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***Sans-papiers*: Self-censored social identities of farm workers in southern France**

Swanie Potot

In recent years, the notion of *sans-papiers* (undocumented migrants) has become popular both in the media and in the vernacular to designate foreign people living on French or European territory without a residence permit (Morice, 2008a). However, they do have documents, which they regularly submit to government offices, and others which they just as frequently receive, such as acknowledgements of residence card applications, requests for supplemental applications, refusals to regularize,¹ denials to the right of asylum and notifications of obligation to leave the country. Consequently, the concept of ‘clandestine worker’ points to the ambiguity of these foreign workers’ fate: not hunted down as true traffickers because they work, but never admitted within the so-called host society, and still regarded as deviant by the law; this is the ambivalence I want to address. The chapter investigates the subjectivity of the individuals who live with this paradox daily. Even though the foreign workers’ situation is often analysed,² the way they internalize their status and the way that it structures their relationships with others remains relatively under-studied. I therefore address one of the internal boundaries of French society (Fassin, 2010) by highlighting the lived experiences of a stigmatized group: the *sans-papiers*, the migrants whose full recognition is denied by the state. I particularly aim to understand how these migrants, day after day, internalize this legal categorization as a part of their social identity, which in turn defines all their social relations.

The chapter starts by illustrating the process that leads migrants to sever ties with the law and become ‘clandestine’, *sans-papiers*. Migrants are systematically confronted with a paper wall³ that separates them from the state’s protection. My analysis is based on the status of being

¹ The term ‘legalization’ is more common in the Americas, where legalization programmes in the US, Canada and several South American countries have largely granted their beneficiaries permanent settlement rights. In the European context, where grants of temporary residence and work permission have been more frequent, the term ‘regularization’ is commonly used (see, e.g., Papademetriou et al, 2004). In the following I will stick to the European notion and use the term ‘regularization’.

² Cf. Balibar et al (1999); Terray (1999); Fassin and Morice (2001); Morice (2008a); Chauvin (2009).

³ This expression is borrowed from Wyman (1968) who used the expression to define the administrative procedures established by the US to make Jewish immigration more difficult during the Second World War.

undocumented, as perceived by the migrants. Living clandestinely for many years involves becoming tolerated by state officials. In contrast to the announced ‘no-tolerance-policies’ towards ‘clandestine immigration’, migrants explain how tolerance can be earned daily by displaying certain attitudes and not others. I will contextualize this tolerance and examine the relationship between migrants and their agricultural employers by focusing on the migrants’ views and justifications about this situation. I reveal that their integration into the labour market, being just one of many farm labourers, implies accepting inferior position in the employment structure.

This chapter is based on research conducted between 2006 and 2009 as part of a collective project on the employment of foreign workers in vegetable production in Southern France.⁴ Following a qualitative approach, I interviewed a variety of different actors in the sector: over a hundred farm workers of different nationalities; around 30 farmers; as well as representatives of state agencies, trade unions and professional organizations.⁵ I met my interviewees at their workplaces, on farms, in *bidonchamps*,⁶ or in some private homes and villages which also gave me many opportunities for informal conversations. The data is complemented by figures from state services. This chapter is however based first and foremost on the many conversations I had with undocumented workers, primarily Tunisian and Moroccan, as well as a few Algerians, who are less numerous in the study area. They are almost exclusively men, roughly between 20 and 40 years of age. Most of them left the school system early in adolescence; only a few pursued higher education. Some have an excellent grasp of French and have lived in the area for many years, others arrived more recently. By definition, the population presented here is in conflict with the law and holds jobs with poor pay and unfavourable conditions. I neither aim to cover the vast issue of all undocumented migrants, nor do I want to reduce them to the situation described here. Without doubt, there are people in illegal situations but inserted in more favourable social spaces. My interviewees’ wandering and lack of prospects are not true of all ‘clandestine workers’,⁷ but originate from their irregular status. This is what interests me here.

⁴ The research was funded by the French National Research Agency (ANR, *Agence Nationale de la Recherche*).

⁵ Among these institutions were the Agricultural Labor, Employment and Social Policy Inspection (ITEPSA, *Inspection du Travail et de la Protection Sociale Agricole*) of Bouches-du-Rhône, Vaucluse, Tarn and Garonne and the National Agency for the Reception of Foreigners and Migrants in France and Tunisia (ANAEM, *Agence Nationale de l'Accueil des Etrangers et des Migrations*). The later was integrated into the French Office of Immigration and Integration (OFII, *Office Français de l'Immigration et de l'Intégration*) in 2009.

⁶ Especially in rural Provence, you can find small groups of precarious housing made from old caravans or pieces of salvaged greenhouses. The ‘Gourbis de Berre’, one of the most extensive caravan parks, is best known since it has been subject of several newspaper articles in recent years.

⁷ Here, I use ‘clandestine’ to designate those who are in France without a valid residence permit, worker or not.

The paths that lead to illegality

The term illegal immigration, often used in French and European political discourses to refer to the presence of foreigners without a residence permit, suggests that immigrating illegally and being in an irregular situation in France is essentially the same. However, as reflected by the people I interviewed, the reality is rather different. Far from the clichés mixing up smuggling and human trafficking, ordinary life itineraries are at some point marked by the law and then ‘frozen’ because they literally ‘fall’ into illegality. Whether they came visiting family, with, usually, a tourist visa, as a student or to work with a temporary permit, the majority of the people I met arrived on French territory legally, and experienced a period of legality before finding themselves without a valid residence permit and, subsequently, without the authorization to work. Sometimes, it seems as if illegality is the unintended result of personal histories, slip-ups and inadvertent errors. Morad’s⁸ story illustrates this tendency, and is by no means an adventurer’s journey:

*S. P.: When you came to France the first time, was it legal? Yes, with a visa, my father and my brother were both here. I was 15 [the first time], it was in 1986, 23 May. My father had a ten-year residence permit to work in France; during the season he worked near Orange, with two, three bosses, always the same ones. Now he’s retired, and back in the *bled* [home village back in North Africa]. And my brother is here, he got his permit in 1986, he lives here. Only I, I have no documents. But, frankly you know, really, it’s my father’s fault, because he came to work and then left, he never thought to get documents made for me [family reunification]. Me, I came, I stayed for two and a half months and then I thought, ‘I’m sick of this, I’m going home.’ Later I came back, now I’ve been here since 9 October 1989, without leaving. I turned 18 in France, and couldn’t get the papers written up any more [regarding family reunification]. Now I’m old, I’m 37. I haven’t gone home in 15 years. [...] S. P.: And in Tunisia, what did you do, did you work? No, no. In Tunisia, I was young, I went to school, I never worked. I have always worked here, in France, under the table. (Morad, 2006, Vaucluse)*

Morad demonstrates a borderline case in its very long irregular period, but among those I met, people whose illegality began at the start of their career are common. Many former students told about losing their residence permit at the end of their studies or following a course change, but nevertheless stayed. What was a student job in agriculture then became a full-time activity.

Another source of rural illegality comes from what I refer to as ‘OMI contract workers’, even though, at the time of the interviews, the contracts originally handled by the Office of

⁸ In order to protect my interviewees all names in this article are pseudonyms.

International Migration (OMI, *Office des Migrations Internationales*) were transferred to the National Agency for the Reception of Foreigners and Migrants (ANAEM, *Agence Nationale de l'Accueil des Etrangers et des Migrations*) and are today managed by the French Office of Immigration and Integration (OFII, *Office Français de l'Immigration et de l'Intégration*). These contracts are under the authority of the French government; they are seasonal, primarily agriculture-related, between a French employer and a foreigner who still lives in his country of origin for an average of six months of the year. These contracts are advantageous for migrants as they can legally work in France while continuing to officially live in their country of origin, thus profiting from the wealth differences between the region they work in and their expenses at home. For some, this migratory circulation can last for decades and quickly becomes the principal, or even exclusive resource for themselves and their families (see Mahdi and El-Miri, this volume). However, this procedure can also prove to be binding for the employee. Its prejudiced effects have been discussed at length by others (cf. Décosse, 2008b; Mésini, 2008; Morice, 2008b); I will only highlight some key aspects in order to contextualize my argument. Notably, the renewal of a contract from one year to the next is subject to the good will of the employer who, at any moment, can put an end to an entire way of life including the financial stability of a whole family. The employer is in a position of power over his employee, which can cause a great deal of insecurity. Difficult conditions, both on a material and symbolic level inexorably lead to conflict. However, open opposition with an employer is synonymous with quitting the 'OMI system'. Not only will the rebel worker not be rehired by his employer but, through word of mouth, he won't be taken on by other farmers. Going home without money tends to lead to family poverty, and this is why some choose to stay in France clandestinely, hoping to find the means to maintain their family's standard of living, and seeing their period of illegality as an obligatory passage before being able to regularize their situation.

Among elder seasonal workers, some deliberately chose to cease pendular migration. Conscious of the differences in treatment and opportunity between themselves and their documented brethren, they aimed to become regularized and improve their living conditions. The temporary contract system, which forbids long stays in France, does not allow workers to apply for regularization, albeit exceptional, and is organized to reduce the quota of illegal immigrants or those making a long, irregular stay in France.⁹ Thus, some stayed in France at the end of their contracts in order to eventually obtain a long-term visa. However, first-hand accounts rarely attest to a desire for permanent settlement in Europe. Generally, those who reported aspiring for a long-

⁹ Until 2006, a continuous and proven presence in France for more than ten years made it possible to be eligible for automatic regularization; this period was extended to 15 years and a proof of 'integration' was added by the publication of the Code of Entry and Residence of Foreigners and the Right to Asylum (CESEDA, *Code de l'entrée et du séjour des étrangers et du droit d'asile*).

term visa had the goal of being able to move freely between both countries and not rely solely on one employer in France. They aimed to be integrated into the national – or even European – labour market, and to no longer be confined to a sector reserved for immigrated workers. The same applies for individuals who arrived with a tourism visa and who chose to stay after it expired. Some knowingly use this channel to come for work, thinking they will regularize their situation afterwards. Others come visiting family, and, finding work opportunities, delay their departure. In all cases, the clandestine period was always envisioned as a short step, either before leaving again or before getting a residence permit. The length of the illegal stays, sometimes longer than a decade, seemed to surprise even the interviewed migrants themselves.

The wall of papers

If living and working in European territory is the original goal, it is only once they have fallen into irregularity that they discover, as well as the barriers erected around Europe, the wall of papers they must overcome to obtain the right to live freely in these regions. The prime objective of all the people interviewed was to become regularized, the magic pass to resuming movement between the two shores of the Mediterranean. There are not many ways to achieve this, but they do exist. Until 2006,¹⁰ it was possible to become regularized if you could prove that you had lived in France continually for at least ten years.¹¹ This was the route taken by most of the people I interviewed. A bill, which has since been enforced,¹² also proposed regularizing people in irregular situations, who had job offers in specific areas, including agriculture. This gave rise to new hope amidst the interviewees. But between formal law and its implementation, local practices unfold. Often, those interested in the procedure believe they have all the documents required, only to learn that they are rejected by prefectural departments asking for additional, more convincing evidence of their continual presence in France. The migrants' successive failures to provide this shape their (negative) opinions of the administration and they develop a sense of vulnerability about state institutions. Farid reports on his difficulties in meeting the required terms:

I applied for a bank account, I applied for a postal account, they sent me a healthcare card and everything. [R]eally, once in a while, the Prefect, he sends me letters; he asks, 'Do you have proof? Did you buy a fridge, a television?'

¹⁰ Under bilateral agreements, this date was pushed out to 2008 for Tunisians and Algerians.

¹¹ In 2006, this period was extended to 15 years and regularization is no longer a right, but subject to administration decision.

¹² The modification of law #2006-911 of 24 July 2006 by article 40 of law #2007-1631 of 29 November 2007 paved the way to regularization 'through employment', and was then expanded by the minutes of 24 November 2009 and its addendum of 18 June 2010.

What do you think, I can't buy if I don't have the papers. Sure, I have my passport, it's been there since 1996, I haven't left France. He says, 'No, you need ...'. (Farid, 2006, Vaucluse)

Trapped in administrative arcana like many others, Ali, who has lived in Bouches-du-Rhône for eight years, feels like a victim of a biased game:

The problem with seeking legality is, they ask for paystubs, but no one gives you paystubs, do you know of a boss who'll declare you? You're undocumented! A long-term visa, that's rare, a long-term visa. They refused me because I don't have a long-term visa [before falling into illegality]. Of course I don't have one, they won't give me one, those don't exist for us. *S. P.: And then what do you do? You'll forge [get false documents]? I can't bring myself to do that, I don't know.* (Ali, 2006, Orange)

Administrative requests are hard to satisfy when people are excluded from the dominant way of life. In a way, they must provide proof that their activities, their day-to-day life, resemble that of any national, while, simultaneously, the absence of documents excludes them from most ordinary situations of social life. Job contracts, Western-style consumption, and rental accommodation are all privileges to which people in irregular situations rarely have access. The discretionary nature of the administrative refusal faced by foreigners is another source of grief. With a strong Provençal accent, Morad shares his disappointments:

Me, frankly, [I] have prefecture papers because I filed for them in Avignon. I ask, 'so, no answer yet?', he tells me, 'Sir, no, not yet', ok, I wait. I've waited until now. Lately, I went to the Avignon prefecture, I said, 'It's unbelievable! I've been in France for 17 years, I have no papers, I came in legally, I have legal family here and everything, and I have no papers, something needs to be done now, or I'm staying right here'. They said, 'All right, submit your file, here'. After, I came back, I needed a civil status form from the Carpentras town hall. I got that, came back, he says, 'That's fine, you'll get your papers by mail in two weeks'. I wait. After two weeks, I get my papers, and it's been refused! I brought the letter to the Avignon prefecture, I said, 'Why? I've been refused, I want to know why'. They told me, 'I don't know, I don't know'. I made an appeal, to the administrative court; they refused me, again (Morad, Orange 2006)

For Morad, this systematic refusal is not legitimate: he has lived in France for many years and submitted a file more than 10cm thick, spilling all the 'evidence' he has been able to muster over the course of 15 years: train tickets, hospital notes, prefecture summons, a request to leave the territory dating back to 1997(!), letters from friends, from people who housed him. While they are

often stigmatized as offenders of the law, migrants feel like victims of an unjust state that does not recognise their right to become legal. They are trapped between the fear of that repressive state and the desire to be admitted, by this same state, as subjects worthy of rights.¹³

So, if a foreigner always represents otherness, clandestine migrants, exposed to gradually more and more restrictive legislation (Palidda, 1999; Lochak, 2002), support the argument made by Fassin (2010) that borders are no longer only on the periphery of the state, but are prolonged within the territory to classify people and to distinguish social categories whose limits are defined solely by the state.

The tolerance paradox

While in an ‘irregular situation’, these foreigners must continue to use the institutions that reject them. Morad’s case, presenting a request to leave the territory as proof of his presence in France, is the perfect example of the paradox of these situations. Migrants regularly share their fear of being expelled from the territory, but they also provide the administration with as many details about their daily lives as possible. In the following lines, Mohamed explains the absurdity of his situation and the stress caused by it:

For the ten-year law, for example, they ask for proof. How do you want someone who’s here as a clandestine, how can he have proof? Just imagine, me, I’m clandestine, imagine I go see the police or to town hall to fill out some papers, make proof, give them my address. They’ll catch me right away, they’ll put me in jail, or send me back to the *bled* [home village]. (Mohamed, 2006, Orange)

In fact, the administration does not seem to actually do this, but this interview illustrates the tension these people live with. Although they are in illegal situations, the manifold relations and exchanges with the administration demonstrate their non-secret status, and therefore the possibility that the state will act against them. While regularization is the ultimate goal, successive recourse to institutions is not only a means to this goal: administrative documents can often substitute for a long-term residence permit. Therefore, a ‘prefecture paper’ or other administrative paper is sometimes sufficient to be accepted by temporary employers, regardless of the lack of an explicit work authorization. Even during police checks, a student identification or healthcare card are enough to avoid being arrested, even if these documents are not evidence of a residence permit.

¹³ People without residence permit are not without rights in France; the labour code is applicable and they have a certain number of basic rights (related to health, justice and education), which however do not prevent the studied subjects from feeling excluded from the state’s protection.

Despite these paradoxes, foreigners do not feel as though they are in the middle of a dual policy, on one hand limiting their freedom and on the other, leaving them in a position where the law does not apply. If, for some authors, this duality is at the heart of modern migratory policies (Réa, 2002), in the eyes of the migrants, police tolerance is only on a case-by-case basis, because this is 'a nice guy', or because of his embeddedness in the local context, as is the case here with Farid: 'Now there are policemen who know me, who always say hello to me, but they never try to control me, frankly they know me, never any problems' (Farid, 2006, Orange).

In many of the migrants' tales, interaction with local police is generally courteous and benevolent. But the police officers' attitude is perceived more as an answer to the usual behaviour of the migrant who does 'no bullshit' (Nousreddine, 2006, Berre), namely who has a certain local reputation and who is worthy of the confidence shown by the officer, regardless of the illegal status. It is therefore, in the eyes of the migrants, some sort of acknowledgement from the police officer, not only of their usual presence but also of their non-problematic behaviour. The police forces are thus not only perceived as instruments of the French migratory policy, they also become morality judges to whom migrants must show good conduct and, in a way, their worthiness of staying on national territory. This situation, consisting of practices in which a certain benevolence on the part of officers who embody the state's authority prevails and, simultaneously, failures in terms of regularization, strongly restricts the migrants. Living in this context requires them to be extremely discreet and amiable in order to assert, in the absence of papers, a reputation in rural social circles where connections between the different individuals – employers, tradespeople, landlords, neighbours – are plentiful (Burt, 2005).

Panoptic control

Constraints imposed by a clandestine situation are not only limited to institutional relationships. They extend to multiple spheres of social life. In a way, foreigners' ambiguous position, without a residence permit, forces them to conform to the rules of good conduct of French society more than anyone else. For these 'illegals', control – and tolerance as its counterpart – is carried by all members of society. The principle of tolerance, which consists of not punishing a misdemeanour, is the opposite of impunity: it is as if everyone constantly has a sword of Damocles hovering over their head. Every mistake, every failure or tiniest conflict, even if it does not infringe on any law, can be sanctioned, with the absence of tolerance. Following any infraction, the fear of being blacklisted, which is the first step towards expulsion, goes beyond the framework of police control and intervenes in the background of any interaction.

Even if none of the people I questioned had any concrete examples, the fear of being reported by full citizens popped up repeatedly in interviews. These conditions of fear shape migrants'

reactions towards those to whom they speak. Generally when interacting with police officers, it is important not to show an image that would morally justify conviction. Local embeddedness, which is more important in rural contexts than in cities, serves as protection only if accompanied by a favourable reputation. Maintaining this image is implicated in the smallest actions of daily life. Beyond interpersonal conflicts, it is important to protect oneself from popular anger and mob justice. During the interviews, many people said they avoided certain areas or social gatherings not to expose themselves. Notably, they generally didn't attend festivities where, fuelled by alcohol, they could potentially become the target for conflict and later accused of stirring up trouble. In the interview excerpt below, Farid discusses the importance of migrants' attitudes, in public places:

We don't bug people. We're not people who look for a fight or drink or break stuff. That's it, you go for a coffee, you don't bother people and you never go picking fights. (Farid, 2006, Orange)

If you must never go 'picking fights', it is not for fear of direct police intervention, but to avoid negative attention and to preserve a certain image. Without papers, reputation works more than ever as a 'stable social identity' (Burt, 2005), which is when reputation guards against expulsion – or not. Through Farid's discourse, we also note that it is not only an individual attitude but rather a collective strategy, where 'I' is replaced by 'we'. By being a pacifist and complaisant group who not only does not provoke but also denies all opposition, these migrants hope to gain the local population's lenience. Throughout their discourse, two facts stand out: these subjects are held accountable by the state, and they also feel watched and threatened during interactions with both French and fellow migrants. In that sense, Foucault's concept of 'panoptic control' (1975) is applicable: they feel continually tested, and everywhere they turn, they feel under public surveillance. This is not necessarily reflected by an objective reality, but it brings to light the migrants' perception of their situation. The feeling of vulnerability and the randomness of their future hence determines their behaviour in France.

Migrant worker in agriculture: more than a status, a function

The weight of this situation determines migrants' attitudes in the working world. Without documents, working is quite a challenge, on more than one level. On one hand, being hired boils down to sharing the knowledge of their irregular status with the employer. On the other hand, it involves accepting different treatment than nationals in already precarious employment sectors. Let's come back to those two aspects.

Foreign workers, clandestine employers

The role of foreign workers in illegal situations has been well documented (Marie, 1997; Ambrosini, 1999; Jounin, 2008). In agriculture, they bring a certain flexibility which the French labour law does not allow (Berlan, 1986, 1994). Specific measures surrounding agricultural wages deviate from several aspects of the general labour code¹⁴ and seasonal workers under OMI contracts complete the exceptional labour regime (Morice, 2006). These different adaptations to the law provide a considerable number of national and foreign workers to the agricultural sector, while these jobs remain poorly paid. Only team leaders' and heads' of crop salaries are paid above minimum wage. They also benefit from better treatment in terms of scheduling and their jobs are guaranteed throughout the year. This is why these positions are typically filled by French workers or immigrants in a regular situation. The vast majority of workers are submitted to particularly heavy working conditions: in greenhouses where the temperature easily exceeds 40°C and where workdays can be very long; it is physically arduous work that often involves handling toxic components (Décosse, 2008a). Despite this, the hourly wage is EUR 8.40 net, the legal minimum. Under these conditions, workers who can leave the agricultural sector do so in order to be hired elsewhere, namely in construction or catering, which calls for the same type of labour but offers slightly more desirable working conditions.

In spite of different farmers' attitudes towards undocumented workers, at the peak of activity, when fruit or vegetables are ripe or when a central purchasing body places an important order, there is never enough labour available in agriculture. That is why an interviewed farmer says: '[The farmer] takes what is available, because he doesn't have a choice, you need people to harvest' (Cherry grower, 2007, Crau plain). Allegedly, the only way to overcome these deficiencies is to have undemanding workers available on site throughout the year. This is the whole point of illegal workers: their difficulty in finding a job in other sectors, their limitations on travel – due to the fear of being arrested outside of their comfort zone where they are known and tolerated – and their need to work, all makes them available for ad hoc requests. They respond to random, very temporary job offers, without binding an employer by any contractual obligation. Hassan describes his quasi-daily job search:

Yesterday I went to look for work, I found work, one day, two days, I found it, but without papers ... bosses, they ask for papers and without, they often don't take you on. *S. P.: How do you go about looking for work?* I go by bike. I look for bosses, 'Hello, Sir, how are you? I'm ok, is there work today?' I go see the farmers; I pick strawberries, melons, anything ... I find work, or I don't. That's how I work. (Hassan, Vaucluse 2006)

¹⁴ The status of 'seasonal worker', 'occasional worker' or 'intermittent worker' are a few examples of the specificity of agricultural work (which the tourism sector typically has in common).

For them to continue their role as supernumerary, undemanding workers, it is important that they are not aware of the essential economic function they fulfil. Faced with a harsh daily reality, where days off are plenty and wages are meagre, they do not see themselves as indispensable links in the chain of production. Quite on the contrary, they are under the impression that, when hired, they are being condescended to. This is how Ali sees it:

S. P.: And with all the people you know, you can't manage to find a boss to hire you regularly? In truth, no. Because everyone is afraid. Well, that's true, you see, because well, we're nice, we won't leave you in the shit. Bosses, they hire you, you see, for peanuts, they hire you one week per month, maybe two, maximum. After two weeks, the boss, he says, 'I helped you out, you can go see somewhere else now'. That's just how it is. (Ali, 2006, Orange)

Highly aware of the media coverage surrounding the legal risks employers face when concealing their employees' work, the workers believe that employers are strongly committed, if they show compassion for the 'unemployables' (Chauvin, 2009). Morad thus justifies never being hired on for more than a few consecutive days: 'It's normal, really, because if he gets checked up on, if the police come, what is he to do? If there's a police check, the boss goes to prison.' The research I conducted has led me to the conclusion that the risk is, in fact, almost non-existent in the horticultural production within the studied regions. Inspectors and supervisors work in largely understaffed situations, and most of their verification is around workplace safety and hygiene. Despite this, farmers do not believe they are immune when hiring illegally: they regularly receive reminders concerning the applicable law from employers' unions. But it is obvious that undeclared workers are common in this sector and can hardly be ascribed to altruism.

Accountable and discriminated

This kind of representation leads migrants with no right to work, the 'curbed employees' (*salaries bridés*, Moulrier-Boutang, 1998), cultivating a feeling of guilt. They shoulder their boss' misdemeanour; they are so used to being in an illegal situation that they have the impression of somehow contaminating their employer. They feel indebted to their employer who assumingly is doing them a favour. As previously suggested by Ali, employers are 'helping them out', so it is normal that, in turn, workers help out when presented with a specific request. It is no longer a contractual relationship where payment is established according to the amount of work to be done. It resembles more an exchange of services, some form of donation and counter-donation which obliges the worker much more than the employer. In contractual relations, the employer's donation is the work offer, whereas the counter-donation is the work being done. Here, if the work pays, the risk taken by the illegal employer must also be compensated by the worker. This justifies, in this relation of asymmetric reciprocity, the non-declared worker investing more than

any other employee.

In addition to that moral debt, foreigners in an irregular situation also bear other costs: they are confronted with multiple periods of unemployment and are in a job market where competition is strong and recruitment is limited. During the summer, they can move from one job to another fairly easily, but as soon as November hits and until the next spring, jobs remain scarce. Their odds of being hired rest on the scope of their network of employers and, again, on the reputation they developed with them. Many explained that, in order to be hired frequently, they need to be known as ‘hard-working’, as someone who is ‘not a problem’, who ‘can tolerate the heat’, and who ‘can work for a long time’. The migrants themselves admit the discrimination they are subject to, in an employer-employee relationship qualified as ‘paternalist’ (Morice, 2006). Without resistance they accept working conditions that are more disadvantageous than that of their legal counterparts. If ‘under the table’ work wages are generally equivalent to the untaxed legal minimum wage – and never increased for over-time – the migrants typically get stuck with the more unpleasant and arduous tasks. In some companies, regular and irregular workers are explicitly separated into two different logbooks. Abdel, who occasionally works on a farm, says:

With Mr X, the ones with papers, they work like up in the offices. At noon, they have a two-hour break. I swear! Two hours! During that time, we work; we only stop a minute to eat. Well not, just a minute, but ten, fifteen, that’s it. At the end of the day, they leave at five, and we work until the work is done, even at night sometimes! If you’ve got papers, you’re king. If you don’t have papers, you shut your mouth, and you’re happy that you have work. (Abdel, 2006, Vaucluse)

The *sans-papiers*’ attitude towards employment is summarised well in that last sentence: they believe they do not have the status to make any demands whatsoever. The feeling of inferiority and social isolation does not encourage resistance and group mobilization. In every interview, the only hope for improving their situation remains individualistic and involves becoming legal. A few use forged papers or lie about the documents, always putting off bringing them in tomorrow, but this trickery never lasts for long. During interviews with farmers, farmers sometimes mentioned that they suspected some employees used this tactic, but overlooked it, needing the extra hands. One of the farmers tells of overlooking forged Moroccan workers’ visas because the Polish workers with OMI contracts had been delayed in getting their travel papers, and he needed the staff. He in his own words ‘would get rid of them’ when the seasonal OMI workers arrived (Cherry grower, 2007, Vaucluse). To sum up, the migratory status, operating on the state of mind of the people it defines, breeds particular attitudes, thus creating worker categories that will satisfy the specific needs of Western economy.

Conclusion

If the globalized state is fading in its traditional form (Badie and Smouts, 1999), it is undeniable that it still plays a paramount role in population control. In listening to the *sans-papiers*, it becomes clear that borders are not simple geographic markers. Today, borders have multiple forms that are materialized through the delimitation between full-right citizens and subaltern citizens within the same territory. The wall of papers is an invisible but terribly effective border that is erected between populations living and working side by side but whose recognition varies greatly. In a globalized world, the state exercises control in a variety of ways that go beyond simple physical coercion. It is considered 'tolerant' because it allows people in illegal situations to stay in this context; however, the price paid is daily tension, which creates auto-censuring mechanisms that display more effective social control than repression techniques. By keeping a continuous contact with migrants in their quest for legitimacy, the state retains the power to put an end to these 'outlaws' by sending them back across its territorial borders as soon as they are perceived as a threat to the social or economic order.

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