
Confronting myths: agricultural citizenship and temporary foreign worker programs

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Abstract: This paper provides a conceptual intervention through an analysis of the myths surrounding agricultural citizenship and migrant work that underlie the temporary foreign worker program in two settler countries: Canada and Israel. The paper offers a brief insight into the ideologies around farm work that informed the colonisation and dispossession of Indigenous peoples and the expropriation of non-citizen labour. It begins with a historical overview of how agriculture was used as a tool of colonisation even as settlers struggled to cultivate Canadian lands because of the seasonal nature and the persistent lack of labour. From the time of Confederation, agriculture began to be intimately tied with immigration policies culminating in the Seasonal Agricultural Worker Program (SAWP) that persists to this day. The paper then expands the analysis to Israel to show how other settler nations have also followed similar ideological and policy trajectories. The paper illustrates how racial capitalism intertwines with settler colonial practices discursively and institutionally through immigration policies.

Keywords: temporary foreign workers; immigration; settler colonialism; agriculture; citizenship; labour expropriation.

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1 Introduction

This paper provides a conceptual intervention into the scholarship on temporary foreign worker programs through an analysis of the myths surrounding agricultural citizenship and migrant work that underlie such programs in settler countries. The notion of 'agricultural citizenship' constructs the landowner who cultivates and tames the land as the ideal citizen necessary for the sustainability of a democratic nation-state [Wald, (2016), pp.6–8]. This paper shows that this agrarian vision is deeply racialised and

paradoxical as it divorces the labour aspect from ownership, where the (white) free landowner is the natural embodiment of the ideal citizen but the (migrant) unfree farm labourer, who actually cultivates the land, is shut off from the privileges of citizenship. However, this vision of agricultural citizenship along with its inherent contradiction has sustained the agricultural sector as it compels state intervention through immigration and economic policies. Racial capitalism (Fraser, 2018) intertwines with reformulated settler colonial practices to enable expropriation of unfree, racialised populations using a discourse of agricultural nationalism and benevolent labour migration programs.

Extensive scholarship has addressed the practices of settler colonialism. The economic analysis of colonisation concentrates on the resources and economic gain for colonising countries through exploitation of the colonised people. Critical race scholarship points out how settlement and occupation was predicated on a deeply racialised construction of non-European countries as inhabited by savages and the uncivilised (Morgensen, 2011; Wolfe, 2006; Coulthard and Alfred, 2014). Canada was constructed as an extension of Britain, where settlers formed a nation-state with citizenry and political institutions replicating colonial Britain, while displacing and disenfranchising Indigenous peoples in the colonised territories. There is an inherent contradiction in the constituting of the settler nation state and its ideal citizens through land cultivation, which would not be possible without relying on unfree labour from those who are perceived as ‘savages’ and undesirable foreigners. The paper begins by providing a brief insight into the ideologies of the 17th and 18th centuries that informed the colonisation of the ‘New World’ and displacement of Indigenous peoples. It offers a historical overview of how agriculture was used as a tool of colonisation even as settlers struggled to cultivate Canadian lands because of the seasonal nature of farming and the persistent lack of labour. At the time of Confederation, agriculture began to be intimately tied with immigration policies culminating in the Seasonal Agricultural Worker Program (SAWP) that persists to this day.

Although the political and historical contexts in Canada and Israel are manifestly different, analysis of Israel’s foreign worker program in agriculture that I develop in this paper illustrates a similar trajectory where the political economy of agriculture intersects with the state’s ideological and political apparatus to produce a foreign worker program under immigration law that closely corresponds with Canada’s SAWP. The Israeli foreign worker program in agriculture allows for the dispossession of Palestinians while buttressing the agricultural sector, which is seen paramount to the Israeli national identity. In both Canada and Israel, temporary foreign worker programs in agriculture function under a state of exception that is engendered discursively and institutionally through the social and legal construction of the deportable temporary worker and the exalted, legally immunised farmowner.

In general, agricultural temporary worker programs have played an important role in sustaining the myth of agricultural citizenship. Some of the earliest foreign workers programs, such as the Prussian *gastarbeiter* program in the 1880s were initiated to ensure short-term labour supply in agriculture in the face of rapid industrialisation, while excluding the foreign workers from ever becoming part of the citizenry [Hahamovitch, (2003), pp.70, 74–76]. As part of the program, ethnic Poles were recruited from other countries in Europe to work in the Prussian farms. The program subjected them to yearly deportation after the harvest season to stave the virulent, anti-Slav xenophobic sentiment in Prussia [Hahamovitch, (2003), pp.70, 74–76]. Like the Thai workers in Israel and the

Caribbean and Central American workers in Canada, the recruitment was gendered and racialised. Workers could not bring their family and were subject to working under linguistically, culturally, and physically isolated conditions in remote farms in a foreign environment, under the constant threat of deportation. An analysis of the historical development of temporary foreign worker programs in Canada and Israel shows that these dynamics persist to this day.

2 Canada's seasonal agricultural worker program

2.1 Agriculture as a tool of colonisation

For I ask, whether in the wild woods and uncultivated waste of America, left to nature, without any improvement, tillage or husbandry, a thousand acres yield the needy and wretched inhabitants as many conveniences of life, as ten acres of equally fertile land do in Devonshire, where they are well cultivated? [Locke, (1690), ch V, sec 37]

In his *Second Treatise of Government*, John Locke provides the basis behind the classic labour theory of property applicable to land occupation. Usage and de facto sovereignty by themselves are not enough to establish ownership and occupation. 'Legitimate' occupation ownership requires a specific form of labour that cultivates the soil and puts it to productive use [Koskenniemi, (2017), pp.380–382]. Locke's definition of property delegitimises Indigenous forms of political society and land use, which are characterised by different philosophies towards land and nature, and creates a political theory for settler appropriation (Tully, 1993). Settler appropriation is an inherent good as it leads to cultivation of wild land, which in turn, transforms people from being 'needy and wretched' to being civilised and worthy of being part of the citizenry. The provenance of Locke's theories goes back even earlier, where uncultivated land is characterised as unoccupied land, *terra nullius*. As Grotius stated in the 16th century:

If within a territory of a people there is any deserted and unproductive soil ... it is the right for foreigners even to take possession of such ground for the reason that *uncultivated land ought not to be considered occupied*. [Grotius, (1901), Bk II, Ch II, Sec. 17] (emphasis added)

The Lockean theory of occupation and settlement was adopted by English jurists and intellectuals who encouraged agricultural settlement in North America (Tully, 1993). Farming was mythologised as 'virtuous labour', 'wise stewardship' and representing the 'virtues of smallholder property rights' and Christian values [McDonald, (2016), pp.57, 66], though, ironically, Anglo-Canadian farmers were entirely reliant on Indigenous and migrant labour to sustain the cultivation [McDonald, (2016), pp.69, 73]. These myths of the virtuous farmer persist to this day and inform agricultural and immigration policies.

The Canadian state, as all settler states, has been built through the process of replacement:

- a replacement of Indigenous peoples through displacement, occupation, and disease
- b replacement of Indigenous life stories with settler myths (Coulthard and Alfred, 2014).

British colonisation policies, especially after the defeat of France, set the stage for racialised occupation and displacement; agricultural cultivation was one of the primary ways to induce immigration of ‘desirable’ populations from England to occupy the territory of Indigenous nations. Immigrants from the UK thus dominated migration into Canada from 1760 onwards after French claims to Canada were quashed by British victory in Quebec [Harper and Constantine, (2014), p.12; Kelley and Trebilcock, (1998), pp.21, 30]. Migration and settlement were encouraged through subsidized passages and land grants.

Finding agricultural labour to sustain farming proved to be a particular challenge even as early as the eighteenth century. Unlike in the USA, imported slavery did not provide a significant labour force in Canada [Pentland, (1981), pp.1–4]. Black slavery, imported from America or the Caribbean, existed in the seventeenth and eighteenth centuries but the numbers were relatively small (estimated between 400 and 1,400), until importation of slaves was legally banned in 1793 (Upper Canada/Ontario) and by 1803 in Lower Canada [Pentland, (1981), p.2]. Indigenous slaves formed the bulk of the slave population, who were mainly employed as domestic servants [Pentland, (1981), p.1].

Moreover, the Canadian climate necessitated a *seasonal* workforce in agriculture, which could not be met by slave labour. It was too expensive to maintain the slave workforce during the off-season when the labour was not required [Pentland, (1981), pp.3–4]. Slave labour in agriculture was also considered to be unproductive compared to free labourers who had 75% more productivity [Pentland, (1981), p.4]. Indentured labour, which forced workers to work for a specific period of time, therefore became the only viable substitute. Poorer British citizens were given the chance to arrive in the New World so long as they agreed to be indentured and offer their labour for 4–5 years [Pentland, (1981), pp.8–9]. Irish immigrants formed a significant portion of immigration between 1825 and 1867 [Kelley and Trebilcock, (1998), p.21]. However, the labourers began to break their bonds by underworking or deserting and then buying cheap land. The Irish also migrated to the USA in large numbers [Harper and Constantine, (2014), p.13]. Initially, the early colonialists tried to lobby against the deserting by restricting land grants and making land too expensive for the indentured labour and the poor [Pentland, (1981), p.10; Kelley and Trebilcock, (1998), pp.47–49], which ultimately failed to achieve its aims. Farmowners had to rely on temporary contract labour.

After Confederation, the Canadian Government was also faced with implementing its colonising, nationalist policy to occupy western Canada. In order to meet labour needs and populate the West, the Canadian Government expanded their definition of ‘desirable’ settlers beyond the UK to include other Europeans. The shortage of workforce in agriculture as well as in nation-building infrastructure projects led to a further demand for cheap labour in agriculture, railway construction, mining, urban construction, and other large scale projects leading to formal immigration policies [Harper and Constantine, (2014), p.18; Kelley and Trebilcock, (1998), p.46]. The continued significance of agricultural development in immigration law is indicated by the fact that in 1869, the Ministry of Agriculture sponsored Canada’s first Immigration Act.

Agriculturalists along with industrialists and transportation companies lobbied the government for cheap immigrant labour, which was initially met with resistance from labour groups and nativist British nationalists. Between 1896 and 1905, the Minister of Interior, Clifford Sifton implemented an intense campaign to attract Europeans outside of the UK to Canada. Labour shortages, nevertheless, still continued as European

immigrants refused to work in precarious, seasonal sectors and would immigrate to the USA where there were more attractive opportunities to settle.

Immigration policies towards people from China provide the paradigmatic example of the coexistence of migrant labour with the xenophobic construction of anti-immigrant myths. The first official foreign labour importation scheme was implemented in the 1880s when 15,000 Chinese labourers from Guangdong were brought into the country to work on the western end of the Canadian Pacific railway [Kelley and Trebilcock, (1998), p.94]. The hazardous work conditions, ease of obtaining Chinese workers in the West coast, and expectation of servility from the Chinese spurred the policy, despite the strident anti-Chinese racist sentiment in British Columbia. Although it was intended that they would return, the poor wages and the debt accumulated by the Chinese for the passage meant that the Chinese were left with no money to make their return journey. Some of the Chinese moved to rural areas to work in agriculture [McDonald, (2016), p.69].

Racist propaganda about their 'noxious' habits, lack of cleanliness, moral depravity, and lawlessness fed into the social construction of the Chinese as a threat to Canadian health and safety. Therefore they were not allowed to permanently settle, even though they were seen to be essential to the economy [Kelley and Trebilcock, (1998), pp.94, 143]. Permanent settlement was discouraged through the passage of regulations that imposed a 'head tax', disenfranchised Chinese naturalised or Canadian born citizens, and implemented labour restrictions in the provinces [Kelley and Trebilcock, (1998), p.143; *Quong-Wing v. The King*, (1914) 49 SCR 440].

Hostility was not limited to the Chinese. About 50,000 immigrants from China, Japan, and East India arrived between 1900 and 1915 [Kelley and Trebilcock, (1998), p.143] and were similarly disenfranchised and subjected to racism and racist laws such as the Continuous Journey Legislation, that refused entry to any immigrant who did not come on a continuous journey from their native country.¹ Sifton's open immigration policy towards Europeans was short-lived as prejudice and hostility rose against Poles, Ukrainians, Italians, and other Eastern and Southern Europeans, who were providing essential labour to the agricultural industry and other sectors. In 1906 the immigration policy was reversed to mainly limit it to preferred people from the British empire [Kelley and Trebilcock, (1998), pp.18–19, 113]. In 1917, a new immigration department was established to take over the immigration administration [Kelley and Trebilcock, (1998), p.166]. Named 'Department of Immigration and Colonization', it explicitly signalled that immigration served colonising objectives. Over time, the changing names of Canada's immigration department have indicated the prevailing objective of immigration.

It was only in the 1920s that acute labour shortages in agriculture led to the government reopening permits for all European farmers and agricultural labourers, including those from 'non-preferred' countries [Kelley and Trebilcock, (1998), p.195]. Sustaining agricultural labour continued to be a challenge. Agricultural cultivation was particularly difficult in the western provinces because of low rainfall and short harvesting seasons [Kelley and Trebilcock, (1998), p.106]. Dry farming techniques were also not financially viable at that time. Still, the Canadian Government insisted on following a policy of agricultural settlement as an essential part of their colonising and land occupation agenda. The labour shortage was exacerbated in the 1920s even after the government facilitated the immigration of more than 100,000 farmers and farm labourers from Europe and Britain. Much like the 1800s, these immigrants would migrate to the USA, move to urban areas to seek semi-industrial employment, or return to Europe. For

example, in the 1920s, 12,000 British migrant labourers were brought to Canada to work on the farms in the Prairies, with assurance of boarding, wages, and a 25% reduction in return fare [Harper and Constantine, (2014), p.30]. The migrant workers found that the advertisements exaggerated wages and living conditions and struggled to find work in the harsh winters. The scheme was briefly cancelled after labour union demonstrations in Ottawa. Even when the labour migration scheme was revived five years later, 80% of migrant workers returned home quickly after arriving. Juggling popular nativist ideology with economic interests proved to be a challenge. In 1929, the government instituted a ban on labour importation [Kelley and Trebilcock, (1998), p.335]. In 1947, Canada reinstated a temporary labour importation scheme for agriculturalists from Poland who were given landed immigrant status, which implied that they could apply for citizenship after a two-year labour contract in a farm [Kelley and Trebilcock, (1998), p.334]. This scheme was later extended to all post-war refugees, primarily male, in Europe. 100,000 refugees entered Canada under this scheme with an obligation to fulfil an 18-month or two-year contract or pay the government for passage.

2.2 *The post-war era and the formation of the SAWP program*

During the post-war era, Canada continued its racialised immigration policies with a quota-based system with preferred classes that only allowed for permanent immigration from non-white countries if they had a relative in Canada. But even in 1957, the Minister of Immigration stated that agricultural immigrants were the most preferred [Harper and Constantine, (2014), p.19]. It was only in 1962 that the discriminatory provisions were removed and in 1967, Canada introduced a points system that would privilege 'high-skilled' *permanent* immigration. However, farm-owners began to complain about the preference for skilled workers as farm work was not classified as skilled. They began to lobby for a seasonal temporary worker program or, alternatively, a two-year contract labour sponsorship program. In 1966, the Canadian Government entered into negotiations with Caribbean countries and decided to allow seasonal agricultural workers from Jamaica [Kelley and Trebilcock, (1998), p.361]. That year, SAWP was launched with 264 workers from Jamaica. The same year, the name of the immigration department was changed to Department of Manpower and Immigration, indicating the dual objectives of providing labour and increasing the permanent population in Canada.

The SAWP program was unique. The changes in immigration law in the 1960s were made to increase *permanent* immigration and SAWP was the only seasonal *temporary* migration scheme that was specifically drafted for the agricultural sector. The workers came under a permit that was tied to the employer during the harvest season and had to return after the season ended. The program worked through a bilateral arrangement with the Jamaican Government. The SAWP program was the only *temporary* foreign worker program with no access to permanent residence and it continues essentially unchanged to this day, only having expanded the number of source countries, exclusively from the Caribbean, Mexico, and Central America. SAWP workers arrive in Canada during harvest season and work up to 8 months a year after which they are forced to return [Faraday, (2012), p.6]. They are also 'repatriated' before the completion of their contract if they experience any injury or if their labour becomes economically unnecessary due to weather and crop conditions [Faraday, (2012), pp.39–40].

Initially, the government justified the program by arguing that it was to last for a short period of time and that the residency bar was to ensure that they remain in the agricultural sector [Choudry et al., (2009), pp.60–61]. The program soon became a permanent fixture of the immigration system and has sustained the agricultural sector with precarious, unfree labour for the past 51 years. Workers came year after year to work on Canadian farms, spending most of their lives in Canada away from their families, without any prospect of permanent settlement. The SAWP system ensures a transitory work force that provides labour renewal without the Canadian state bearing any costs of labour welfare, such as pensions, unemployment insurance, and labour retraining (Satzewich, 1991). Although explicit racial discrimination in immigration law was removed in the 1960s, the SAWP program is a paradigmatic example of how Canada's immigration policies continue race-based discrimination by drawing distinctions between 'undesirable migrants', who are from the poorer classes of the Global South providing exploitable, transitory labour, and desirable immigrants, who are deemed to have cultural and economic value and are provided easy access to Canadian citizenship (Sharma, 2006; Baines and Sharma, 2002; Satzewich, 1991; Preston et al., 2014).

The Canadian agriculture industry is sustained not only through foreign labour but also subsidies. The literature on the neoliberal nature of agricultural production highlights the acrobatics involved in sustaining agriculture, which includes limiting labour regulation and providing all means to ensure lowered costs of agricultural production through subsidies and cheap migrant labour [McDonald and Barnettson, (2016), pp.xiv–xv]. Ensuring food security that is resistant to the vicissitudes of the global economy provided one motivation. However, the myth of the yeoman farmer cultivating wild land and providing food that had spurred colonisation is still maintained. The imagined self-sufficient small farm that provides consumers the opportunity to 'eat local' through local labour provides the façade for a politically and economically powerful sector that is embedded in neoliberal logics (DuPuis and Goodman, 2005). In fact, small farms have continued to become less viable. Larger farms with higher revenue have significantly higher operating revenue margins (Statistics Canada, 2012). In 1991, there were 727 large farms (1,120 acres or larger) in Ontario which had increased to 1,547 in 2011 (Statistics Canada, 2012; London Free Press, 2012). Farm families are in the top tenth percentile in terms of wealth and are at least three times wealthier in terms of net worth compared to the average Canadian family (Country Guide, 2011; Painter, 2005).

Government expenditures are estimated to be 26% of the agricultural GDP in 2016–2017 (Agriculture and Agri-Food Canada, 2016). Government subsidies surpassed income in the 1990s, illustrating the economic inefficiencies of the sector (Solomon and Elliott, 2002). The crop industry, especially the horticultural industry, is sustained through foreign farm labour and this is deemed to be a 'structural necessity' (Basok, 2014). The SAWP program is considered the 'lynchpin' of the horticulture industry, essential to maintaining its economic output [Mussel, (2015), p.24]. The expenses incurred in employing foreign labour (permit payment, housing, flight) are compensated by the fact that foreign workers are 'unfree', tied workers, who stay under precarious immigration status and are significantly more vulnerable to the impact of employer reprisal (Basok, 2014). Around 30,000 SAWP permits are issued every year with 20,000 workers arriving in Ontario (Immigration, Refugees and Citizenship Canada, 2016). They constitute 20% of Ontario's farm labour force.

3 Israel's Foreign Worker Program in Agriculture

Such settler colonial logics in maintaining agricultural citizenship through unfree labour are not limited to Canada. Other settler states that were created during the eighteenth and nineteenth centuries (New Zealand, Australia, USA) and high-income European countries have all instituted foreign worker programs in agriculture that mirror the SAWP model (Preibisch, 2012; Martin, 2016; Levush, 2013). Israel provides an interesting example for comparison with Canada because, despite differences in the historical, immigration, and political contexts, the nation-state was created through occupation, displacement, and cultivation, where similar myths around agriculture and land use persist, and where temporary foreign workers sustain the agriculture sector.

Agricultural settlement formed an essential part of state creation in the early years of the formation of Israel and was informed by Zionist principles of “settling the land and causing the desert to flower” [Tzfadia and Yacobi, (2011), pp.67, 69]. Zionist organisations provided financial and political support to build agricultural settlements or Moshavim over Palestinian villages [Tzfadia and Yacobi, (2011), p.67]. The agricultural sector is seen as essential to the identity of the Israeli state and, like in Canada, is protected through extensive subsidies and regulatory benefits (Bartram, 2011).

After the Israeli state was established in 1948, the period of nation-building ensured the employment of new Jewish immigrants across labour sectors, as they replaced Palestinian labour and took control of Palestinian land. However, as Israeli citizens advanced economically into higher classes, it resulted in an acute labour shortage in low-wage sectors, which was initially filled by Palestinian labour, especially from the occupied territories (Bartram, 1998; Drori, 2009).

Changes in the global economy and integration of Israel's economy with the global market forced family-owned and operated farms to integrate or to rely on mass low-wage labour to maintain their competitiveness and respond to increased demands (Kaminer, 2016). The labour shortage could not be met by Palestinian or local labour and Israel began to rely on foreign labour. The first Thai agricultural workers arrived in the 1970s and then in the late 1980s as unregulated volunteers or interns for which they received subsistence wages. These ‘volunteers’ did not need work permits and began to work in areas of Israel such as the Arava valley, which could not rely on Palestinian labour [Drori, (2009), p.106]. Towards the end of the 1980s, a small-scale formal temporary foreign worker program began to be instituted through an arrangement with Thailand.

The labour shortage was further exacerbated in the 1990s due to the outbreak of the first Intifada and subsequent closure of Palestinian borders. In 1988, Palestinians held 25% of Israeli agricultural jobs and 43% of construction jobs, which were affected by the border closures [Bartram, (2005), p.62, using data from the Israeli Central Bureau of Statistics (1994)]. The huge wave of Jewish immigration from the erstwhile Soviet Union placed further demand on the labour-intensive construction and food sectors. Initially, the newcomers from the Eastern bloc filled the labour shortages in low-wage sectors but soon, their upward mobility restored the labour shortage as employers continued to refuse to increase wages to attract Jewish Israelis.

Agricultural employers began to lobby the government for foreign labour during the 1990s. The government was initially reluctant to implement a large-scale labour importation program. At first, it implemented training courses and provided subsidies for Israelis to attract them to the sector [Bartram, (2005), pp.68–70]. Despite spending a

substantial amount on this program, barely 25% of those trained continued to work in the sectors beyond the training period, and even those who worked left the low-wage sectors as soon as better opportunities became available. Although Bartram (2005) attributed the failure to structural issues within the sectors such as low wages and unpleasantness of work, researchers and NGO advocates have also attributed it to stigma against these sectors.² Agriculture, construction, and caregiving are ‘tainted’ as work done by non-Jewish populations, specifically Palestinians or foreign workers. Calavita (2007) has described this process as the production of an ‘economics of alterité’ where the foreign worker’s location in the host economy reproduces the notion of certain sectors as ‘unwanted’ and workers in those sectors are marked with the ‘ugly stigma’ of ‘otherness’, racialisation, and poverty.

The construction and agriculture industries continued to pressure the government, even filing a lawsuit alleging the government had failed its responsibility to ensure labour supply by closing the borders (Bartram, 2011). The Israeli Government finally instituted a formal expanded foreign worker program in the early 1990s. The government’s reluctance to institute a foreign worker program stemmed from an anxiety about illegal migration and the demographic need to maintain a predominantly Jewish state. In addition, there were concerns based on the failure of guest worker programs in Europe and the likelihood of labour exploitation, wage depression, and weakening of organised labour. Several MPs pointed out the failure of the guest worker program in Europe and the risks of it creating a permanent population of non-Jews, which would threaten citizenship laws (Bartram, 2011). The Foreign Worker Law was passed in 1991 [Foreign Workers Law, 1991; Drori, (2009), p.49]. Agricultural workers from Thailand arrive under 4-year permits after which they have to return. Thailand is the only country with which Israel has an agreement to recruit TFWs in the agriculture sector. The foreign worker program exists precisely because it is not, by definition, a ‘demographic threat’, since the workers will leave the country after providing their productive labour.

The foreign worker program was concomitant with overall changes from collectivist welfare state policies towards neoliberal economic policies (Kemp, 2004; Ajzenstadt and Shapira, 2012; Bartram, 2005). It also enabled further separation and independence from the Palestinians in the Occupied Territories and within Israel. The program instituted guest worker policies that had been abandoned in Europe and which, ironically, more closely resembled the labour migration programs in the Middle East Gulf states (Kemp, 2004). Like the Kafila programs in the Middle East, the employer’s name is stamped on the passport; these workers also have no right to asylum, family reunification, guaranteed access to comfortable housing, social benefits, or even public health care (Kemp and Rajman, 2014). A few organisations like *Kav Laoved* advocated for better rights for the workers and engaged in mobilising the media and the law. As a result of their efforts, the tied worker visa arrangement was found to be unconstitutional by the Israeli Supreme Court in 2006 [*Kav Laoved vs. the Government of Israel*, H.C. 4542/02 (2006)]. Despite developments such as allowing for open work permits and changes to unfair recruitment practices, that were spurred by decisions in the Supreme Court and Labour courts as a result of advocacy by Israeli public interest legal organisations, foreign workers continue to work under precarious and oppressive conditions (Ellman et al., 2003; Human Rights Watch, 2015; Kav Laoved, 2014; Schick, 2015).

As in other countries, the threat of deportation looms large in the lived realities of temporary workers. Beginning in 2003, the Israeli Government began mass deportations under what was known as ‘Closed Skies’ policy. Temporary foreign workers were

disproportionately targeted. About two-thirds of the population of ‘illegal’ foreign workers were those who had overstayed their tourist visa but they constituted the smallest group among the deportees, compared to asylum seekers and foreign workers who have overstayed their work permits [Nathan, (2011), p.19]. In a survey of 607 detainees conducted by Hotline for Migrant Workers between February and March of 2003, the researchers found that 81% of migrant workers under arrest entered the country with a valid work permit (Kemp, 2004). 21% of these workers had become ‘illegal’ because they were reassigned to another employer (which was not permitted under the earlier tied worker visa system) or their visas had expired without their knowledge since their passports were confiscated by their employer (Kemp, 2004).

Agricultural work permits have hovered around 20,000 to 25,000 annually in the past ten years. In 2015, 20,000 work permits were issued for construction, 25,000 for agriculture, and 45,000 for care-giving [Center for International Migration and Integration (CIMI) and Israel Population and Immigration Authority, (2016), p.30]. The total number of foreign workers in 2015 was estimated to be 174,000-250,000 [Center for International Migration and Integration (CIMI) and Israel Population and Immigration Authority, (2016), p.22]. By 2000, foreign workers constituted 12% of the Israel labour force, the second largest population percentage after Switzerland [Drori, (2009), p.25]. Thai agricultural workers now form 50–60% of the farm workforce in Israel, increasing to 80–90% in some regions.

Thus, nativist, ethno-nationalistic discourse that incites indiscriminate deportation and disciplinary action against non-Jewish, non-citizens ironically operates synergistically with globalised market capitalism in agriculture through the use of precarious foreign labour.

4 Settler colonialism, racial capitalism and the construction of the temporary foreign worker

Extensive academic scholarship on the SAWP program, in particular, and temporary foreign worker programs, in general, has highlighted the ensuing institutionalisation of racialised exploitation, ‘unfree labour’, and precariousness and the numerous ways in which the dignity and rights of the workers are violated (McLaughlin and Hennebry, 2013; Fudge and MacPhail, 2009; Lenard and Straehle, 2012; Satzewich, 1991; Basok et al., 2013; Hennebry and Preibisch, 2012; Binford, 2013; Nakache and Kinoshita, 2010). Numerous reports have documented the exploitation of foreign workers in Israel as well, calling the conditions akin to ‘slavery’ (Ellman et al., 2003; Human Rights Watch, 2015; Kav Laoved, 2014). Long work hours in excess of the legal maximum, unsafe working conditions, poor housing, linguistic and cultural isolation, and employer reprisals form the everyday reality of the migrant worker in both countries.

Racial capitalism studies point out that capitalism thrives on disenfranchised ‘dependent racialised subjects of *expropriation*’ such as migrant labour as distinguished from ‘free subjects of *exploitation*’, who at least have full rights of political citizenship [Fraser, (2018), p.6]. In the case of foreign worker programs in agriculture, both labour from the Global South and indigenous populations in the settler colonial countries (that includes Palestinians in Israel) are expropriated, disenfranchised, and their self-sovereignty is suppressed. Racism and violent coercion may no longer be overt but is

perpetuated by more insidious discursive practices to justify the expropriation and displacement. The previous two sections elaborated on the discursive and institutional aspects of agriculture nationalism in Israel and Canada, which transform agricultural production, from being mere capital accumulation to bolster the state's economy to being constituted as an essential part of the nation-state identity. This section examines how the subject of the expropriation, the temporary foreign worker, is constructed in discourse to rationalise expropriation. The worker is constructed simultaneously as a consenting sojourner who is not, and never will be, a part of the rights-wielding citizenry *and* as an undesirable migrant who should not be included in the polity, thus directly replicating the settler colonialism practice of creating hierarchies.

Bauder (2008) illustrates how the Canadian media engages in this seemingly discordant narrative, emphasising the economic necessity *and* social undesirability of SAWP workers. To justify the economic necessity, the worker is constructed as being particularly skilled and suited to agricultural work compared to Canadian workers. The foreign worker is perceived as enthusiastically and actively choosing the lifestyle and the program and as revelling in the nomadic, transient nature of the program [Bauder, (2008), p.109]. Although reports point to the unhappiness and insecurity that foreign workers experience in Canada, the narrative of the enthusiastic, consenting foreign worker persists. The benefits to the worker and his poverty-stricken family and the benefits of his remittances to the sending country are given particular emphasis. Concomitantly, a negative narrative constructs the foreign worker as a 'social problem' prone to criminalisation and causing harmful social changes within the community. The positive narratives such as the economic necessity of foreign workers and the 'self-sacrificing off-shore worker' legitimate "the presence of offshore workers as a value-generating labour force ... while excluding these same workers from the rural community where they might claim social rights, entitlements and a sense of belonging" [Bauder, (2008), pp.114, 112]. As long as they return to their countries, the positive, self-sacrificing worker narrative dominates. But, if they try to establish ties and residence, they are represented as 'social problems'.

Similarly, Drori (2009, p.110) points to a dual narrative in Israel. On the one hand, the Thai worker is stereotypically cast as being a consenting 'self-contained, quiet and industrious' worker. Farm employers portray the workers as being docile and diligent who defer to their authority and as being indispensable to the sector [Drori, (2009), pp.110–112]. At the other extreme, Thai workers are subject to a xenophobic discourse of being 'savage dog-eaters' and 'frighteningly evil' [Drori, (2009), pp.110–112]. Ajzenstadt and Shapira (2012) show how this extends to casting migrant workers, in general, as criminals, thieves, drunks, or gamblers. The duration of residence of foreign workers is expected to be temporary and short. But when their presence becomes visible in cities or towns, an anti-migrant worker discourse emerges that describes the foreign workers as a demographic and criminal threat to the Jewish character of the Israeli state. Several criminal cases have been brought against Thai and other foreign workers on the basis of drug use and abuse of employers, where the judges have displayed anti-migrant and racialised language (Ajzenstadt and Shapira, 2012). Thus, the foreign workers are constructed as simultaneously indispensable to maintain a neoliberal economy and a threat to the nationalistic state (Kemp, 2004).

Temporary foreign worker programs in general are marked by a self-congratulatory discourse to rationalise differential rights hierarchies. The International Organization for Migration (IOM) describes low-skilled labour migration programs as a 'triple win'

situation, with wins for the migrants from the wages they earn, the labour economies of receiving countries, and the economy of the sending nation [International Organization for Migration, (2008), p.92]. One study states that “the aim [of the migrant workers] is *never* to create a whole new life in the host society” and that “temporary migration projects are rationally designed *to further the migrants’ aims*” [emphasis added] (Ottonelli and Torresi, 2012). The foreign farm workers engage in de facto agricultural citizenship by cultivating the land and producing the food and yet they are denied formal citizenship. Casting them as permanently temporary non-citizen legal subjects allows for exceptional policies where their basic rights can be attenuated.

The threat of deportation reifies and institutionalises the discourse allowing the state and farm-owners to create a coercive regime that imposes self-discipline and fear. Disciplinary is produced at the point of application for guest worker permits in the source countries. Canadian employers are given the right to ‘name’ workers for returning the next season, ensuring the workers’ compliance for the current season. In addition, authorised recruiters, including the international organisation, IOM, warn the workers against talking to activists, unions, or even to consular representatives about any problems with the employer should it lead to deportation or non-renewal of the contract (Basok et al., 2013). Employers rely on cultural stereotypes to prefer workers from one country to the other and create insecurities and force compliance from the workers. For example, employers in Canada are known to prefer Guatemalan farm workers over Mexican farm workers and Indonesian on an assumption that the former are less likely to resist or denounce unfavourable working conditions and have less resources to do so (Valarezo and Hughes, 2012). The perceived docility of Thai workers is lauded by Israeli farm owners to demand more foreign workers even in the face of ethnocentric demographic concerns that inhibit Israeli political discourse. “Better Thai workers than Palestinians” is the slogan used by the Israeli agriculture lobby (Lefkovitz, 2002).

The cognitive framework created by the agricultural foreign labour programs, where the farm employer practices are normalised, even exalted, and worker’s issues are problematised, or downplayed, perpetuates settler colonial practices integrated with racialised capitalism. The subjectivity of the workers is transformed into being mere economic commodities meant to solve economic and nationalistic concerns in the host and source countries. Settler colonialism relied on myths of racial superiority and ‘civilised’ behaviour to legitimate the occupation of indigenous lands and subjugate racialised populations (Bhandar, 2018). It continues presently in professed liberal states through myths of the productive farm owner sustaining the nation-state, i.e., agricultural citizenship, to legitimate the continued occupation of indigenous land, and myths around the compliant, consenting foreign worker to legitimate the use of subjugated deportable labour.

5 Conclusions

Temporary foreign worker programs are formulated to add workers to the labour force without adding permanent residents to the population (Martin, 1997). There is, thus, an inherent logic in temporary migration programs that non-citizens be excluded from many rights so that they do not become permanent residents (Walzer, 1983). If they were given the status or rights of a citizen, as Walzer (1983) points out, they would have the same

liberties as other citizens and compete with them for better jobs. Their presence would no longer alleviate the problem of labour shortage in undesirable, but socially necessary, jobs for which the foreign worker programs are designed (Walzer, 1983).

Agriculture is deeply intertwined with temporary foreign worker policies as seen from the experiences of Canada and Israel. In both countries, ethnocentric, farm labour notions of citizenship spurred agricultural development in a land that was not conducive for sustainable agriculture and could not have been sustained without the presence of temporary workers. A steady supply of foreign migrant workers ensures the presence of unfree, precarious labour that subsidizes the agricultural sector while immigration law prevents them from making claims on citizenship and permanent residence. Policy discourse and coercion through the threat of deportation is used to construct a labour population that is permanently temporary.

Migrant labourers sustain the agriculture sector and are engaged in the very same kind of agrarian labour that was exalted as the ideal of a citizen, and yet they are denied access to citizenship status. The agriculture sector relies on subsidies, which ironically, has uprooted farmers in the Global South and has created the push factor that forces them to use temporary foreign workers programs in the Global North for livelihood. It stands to reason that the Lockean political principles and liberal ideologies have been expediently used to create hegemonic myths to justify displacement, colonisation, exploitation, and expropriation that continue to persist. This paper shows that it is important to confront the fiction behind the romanticisation of agriculture that constructs citizenship almost as a feudal right for landowners and renders invisible the racialised migrant labour that forms its backbone. Such confrontations are necessary to create new narratives of citizenship and understand how migrant workers and other marginalized groups can lay claims on the state.

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Notes

- 1 Statutes of Canada, Edward VII 1910, Chapter 27, Article 38(a), (c).
- 2 Interviews conducted in Israel in November 2016.