embodiment of the interplay between those three regimes that capture the overlapping scales that link the 'national', the 'regional' and the 'local' in the context of a highly globalised sector such as agriculture.

Understood in this way, the transnational dimension matters because it provides a qualitative shift in segmentation as previously addressed by labour

market segmentation theorists, which in the contemporary global economy is not enough to understand the dynamics of transnationalisation. These dynamics are highly marked by forces of fragmentation that compound those of segmentation. A transnational approach to labour market theory allows accounting for fragmentation at the different regimes. At the global level, agriculture is increasingly characterised by the development of highly complex global production networks that are exerting pressure on the labour process via fragmentation in production. Although the commercial dynamics have not been the central focus of this thesis, the restructuring process in the agricultural sector has been identified as an important driver of the changing nature of transnationalisation (Chapters Four and Five).

In this thesis, segmentation-fragmentation referred not only to the increasing separation of production activities across the globe as driven by highly internationalised production networks in the food sector (mainly agriculture). It also refers to the 'political' aspect of fragmentation that comes from the migration and protection policies as laid out by the first regime (Chapter Five). Therefore, at the regional level, the unevenness of the second regime in California showed how the fragmentary forces translate in the silences of regulation in terms of monitoring farm labour contractors in the state of California, the licensing mechanisms, the requirements that farm labour contractors should comply with and the actions that they are -in principle- obliged to fulfil (Chapter Six). At the local level, farm labour contractors are able to mediate and contribute to further fragmentation of the migrant labour force by organising the workplace practices through the use of geography, precarious status, and pushing and playing with the boundaries of the formal and the informal, as Chapter Seven illustrated.

At the intersection of these three regimes, the transnational dimension also matters because it helps to shed light on the constant construction and dynamics that extend *everyday precarity* beyond spatial and temporal boundaries. Everyday precarity, thus, is locally manifested but transnationally gestated. Migrant workers are tied not only to the precarity of the workplace in the fields of

California, but also to the precarity of everyday lives in Mexico where they are bound by remittances and the use of technology that keep workers in contact with the everyday struggles of their families. The local manifestation in the field of California is like the tip of an iceberg which hides social, cultural, and economic processes that gestated in Mexico as well and are perpetuated along the transnational ties that farm labour contractors represent, as Chapter Eight showed.

The shift from *international* to *transnational*, then, has important connotations since it refers not only to the transnationalisation of labour markets between two nation-states, but rather also incorporates the social transformations of the global economy. Farm labour contractors shed light on the social migrant networks that keep those economies interwoven, and the ways in which everyday precarity helps to problematise the celebratory nature of migrant networks as pure facilitators of migration. Thus the role of contractors in everyday precarity has allowed the thesis to reveal the everyday power politics between contractors and workers in the labour process and beyond (Chapters Two and Eight) as a means to unpack the social foundations of the global economy (Taylor 2008; Phillips 2011a). The ways in which the transnational dimension as developed in this thesis helps to furnish an understanding of the social foundations of the global economy has three implications.

First, the subjective element is given central attention. Farm labour contractors are able to manipulate the fragmentary forces at the local level by the use of precarious status, blurring the lines of formality and informality, and making use of the geography. In all this, the subjective nature of the relationship between FLCs and workers, as shown in Chapter Eight, gives workers different spaces for agency. I have discussed at length how, in terms of their relationship with the FLCs, the fact of being undocumented provides workers with the exercise of agency as they are in a better position to move from contractors if they wish to, in stark contrast to H2A workers. Therefore, the agency of migrant workers *vis-à-vis* contractors is analysed in a nuanced way to falsify the claim that all workers lack agency because of their undocumented position.

Moreover, the subjective allows an extension of the temporal boundary by incorporating the notion of the *everyday*. The everyday implies seeing the life-world of migrant workers and, therefore, everyday precarity extends beyond the life at the workplace to incorporate other aspects of the subjective life of migrants. This latter aspect is an important contribution of the thesis, since it aims to conceptualise migrant workers as social agents rather than factors of production, and as such, it needs to understand workers in their whole complexity, from the time they wake up to the time they go to bed, since the precarity is not solely expressed at the workplace but rather, as argued in Chapters Seven and Eight, FLCs also have power over workers' time and leisure outside the working hours, thereby extending the labour process. This has also manifested in the workers' housing and mobility conditions across the state of California.

Second, protection policies in terms of rights for migrant workers can be political tools of fragmentation since by being left outside of particular protections established in law, migrant farm workers are put in a more vulnerable position in terms of their conditions to work. The analysis of the first regime (Chapter Five) showed that migration policies aim to direct workers to particular segments of the labour market, but these processes of segmentation should not be analysed in isolation from protection policies. The first regime achieves this task by developing segmentation-fragmentation at the Federal level. Thus the analysis of the first regime of segmentation-fragmentation shows that protection policies need to be included in migration debates in order to account for the conditions under which migrants perform their activities in receiving societies and not only focus on the 'benefits' of migration through movement. One of the key implications of the analysis of the first regime is that the ongoing construction of precarious status by nation-states nuances understanding of 'documented' vs. 'undocumented', since carrying a visa that is legal (such as an H2-A visa) does not automatically imply the absence of precarity. This point is important because in providing a more nuanced analysis of the implications of migration policies in terms of status, the tensions in the first regime of segmentation-fragmentation were highlighted.

These tensions are later translated into the second regime and locally mediated by farm labour contractors.

Third, the unevenness of the state of California in terms of the size of farms and housing conditions make the experience of farm labour unique to context-specific locations. Therefore, the analysis of the second regime of segmentation-fragmentation (Chapter Six) showed that despite the existence of comprehensive legislation that spans the whole state, the everyday encounters with migrant workers illustrate that those labour laws are not applied across the state, and the actors who are made to enforce them do not operate evenly either. The increased industrialisations of agriculture, and the rising presence of farm labour contractors in the state, accentuate the break-up of employer-employee relations as a means of increased levels of fragmentation in employment relations, which operates differently across the state.

This latter point is very important for the third regime of segmentation and fragmentation as conducted by farm labour contractors, since they push beyond segmentation by managing the tensions of fragmentary forces at the local level. In this realm, the contribution of this thesis lies in providing an empirical analysis of the different logics that FLCs utilise through the use of precarious status established by the first regime, playing with and pushing the boundaries of the 'formal' by using loopholes in regulation in the state of California in the second regime, and by the use of uncertainty, ethnicity, work ethics and the asymmetry in information at the local level. Hence the thesis highlights the ways in which, within processes of transnationalisation, labour market segmentation is being increasingly compounded by fragmentation.

The role of FLCs carries implications for the analysis of the root causes of labour exploitation and how they should be addressed. If abuse lies at the heart of socially constructed networks, then what kind of protection policies could work for the type of social relation that is already abusive at the micro -level? The case study showed that FLCs believe they are providing a service to their community, and in so doing, they make use of social relations to exert more pressure at the

labour process. The design of transnational protection policy could enhance the monitoring mechanisms which elite-interviewing revealed as weak at the moment, however labour abuse cannot be solely attributed to unequal capital-labour relations in the labour process, but should also be seen as the product of the ethnic ties and work ethics upon which farm labour contractors rely and build to exercise the everyday power dynamics in the workplace and beyond.

Farm labour contractors assume the role of the employer towards migrant workers and they manage the relationship with the grower or rancher, as was argued in Chapter Seven. FLCs are in charge of paying workers, some even provide the tools needed for the harvest, they inform workers where they will move next during the harvesting season, and some even find accommodation for them. Therefore, farm labour contractors not only assume the role of employer but also go beyond that; they assume some sort of *padrinazgo* (godfathership), and for this reason the relationship becomes problematic because contrary to the common sense assumption that workers will be protected by a 'godfather', they are increasingly vulnerable to abuse. In this vein, another important implication of the transnational dimension is how farm labour contractors are part of the global tendency of the separation in employer-employee relations.

The separation of the employment relationship as carried out by FLCs poses many challenges for the design of legislation for protection. As farm labour contractors receive a licence to operate that renders them 'formal agents', they have found the means to play with the blurred line that divides formality from informality. After expiration of their licence, they either register a relative to operate or they continue informally, as Chapter Seven illustrated. In Chapter Five I also showed, as an example of intersecting tensions along transnationalisation, how the first regime operates by the enactment of migration policies at the Federal level; and how the introduction of the IRCA in 1986 contributed to further break up the employee and employer (grower) relations, thereby accentuating the fragmentation carried out by farm labour contractors at the local level.

One of the implications of analysis rooted in neoclassical economics is that in large measure, the transnational is understood as integration of markets through the exchanges of commodities in the forms of goods, services and even 'people'. The methodological tools at their disposal allow a view of the glue between economies, but with examples from my thesis I have shown that it is possible to shed light on the interweaving process of transnationalisation of labour markets. This also implies avoiding treating labour migrants as mere commodities, because the mobility of people across borders carried out by human beings is also central to the transnationalisation of labour markets. People contribute with their everyday activities in life to particular migration streams and social contexts. Therefore, the development of a qualitative analysis of the transnational dimension called for a critical examination of the underlying assumptions of the parameters that guide the functioning of labour markets (Chapter Two), since a transnational dimension to labour markets permits the analysis of labour migration in integrated ways by moving beyond dualistic or discrete understandings of 'sending' and 'receiving' economies.

Consequently, this thesis shows that segments are actually more porous and fluid as a result of the process of *transnationalisation of* labour markets. Therefore, the transnational twist to segmentation approaches remains fundamental to account for fragmentary forces that also operate between and within segments, thereby creating tensions in regulation, labour relations and the everyday lives of migrant workers.

In terms of theory formation, the transnational dimension also matters because it brings structure and agency together to shed light on the complexities of contracting practices manifested at the local level but which are the product of the tensions among interweaving regimes of segmentation and fragmentation. In this vein, the coalescence of structure and agency in the study of transnationalised labour markets allows a clear assessment of the everyday precarity that stems from labour contracting practices. The issue of labour contracting has been addressed in very limited ways, ranging from the discipline of anthropology,

where life histories have been the main method of inquiry, to economics, where models of optimum allocation of resources have been developed to overcome 'matching problems' in labour market failures (Chapter Two). None of these approaches incorporate structure and agency in an integrated way that facilitates transnational analysis.

The process of transnationalisation that also compounds fragmentation provides a distinctive qualitative understanding of precarity. Most studies on the 'everyday' tend to portray the 'weak' in a two-dimensional way, confronting social movements vs. powerful actors or the 'weak' vs. 'elites' (Hobson and Seabrooke 2007); or accentuate a focus on 'resistance' (Morton 2007). This thesis shows how transnationalised labour market processes constitute everyday precarity in multiple spatial dimensions.

Hence, an important aspect of the transnationalisation process is that it incorporates the role of FLCs from the 'bottom up' and looks at transnationalisation not only from the 'top down' perspective of nation-states. Everyday precarity has an important top-down component that begins at the first regime of segmentation-fragmentation and consolidates at the third regime through the enactment of FLC practises. The transnational labour market approach developed in this thesis not only addresses the segmentation but also highlights the ways in which fragmentation of labour is being driven by processes of transnationalisation. It is not a smooth and organised pattern as the idea of segments might indicate, but the notion of fragmentation within this process allows us to unpack the complex and uneven nature of transnationalised labour markets.

In sum, a central contribution of this thesis is its reappraisal of segmentation approaches as a manifestation of contemporary labour markets in an increasingly transnational world. Migrant workers in many societies tend to do the difficult jobs that natives do not want to take up, and this has been analysed in the past by looking at the labour market structures in the receiving economies that have created particular types of segmentation along the lines of race, gender, age

and space. However, the increasing fragmentation that shapes the changing nature of the process of transnationalisation of labour markets needs to be accounted for. This is necessary to better highlight the qualitative tensions within *transnationalisation*, at the heart of which farm labour contractors have a key role in interweaving labour markets and shaping everyday precarity. More research is desirable on the nature of these complex processes, and the next section reflects upon avenues to pursue this.

Moving the discussion forward

Labour migration lies at the heart of processes of social and economic transformation in both developing and developed economies. If the transnational dimension to the conceptualisation of labour markets is put within the 'global picture' of IPE, then the discussion can move forward in many directions. In this section I suggest some avenues on the ways in which the transnational perspective can further contribute to knowledge. These avenues are not exhaustive and should be taken as an invitation for further reflection.

If the process of transnationalisation of labour markets is taken as a phase in the evolving and changing nature of the global division of labour, then the move towards different forms of flexibilisation through the fragmentation of production and the expansion of third-party intermediaries in employment relations might indicate a trend to remain for many years to come. However, the geographical manifestation of this trend is variegated and dynamic, therefore, particular processes of transnationalisation of labour markets will make the intersecting regimes adopt different forms, and consequently, everyday precarity will also take a changing nature.

Hence, not only do nation-states need to be reconsidered *vis-à-vis* labour migration, but also the regional dynamics within and between countries that link regions. This thesis has begun to address the role of regions in issues of

transnational mobility by analysing employment and migration in the context of California. In order to move beyond the methodological nationalism bias that Glick-Schiller and Wimmer (2002) spotted, further research needs to be done to engage with different regional dynamics in processes of contracting. For example, in the context of the United States, what shape will the second regime of segmentation take in states where the presence of H2-As is higher in agriculture, such as North Carolina? What shape will it take in Alabama or even in Washington state? Does the proximity of Washington state to Canada shape the actions of farm labour contractors differently? In addition, the different ways in which the three regimes might play out in other states of the United States might be telling us something about federalism and the political organisation of the country in light of migration. With the increasing transnationalisation of labour markets at different scales, for how long can migration policy remain a Federal domain?

Opening the black-box of migration debates linked to the first regime of segmentation-fragmentation to incorporate the role of regions through the second also provides a more nuanced understanding of current debates on migration that focus on 'numbers' or migration 'management'. Debates on 'numbers' obscure the complex reality of labour mobility across borders, and the regional labour structures that impinge those mobilities, especially when labour movement is conducted by third party intermediaries. As this thesis has shown, the role of nation-states in directing the flows of people is neither easy nor straightforward. Additionally, focusing the debate on issues of 'numbers' and the level of migration flows avoids turning the lens to why labour regimes are based on everyday precarity as constructed and sustained at the level of the everyday.

Policy debates over the management of migration tend to focus on the first regime of segmentation-fragmentation and show preoccupation as to who is allowed to 'enter', therein obscuring the nature of subsequent segmentation and fragmentation processes that lead to the everyday precarious experiences lived by migrant workers. Thus, penetrating the regimes of transnationalism to shed light

on migrants' experiences reveals how nation-states are not the sole main actors, but that social ties and networks also become relevant in dictating migratory and labour dynamics in relation to regions.

In addition, from an academic standpoint, a focus on the process of transnationalisation of labour markets can contribute to policy debates and engage with the notion that migration is a 'problem'. As Castles (2012:17) puts it nicely: 'this means questioning the widespread understanding of "migration as a problem to be solved" that is expressed in many official statements on migration policy as well as in official rationales for migration research'. Portraying migration as a problem implies overlooking the transnational nature of labour markets in the process of wider integration of economies within broader processes of the global capitalist system. Moreover, understanding migration as a 'problem' is also harmful for the integration of migrant workers, who not only experience everyday precarity but also suffer from discrimination in host societies. To understand migration as a problem means overlooking the reality of further integration of the economy globally, but this integration implies fragmentation across spaces with consequences on mobility, both internally and transnationally. Therefore, the framing of migration as a problem implies that the solutions carry some sort of control on behalf of nation-states, and thereby, that migration can and should be managed.

As a process, the transnationalisation of labour markets also invites further research on the nature of nation-states *vis-à-vis* perceptions of labour migrations in developing economies. The framing of labour migration as a 'problem' seems to dominate developed economies' media; nevertheless, is it a 'problem' for the growing economies of the South? Do different phases of the transnationalisation of labour markets imply changing rationalities of migration policies? In addition, the transnationalisation of labour markets within cooperation schemes or growing free trade agreements (FTAs) can help to elucidate the challenges of protection across borders. How quick are nation-states in capturing those qualitative transformations in transnationalised labour markets? Moreover, how quick are

nation-states in adapting their own strategies in light of their own changing place and role in the global division of labour? For example, qualitative interviews with policy makers in Mexico began to indicate a tension in the role of Mexico towards a transition of not only being a high migrant-sending country, but also receiving migrant farm workers from Guatemala and other Central American countries to perform agriculture in Chiapas (in southern Mexico).

The multiple segmentation-fragmentations that this thesis has unpacked put the role of nation-states in delivering protection in a conundrum. Future research should look at whether further cooperation implies less precarity, and in what ways third-party recruiters and employers should be incorporated within the schemes of cooperation. The challenge of protecting migrants with 'old means' such as legislative tools that are designed for a domestic labour market still remains, and further research should be conducted to shed light on the challenges of protection of migrant workers in agriculture but also in other sectors of the global economy. The changing nature of fragmentary forces spurred by contractors questions the role played by unions, and further research could engage with the challenges of collective bargaining and the changing identity of unions *vis-à-vis* further transnationalisation, and how this changes geographically and according to different stages of development.

As a theoretical tool, transnationalisation has shown how unstable the notion of segmentation is and further research on the role of labour contractors should also shed light on whether labour contractors are operating across sectors, that is, whether they have a role in helping agricultural migrant workers in California 'upgrade' to manufacturing or hospitality jobs in other sectors across California and the United States. Fragmentation has shown that the intra-dynamics of segmentation are weak, and further case studies can contribute to study this instability.

In addition, an important dynamics that has not been the focus of this thesis lies in the implications on gender. How does the third regime of segmentation-fragmentation change if gender dynamics are incorporated? The masculinities that

are exploited by farm labour contractors could be analysed in further detail with a focus on how gender plays out and with what implications for everyday precarity. Further research is desirable on the transnational dimension of labour market impinging upon gender, and whether women are taking up labour contractor jobs.

Finally, a focus on processes of transnationalisation that account for segmentation and fragmentation has begun to plant the seeds towards the construction of alternative edifices in debates about labour migration and labour contractors in the global economy. IPE seems a fertile terrain for this owing to its historical commitment to unpacking the nature of power relations and analysis of the changing role of nation-states, therefore, since theory is always for someone and with some purpose (Cox 1981:128), then labour market theorising needs to be more transnational in order to shed light on the interplay between the regimes of segmentation and fragmentation that shape alternative forms of everyday precarity in the global economy.

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APPENDIX A. LIST OF INTERVIEWEES (POLICY-MAKING)

Alfred Varela, Wage and Hour Division, Department of Labor, San Diego Office. Interview on 7 July 2011.

Andrea Galvez Gonzalez, Liaison for Mexico of the United Food and Commercial Workers (UFCW), Informal conversation in Washington DC on 10 May 2011, and formal interview in Mexico City on 14 July 2011.

Andrew Selee, Director of the Mexico Institute, Woodrow Wilson Center for International Scholars, Washington DC. Interview 20 May 2011.

Cristina Mendez, Community Worker for California Rural Legal Assistance (CRLA). First interview on 7 June 2011 and then we conducted various visits to the fields.

Cynthia Arnson, Director, Latin American Programme, Woodrow Wilson Center for International Scholars, Informal conversation on 20 May 2011.

David Griffith, Senior Scientist and Professor, Institute for Coastal Science and Policy (ICSP), Department of Anthropology, East Carolina University. Informal conversations on 10-11 May 2011.

Delicia Barnett, Wage and Hour Division, U.S. Department of Labor. Informal conversation on 11 May 2011.

Dr. Francisco Gonzalez, SAIS Johns Hopkins University, Washington DC. Informal conversation on 19 May 2011.

Dr. Gaspar Rivera-Salgado, Institute for Research on Labor and Employment (IRLE), University of California Los Angeles (UCLA). Interview on 24 May 2011.

Dr. Jacqueline Mazza, Senior Labor Markets Specialist, Labor Markets Unit, Social Sector, Inter-American Development Bank (IADB). Interview on 18 May 2011.

Dr. Rubén Hernández-León, Sociology, UCLA. Interview on 24 May 2011.

Emanuel Benitez, Community worker for CRLA in the Coachella Valley. Interview on 3 June 2011. He also took me to the fields to explain the system of monitoring by CRLA.

Gloria Moreno Fontes Chammartin, Specialist on Migration Policy, International Migration Programme (MIGRANT), International Organization for Migration (ILO), Geneva. Interview 9 March 2010.

Hilda Dávila-Chávez, Director, Institute for Mexicans Abroad (*IME, Instituto de Mexicanos en el Exterior*). Mexico City, Mexico. Interview on 21 July 2011.

Jesús Gutierrez Castro, Director for Canada (*Director para Canadá*), Directorate General for North America (*Dirección General para América del Norte Norte*). Mexico City, Mexico. Interview on 26 July 2011.

John Leben, Division of Enforcement Policy and Procedures, Farm Labor Team, Wage and Hour Division, U.S. Department of Labor. Interview on 18 May 2011.

José Ernesto López-Córdova, Lead Economist Mexico, Inter-American Development Bank (IADB) Mexico Office, Mexico City. Interview on 15 July 2011.

Juan Alberto Bechocaray, Adjunt Director for Canada (*Director Adjunto para Canadá*), Directorate General for North America (*Dirección General para América del Norte Norte*). Mexico City, Mexico. Interview on 26 July 2011.

Juan Carlos Calleros, Centre for the Study of Migration, Nacional Institute of Migration (*Centro de Estudios Migratorios, Instituto Nacional de Migración*), Mexico City, Mexico. Interview on 20 July 2011.

Juan Carlos Lara-Armenta, Head of Sections, Regional and Hispanic Affairs, Mexican Embassy in Washington DC. Informal conversation on 11 May 2011, Washington DC.

Leoncio Vasquez-Santos, Director, Indigenous Front of Binational Organizations (*Frente Indígena de Organizaciones Binacionales, FIOB*), Fresno, CA. Interview on 24 June 2011.

Lizette McCullough, Investigator, Department of Labor, San Diego Office. Interview on 8 July 2011.

Luis Mireles, Occupational Safety and Health Administration in California (CAL.OSHA), San Diego Office. Interview 1 July 2011.

Madeleine Sumption, Policy Analyst, Migration Policy Institute, Washington DC. Interview on May 17 2011.

Meagan Beaman, Attorney for the Farm Worker Project at California Rural Legal Assistance (CRLA). First interview on 3 June 2011 and then we met regularly to discuss issues pertaining farm workers' lives in the Coachella Valley.

Patricio Carvallo, International Organization for Migration (IOM) Mexico Office. Mexico City. Interview on 20 July 2011.

Prof. Philip Martin, University of California Davies, Informal Conversations on 10-11 May 2011.

Prof. Riordan Roett, SAIS Johns Hopkins University, Washington DC. Informal conversation on 19 May 2011.

Ricardo Cordero, Migration Specialist in the Migration Policy, Research and Communications Department of the International Organization for Migration (IOM), Geneva. Interview 9 March 2010.

Dr. Ryszard Cholewinski, Labour Migration Specialist in the Migration Policy, Research and Communications Department of the International Organization for Migration (IOM), Geneva. Interview 9 March 2010.

Thomas Wissing, Adjunct Director, ILO Office for Mexico and Cuba, Mexico City, Mexico. Interview on 27 July 2011.

APPENDIX B. MIGRANTS INTERVIEWED IN THE DESERT REGION.

Migrant worker interviewed No.	Gender	Age	Work with FLC	Level of satisfaction with FLC	where met FLC	nationality of FLC	Paid by	Immigration Status	Next harvest
1	male	na	yes	didn't say	Mex	na	piece	na	don't know
2	male	na	yes	didn't say	Mex	na	hour	na	don't know
3	female	50s	yes	very low	Mex	Mexican	piece	na	Central Valley
4	male	50s	yes	very low	US	Mexican	piece	na	Central Valley
5	female	24	yes	average	Mex	Mexican	hour	na	Central Valley
6	female	22	yes	average	Mex	Mexican	hour	na	Central Valley
7	male	40s	yes	good	Mex	Mexican	hour	na	Central Valley
8	male	40s	yes	very low	US	Mexican	piece	undocumented	Oxnard
9	male	40s	yes	good	US	Mexican	hour	undocumented	Coachella
10	female	na	yes	very low	US	Mexican	hour w/quota	undocumented	Oxnard
11	male	na	yes	good	US	na	hour w/bonos	na	Central Valley
12	male	na	yes	good	US	na	hour w/bonos	na	Bakersfield, Oxnard
13	male	na	yes	average	US	na	piece	na	don't know
14	male	na	yes	good	US	na	hour w/bonos	na	don't know
15	male	na	no	didn't say	US	na	hour	na	Central Valley
16	male	30s	yes	average	US	don't know	hour	undocumented	Central Valley
17	male	na	yes	low	US	na	hour	na	Bakersfield
18	male	39	yes	average	US	na	hour	documented	Central Valley
19	male	na	yes	very low	US	Arabian	hour w/quota	undocumented	don't know
20	female	na	yes	low	Mex via friend	Mexican	hour	H2A	Return to Mexico
21	male	na	yes	very low	US	Mexican	hour	undocumented	Bakersfield
22	male	20	no	average	US	na	piece	Mexican American	Central Valley

na: Not available.

Source: Own elaboration from fieldwork material.

APPENDIX C. INTERVIEW SCHEDULE -MIGRANT WORKERS (ENGLISH VERSION)*

[Permission to conduct the interview]

[Brief explanation of what is expected during the interview and consent from the participant]

Section 1 Preliminaries

Q1 How old are you, approximately? Eg. Late 20s, 30s, etc?

Q2 How long have you been working in the farms?

Q3 How long have you been working in this area?

Q4 Which region in Mexico do you come from?

Section 2 On travelling overseas for work

Q5 If you have worked in other places and in other roles, could you please describe your thoughts on your experience?

Q6 What influenced your decision to travel overseas for work?

Q7 What does going overseas (or 'crossing the border') mean to you?

Q8 How did you get here?

Section 3 On the relationship with the FLCs

Q9 Why did you meet/choose your FLCs to come to the US?

Q10 Did you have to pay a fee?

Q11 If you paid a fee, how did you pay it?

Q12 How did you learn about the FLC?

Q13 Could you tell me your experience with the FLC?

* This is the planned interview schedule. As I conducted open-ended interviews, some issues were expanded on more than others and new issues came up during the interview, for example the immigration status (See Chapter Three on ethical reflections).

Q14 Do you think FLCs are helpful to find work?

Q15 Would you choose the services of a FLC again?

Section 4 On farm work(er)

Q16 What does 'agriculture/farm work' mean to you?

Q17 Can you describe your tasks in the farm?

Q18 Would you consider doing this job again after your contract is finished?
Why? Why not?

Q19 Is there anything else that you would like to tell me?

Section 5 On farm employment

Q20 What would you say are the things you like and the things you do not like about being employed as a farm worker?

Q21 In what ways would you say that your job is an easy or a difficult one?
Why? Why not?

Q22 How is your work organised? When do you work and for how long...?

Q23 Where do you live?

Q24 Where do you get your materials/tools to work?

Q25 Have you been in contact with your FLC?

Q25a If yes, how?

Q25b If no, when was the last time you saw him/her?

Q26 Would you say you feel safe in your workplace? Why? Why not?

Q27 Where do you go if you feel ill?

Q28 How often do you take breaks?

Q29 What would you say is a problem at the workplace?

Q30 If there anything else that you would like to tell me about your work?

Section 6 On your social life

Q31 Please tell me a little about your social life here, including social gatherings, hobbies, social relations with employers, the host community, etc

Q32 Would you say you are happy with your social life here? Why? Why not?

Q33 Is there anything else that you would like to tell me?

[Thank you for taking part in this research]

[Ask for consent to use the material of the interview for research purposes only]

APPENDIX D. INTERVIEW SCHEDULE -POLICY MAKERS (ENGLISH VERSION)**

[Permission to conduct the interview]

[Brief explanation of what is expected during the interview and consent from the participant]

Section 1 Preliminaries

Q1 What is your main role in this branch of government/agency/institution?

Q2 How long have you been doing this for?

Section 2 On immigration, protection and farm workers

Q3 Which are the main labour abuses reported?

Q4 How does your agency deal with that?

Q5 What is the position of the government vis-à-vis the abuses?

Q5 What is the position of the government in term of cooperation regarding protection?

[These questions were modified in the context of Mexico and the United States]

Section 3 On FLCs

Q6 Are you aware of the contracting practices by FLCs?

Q7 If yes, is it important?

Q8 If no, why?

Q9 How does your agency deal with FLCs?

** This interview schedule is indicative. Policy contexts changed in multi-sited fieldwork conducted in Geneva, Washington DC, San Diego, Los Angeles and Mexico City. The list of questions here is to illustrate some of the main issues, but some topics changed according to the profile of the interviewees. See Appendix A.

Q10 What else can you tell me about your agency's role vis-à-vis FLCs?

[These questions were modified in the context of Mexico and the United States]

[Thank you for taking part in this research]

[Ask for consent to use the material of the interview for research purposes only]