



Categorizing Difference: Labor and the Colonial Experience (French Empire, First Half of the 20th Century)

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Abstract

Efforts to qualify labour activity in the colonial space were hampered by the plurality of labour regimes present there (from indentured labour to forced labour, subsistence labour and other forms of 'informal' work) and, moreover, by the commensurability of Eurocentric categories that were difficult to transpose across time and space, starting with that of wage labour. The case of the French Empire, in this case the territories of sub-Saharan Africa which were the subject of a regulatory effort as part of the campaigns for the abolition of slavery and forced labour from the inter-war period onwards, provides an account here of the transformations in norms and practices that are specific to colonial labour in close relationship with the metropole. In this chapter, a multiscalar analysis highlights the transnational circulation of labour control mechanisms (e.g. the work book) and means of accessing resources through work (the many forms of social protection), while also suggesting ways in which work, dependency and rights are linked and disconnected.

Categorization, i.e. any sociocognitive process that produces order (in the form of classification, hierarchy, comparison) between diverse or even disparate things (Jenkins, 2000), mobilizes a plurality of actors and institutions over time and space, by establishing "borders" as a legitimate object of analysis (Lamon, Molnár, 2002). The categories relating to work and employment (whether legal, economic, administrative, etc.) are defined in a variety of ways, often in contrast to each other, while helping to structure social relations and determine power relations (Zimmermann, 2001). The comparison of contexts and territories shows that the controversies on the conceptualization of the "work" object are related to a complex history, which is never linear (Sarti, Bellavitis, Martini, 2018). Colonial or "native" work, i.e. the historical forms of employment of indigenous and migrant populations from outside Europe within colonial territories as well as within the metropolis, is a striking example of this dynamic. The experience of colonial work, by its heterogeneous and changing nature, challenges the historical model of experienced wage labour in the Western world, which has long been the one and only parameter of a civilization to be exported on a global scale (Cooper, 2000). The cognitive and institutional frameworks underlying the wage system are thus challenged, in a perspective of global labour history that points to both Eurocentrism and methodological nationalism in the construction of categories of endangerment related to labour activities (van Der Linden, 2008).

¹ I use here the dual definition of colonial/native (indigenous) work, knowing that this is a strongly connoted category, as it was forged by colonial administrators.

Far from opposing each other frontally, the different forms of labour that develop in colonial empires (*engagement* system, forced or bonded labour, contractual labour, etc.) nourish the process of labour "institutions" that accompanies, and makes more complex, the construction of the capitalist production system in colonial societies. The boundaries resulting from traditional categorizations (constrained/free work, formal/informal work, dependent/autonomous work, etc.) appear to be shifting because they are historically and geographically localized (Stanziani, 2010). At the same time, their definition is part of a global space of circulation of norms and practices (from control devices to means of access to resources via work), which invites an effort of comparison across time and space (Cooper, Stoler, 1997). In other words, it is important to begin an operation of historicization and denaturalization of the wage relationship in a "colonial situation" (Balandier, 1951), in order to restore the variety of labour regimes, legal and normative mechanisms to the basis of subordination as well as forms of access to social protection and, more generally, to citizenship rights. This makes sense in view of the "singularity constraint" that the transposition, or even the "translation", of these fundamentally Western concepts entails (Chakrabarty, 2000).

The case of the French Empire, in this case the territories of sub-Saharan Africa, which are the subject of a regulatory effort as part of the campaigns for the abolition of slavery and forced labour (Fall, 1994; Rossi, 2017), reports here on the transformations of the norms and practices specific to colonial labour during the first half of the 20th century in close contact with the metropolis.

A genealogy of the notion of "native work"

Since the beginning of the 20th century, the colonial powers have worked to resolve the issue of the management of the "indigenous" workforce, whose status (in terms of associated obligations and rights) was considered a problem. In administrative documents and in the many reports and notes on the subject, the term "native work" (*travail indigène*) has quickly become established. It refers to the colonial labour regime and its multiple forms (various forms of enslavement, engagement, forced, compulsory or requisitioned labour, contractual work, etc.). While the qualification of indigenous is not without its pejorative nuance, because it refers to the "subject" submitted to colonial power, it is nevertheless adopted by international regulatory bodies such as the International Labour Organization (ILO) from the 1920s onwards. Its translation into certain languages, in English or Spanish for instance, corresponds to the more neutral term "indigenous".

The term "native work" has its roots in the debates and controversies that arose during the battle for the abolition of slavery and consequently of "forced" or "compulsory" labour, led respectively by the League of Nations (LN) and the ILO between the two world wars (Daughton, 2013). While slavery is now a residual and disappearing phenomenon, the requisition and militarization of labour during the First World War focused attention on the (more or less hidden) situations of forced labour that still existed in most of the colonies. The question of the abolition or, under certain conditions, regulation of forced labour is thus at the heart of attempts to internationalise social labour standards in colonial territories. The

objective remains the dissemination of contractualisation methods to local workers and their adherence to the associated forms of social protection².

The extension of the application of ILO conventions to "non-metropolitan" countries, particularly countries dependent on Western powers (colonies, protectorates, mandated territories), is part of this international debate. The latter is influenced by the doctrine of the protection of "peripheral" populations promoted by the LN in the aftermath of the First World War. This doctrine tends to classify populations on the basis of their degree of "civilisation" (Rodríguez-Pinero, 2005, pp. 18-22). The proposal to extend labour conventions is thus subject of negotiation between those who advocate the full inclusion of colonial territories in the international labour regulation system and those who, on the other hand, favour the use of exceptions based on "local conditions" that would be likely to offer more room for manoeuvre to Western countries. Albert Thomas, in 1921, had already tried to institutionalize the issue of colonial labour by placing it on the agenda of the ILO, the permanent secretariat of the ILO over which he presided. His proposal to draft a "Charter of Indigenous Working Conditions", a kind of "special" labour code valid for all colonial workers, had not yet found support in the major colonial powers, who feared increased interference by international bodies in their own affairs³.

In this context, the ILO opted in 1926 for the establishment of an Expert Committee on so-called "native work". Its purpose was to produce knowledge useful for solving the many problems faced by the application of social law to colonial workers⁴. On the basis of these assumptions, and in the absence of a better and sufficiently comprehensive term, the choice of international experts falls on the expression "native workers" to designate both the active population "under the administration of other peoples" that can be found mainly in the colonies, protectorates and territories under mandate and the population of similar condition that can be found in some dependent states "either because of the presence, on their territory, of indigenous populations, or because their general living and working conditions are only beginning to be influenced by modern economic progress"⁵. This definition was refined in the course of various ulterior debates and negotiations. The 1936 Convention on the Recruitment of Native Workers retained as a decisive criterion the relationship of dependence and rejected the more "modern" wording referring, for example, to the indigenous populations of Latin American countries, recent members of the ILO. Therefore, according to article 2 of the Convention, the term native workers "includes workers belonging to, or assimilated to, the indigenous population of the territories dependent on the member States of the Organization, as well as workers belonging to, or assimilated to, the indigenous population not independent from the metropolitan territories of the members of the

² See for example ILOA (International Labour Organisation Archives, Geneva), International Labour Conference. Twelfth session. Forced Labour Commission, Report of Mr. J.J. Shrieke, 1929. The documentation kept in the ILO archives testifies to this effort to provide information on abuses and acts of violence that persist throughout the world, whether disguised or not, in the form of forced or compulsory labour; this investigative work was carried out prior to the preparation of the International Labour Conference dedicated to this subject, which will lead to the promulgation of an ad hoc convention in 1930.

³ ILOA 206/2/0/7, letter from Albert Thomas to Albrecht Gohr (Secretary General of the Belgian Ministry of Colonies), 4 December 1926.

⁴ This committee is composed of former colonial governors, officials of colonial ministries and representatives of business companies operating in the colonies. See: ILOA, N 206/2/0/42, letter from Grimshaw (?) to van Rees, n.d.; ILOA, N 206/2/07, Commission of Experts on Native Work, 1934.

⁵ ILOA, N 206/0/6/2, *L'organisation internationale du travail et les travailleurs indigènes*, n.d. [1934-1935], p. 1.

Organization". It is therefore a restrictive interpretation of the term "indigenous" because it is indebted to the colonial vision (Zimmermann, 2010). It attempts to provide a technical notion based on the differentiated regime of legal supervision operating in the colonies, well embodied, for example, by the "code de l'indigénat" - a special administrative regime reserved for indigenous populations - applied in the colonial territories of the French Second Empire (Urban, 2011).

The category of "native work" was transposed, without any continuity, into the metropolitan area during the First and Second World Wars, when the territories of the French Empire became reservoirs not only of soldiers but also of manpower. From 1915-1916, no less than 200,000 men from French colonies, departments and protectorates (including Indochinese, Algerians and Moroccans) joined the ranks of the so-called "colonial workers", whose recruitment, working and living conditions (requisition, strict disciplinary measures, geographical segregation, etc.) were closely related to those of the *engagés* or coolies. The Colonial Workers' Organisation Service, attached to the Ministry of War, was in charge of managing the labour force from Africa and Asia (including Chinese workers), which would then leave as soon as the contract expired. The French administration feared the phenomena of inter-ethnic solidarity, contagion of indiscipline and refusal of work. It hastened to firmly supervise colonial workers, often using military methods. It then used the racial stereotypes inherited from colonization and the human sciences (including anthropology), advocating the racial division of labour according to a "sorting logic" (each "race" being supposed to correspond to particular physical and psychological aptitudes) (Stovall, 1993 ; Dornel, 1995). Thus, the "whiteness" criterion was institutionalized in administrative personnel management practices, as it was used to define the contours of "undesirable workers", i.e. those who are more difficult to assimilate into the national community.

Scales of regulation: transnational, colonial, metropolitan

The categorization operations to which native work is subjected were carried out at several scales that have both an institutional and a territorial dimension. Far from being distinct from another, these scales are intertwined and tend to influence each other. However, they retain a certain degree of autonomy, depending on the singularity of the issues they cover. The transnational regulatory space created by the initiatives advocated by the ILO (debates and opinion campaigns, conferences and expert activities, drafting of international conventions, etc.) is a first step. The colonial space itself, organized around several local actors (from the colonial administration to the networks of business leaders), represents another one. Finally, the national colonial power, made up of ministries, recruitment agencies and companies, is the last scale that contributes to structuring, directly or indirectly, the indigenous work regime.

International regulatory bodies such as the ILO since the inter-war period have made employment contracts the cornerstone of employee integration policies as part of the construction of a global market regulated around social standards (Mehi, 2013). However, the heterogeneity of local practices and conventions as well as the strength of economic and geopolitical interests have always been an obstacle to this ambitious standardization project (Rosental, 2006). This is indeed the case for colonial areas which, following the campaign for the abolition of forced labour, are called upon to conform to the "ideology" of free labour, i.e. a service that can be traded on the market, paid regularly, subordinated and allowing access to specific rights (Cooper, 2004).

The extension of the of ILO Conventions to "non-metropolitan" countries is part of this transnational regulatory effort. The issues at stake (economic and geopolitical) that are specific to the interests of the colonial powers are mixed with the humanitarian and progressive aspirations advocated by the ILO. The first analyses by international experts combined the humanist spirit of the Treaty of Versailles with a not always assumed ethnocentrism. They oscillated between the "duty of farsighted and generous protection of indigenous populations" and "the concern to exploit to the maximum the natural resources of colonial territories [through] the mobilization of the greatest possible number of men and their use according to the intensive methods of Western work"⁶.

In order to better understand the reality of indigenous work and to be able to influence it, the International Labour Conference, between 1926 and 1927, launched a vast survey on the conditions in which this type of work is carried out. The results of these surveys, from all countries combined, are most valuable. They can be read in two ways: first, they provide us with information on the aspects that are more relevant to colonial administration; second, they reveal how local populations respond (or not) to administrative injunctions. The objective is to identify the main features of a labour market that is still at an emerging stage, characterised by a low degree of regulation, or even by situations of opacity or abuse in the conditions of placement. Thus, the international experts focus on identifying different types of contracts, in terms of remuneration, duration, number of daily working hours, to which are added the counterparts provided by the employer such as food, transport at the workplace, housing, medical care, etc. Other aspects more specific to these contracts are addressed, such as the use of the *pécule* (a deduction from the daily wage for the constitution of a sum paid at the end of the contract) or advances on payments (the legitimacy of which is often disputed), the possibility for indigenous workers to work on food crops or in the garden, outside of their working hours, and the living conditions of workers' families, particularly when they are displaced on sites or on the plantation⁷.

Three main categories of information are collected: (i) work organisation; (ii) working conditions; and (iii) forms of classification of indigenous workers. The categories of workers identified refer to the types of activity (permanent or seasonal work, home work, etc.) as well as to the sectors (agriculture, fishing, harvesting economy, transport industry, trade, etc.). It may be important to apply the criteria traditionally used in the Western world to describe a work activity, the activities observed on the spot nevertheless give rise to new elements of definition or, blur established boundaries. One of the answers contained in the Côte d'Ivoire questionnaire sets the tone for this discrepancy during the classification operations:

"If, by workers we mean only indigenous people employed by European companies or companies with a European form, it is possible to have an estimate, which is not very precise, of the number of these 'workers'. If we mean those people who are engaged in the various professions listed, then we must include the entire population. The colony's 1,750,000 inhabitants all live off the produce of crops, livestock, fishing, harvesting and even transportation. They engage in those various activities in turn depending on the season. It can simply be said that the population of the maritime regions devotes more time to fishing than does the population of the interior. But they also grow food crops, cocoa or coffee plantations. It is therefore impossible to classify them in a defined category"⁸.

⁶ Ibid., p. 4.

⁷ These data were extracted from questionnaires completed by the administration of some French colonies in sub-Saharan Africa (Senegal, Cote d'Ivoire, Guinea, Niger, Sudan). See ILOA, N 206/1/93.

⁸ ILOA, N 206/1/93, Colonie de la Cote d'Ivoire, *Réponse à l'enquête sur la main-d'œuvre*, 1926.

In other words, the comparative effort undertaken by international experts and colonial civil servants is hindered by a problem of commensurability due to the norms of reference, essentially Euro-centred, adopted to carry out these surveys: the categories commonly used (salaried, self-employed or autonomous work, branch of activity or, quite simply, work) suffer from a lack of operationality.

The dialogue established in 1938 between Jean Goudal, a French graduate attached to the ILO, and André Touzet, Secretary-General of the Commission of Inquiry in the Overseas Territories and former Head of the Colonial Minister's Office, attests to this difficulty in objectifying a complex matter such as the labour force employed in the colonial territories. Goudal's observations on Touzet's draft programme of colony case studies contribute to amending, but not challenging, a taxonomy of employment regimes based on the distinction between European workers, indigenous workers and migrant workers (of Asian origin). In addition, the classification of indigenous workers is based on a hierarchy of status that reproduces the legal, economic and social stratification of the conditions of employment present in the French colonies. Thus, a distinction is made between forced or compulsory labour (which has not been completely abandoned)⁹, paid work (contractual or free) and self-employment.

The path to a homogeneous working regime therefore seems complex. For instance, the status of the free worker was clearly differentiated from that of the contractual worker. The latter, in fact, requires specific regulations for the application of the contract (in particular as regards the signing of the contract and the use of possible criminal sanctions) and for the monitoring of working and living conditions (in particular for those engaged, i.e. migrant workers who, in most cases, leave their villages to join a plantation or site for several months in exchange for a salary with specific constraints and benefits, as we shall see). Many problems may be faced in the management of this type of workforce: abuse by recruiters or other intermediaries, desertion of recruits, stabilization of workers living with families or exploiting fields granted by the employer, the possibility of replacing contract workers with "free" workers (farmers or industrial workers operating on site), the influence of chiefdoms in the management of working and living conditions (from task to recruitment, from workplace surveillance to food provided to workers)¹⁰. In short, as can be seen from the table above, the characteristics of the labour regime in the colonies are such that the horizon of Western-style wage labour, i.e. the exchange of a labour service under the guise of a contract that is intended to be universal, even unique, seems to be nothing more than a chimera. The specific regime of *engagement*, in fact, is part of the recomposition of labour relations as well as the modalities of work placement.

Table 1. Typology of information on native work to be collected in the French colonies, 1938

<i>Labour regime</i>	<i>Legal regulation</i>	<i>Economic, social and moral situation</i>
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⁹ France and other countries make many exceptions (e.g. fiscal or military) during preparatory discussions for the Convention on the Abolition of Forced Labour, which will therefore only be ratified in 1937. See ILOA, International Labour Conference. Twelfth session. Forced Labour Commission, Report of Mr. J.J. Shrieke, 1929; ILOA, D 614/200/4, Draft Report of the Forced Labour Commission, 1929.

¹⁰ ILOA, N 206/1000/16, letter from Jean Goudal to André Touzet, 26 January 1938, including the summary table of the Labour Regime.

Forced or compulsory labour	<ul style="list-style-type: none"> -case of force majeure -for public purposes of general interest (chores) -for public purposes of local interest (benefits) -porting 	<ul style="list-style-type: none"> -statistics, labour source, processing, etc. -services (system and its application, duration, impact on local activity)
Salaried work	<ul style="list-style-type: none"> -contractual work (regulation of recruitment, regulation of the contract, regulation of working and living conditions) -free work (agricultural workers, industrial workers) 	<ul style="list-style-type: none"> -workers' statistics -causes of increases/decreases -origin of the workforce -forms of recruitment -practical recruitment procedures (voluntary, under pressure from recruiters or the administration) -particular problems (morale of those involved, health situation, stabilisation on concessions, replacement possibilities with free workers, etc.) -salary issues -problems of specialists -problems of the caïs (chiefs) -average yield -stability of the workforce -workers' movement -unemployment
Non salaried work		<ul style="list-style-type: none"> -craftsmanship -peasantry

Source : ILOA, N 206/1000/16, lettre de Jean Goudal à André Touzet, 26 janvier 1938.

While the ILO's initiative requires the colonial powers to report on how native labour is managed, it must be noted that they had already been involved in this issue since the beginning of the 20th century. In the French Empire, for example, there are about fifty "fundamental texts" which constitute partial solutions to contingent problems, and which also refer to "special needs" within the French colonies. These texts (decrees and orders) are drafted on the spot by the governors' services, sometimes after consultation with ad hoc committees composed of various experts (from colonial administrators to business leaders), while the role played by the Ministry of Colonies is not known¹¹.

Instead of general rules, we are dealing with texts that solve the problem in specific aspects: from the payment of wages to the repression of embezzlement of advances, from the duration of contracts to measures to curb vagrancy, etc. In French Equatorial Africa (FEA), for example, the labour regime has been the subject of several provisions issued by the local administration (decrees, circulars, decrees, etc.) since 1903, when a first decree was issued to regulate employment contracts in the French Congo on the basis of commitment (because, in most cases, these workers must be poached from their activities in other regions and villages). Other decrees followed, in 1907 and 1911 respectively, which essentially dealt with the right of permanent workers, i.e. workers paid by the month, hired for a period of at least three months and benefiting from an employment contract (Clement, 2016). This overlapping of measures and provisions also occurs in other colonial situations (in Indochina or in North

¹¹ The first texts dealing with labour regulations in the colonies concerned New Caledonia (1882), Madagascar (1896-1897), Tonkin (1896), French Congo (1903), Mayotte and the Comoros (1905). See Le Crom (2016), pp. 50-51.

African countries), prefiguring a form of circulation of administrative devices (mobilization, control, repression, etc.) at the scale of the Empire (Le Crom, 2016).

No common doctrine has been formally developed, with the exception of the idea that work is a "moral obligation" for all, including indigenous workers, while the latter do not enjoy the same rights as European workers. This disparity in working conditions, on the other hand, was at the heart of French diplomacy's arguments advocating "flexibility" when drafting international conventions on the subject: "the colonial social 'keyboard' - wrote a senior official in 1927 in response to the questionnaire on forced labour to be submitted to the ILO - includes such a wide range that the movement to bring the various indigenous labour regulations in line with European labour law appears at this early date"¹².

In metropolitan France, the effort to regulate the said indigenous workforce was no less important, particularly during the First and Second World Wars, which promoted a large influx of workers from the colonies and other non-European countries. Several organizations are working on the subject, whether under the aegis of the Ministry of War (such as the Service d'organisation des travailleurs coloniaux or the Dépôt des travailleurs coloniaux de Marseille) or the Ministry of Labour (such as the Service de la main-d'œuvre indigène nord-africaine et coloniale). It is a question of organising the transfer of a few thousand "committed" workers, then ensuring their reception, putting them to work and also the management of their daily lives (accommodation, food, health, etc.). The military supervision of this workforce is explained by the demands of war mobilization, as colonial workers are destined to leave and not integrate into the labour market of the metropolis. These workers are subject to greater obligations and restrictions in number and intensity than "free" workers (in terms of professional and geographical assignment, health controls, wage restrictions, etc.). After the Second World War, a new supervisory system - civilian and no longer military - was put in place through the creation of colonial labour offices, which also carried specific constraints (Mulonnière, 2016). In the context of employment contracts that recall certain forms of *engagement* system (in particular the exchange between the cost of transport advanced by the State/employer and the latter's commitment to work for a specified period of time), it is also necessary to manage a whole series of rights and claims: from the repayment of the allowance (a monthly deduction repayable at the end of the contract) to the payment of *délégations* (sums due to the families of those *engagés* during their absence). The consideration of these rights, as we will see shortly later, contributes to the establishment of a form of contractual reciprocity, although fundamentally asymmetrical.

Convergence of instruments? The example of the livret ouvrier

The solutions adopted in terms of work constraints since the 17th century demonstrate an irresistible singularity of the local level in a global space, marked by the circulation of knowledge, legal standards and economic practices used by the actors. For example, the *livret ouvrier* (workers' booklet), developed in Europe at the beginning of the 19th century, is similar to other forms of labour discipline experimented in Asia and in colonial spaces (from apprenticeship contracts to repression of vagrancy). The objective of a more effective control of workers' mobility is the same (Stanziani, 2010). On the other hand, the *contrat d'association* (contract of association) set up after the abolition of slavery in the French West Indies (which

¹² ANOM (Archives nationales d'outre-mer, Aix-en-Provence), FM, AFFECO/33, International Labour Conference. 14th session. Answers to the preparatory questionnaire. Preamble, n.d. [1927].

linked the control of the freedom of ex-slaves through the attachment to housing and remuneration in kind) is not unlike the most restrictive forms of sharecropping experienced in the old continent (Larcher, 2014, pp. 183-187). In Guadelupe, the worker's booklet is mandatory for anyone of working age who cannot justify an employment contract, while the "new free" workers resist these obligations by using, for example, false booklets (Fleury, 2015, p. 273). This convergence of labour control mechanisms and the planning practices to which they are subject also emerge simultaneously with the attempts to introduce the employment contract in the colonial space.

In the imperial space of the Pacific, the Caribbean or sub-Saharan Africa, *engagement* system has been the dominant form of labour relations since the 17th century. The main objective is to promote the infra-colonial and cyclical mobility of workers in a context of labour shortage. It is being pursued during and, especially, after the end of slavery, by accompanying the transition towards the capitalist production system and influencing contractual systems (Guerassimof, Mandé, 2015). In the AEF, for example, the conditions of the permanent employment contract - with the exception of day labourers and verbal contracts, which nevertheless remain in the majority - mention their unilateral nature, insofar as the workers hired would not be in a position to assert their rights against the employer, the colonial administration agent or the justice of the peace:

"because of the distance, the enlisted man - we read in a report dated 1907 - is at the mercy of his master. Secondly, he is at an enormous moral distance from the Administrative agent, a distance that depends much less on the latter than on the black man's conception of his relationship with him. Thus, unable or not knowing how to leave his master, the indigenous person is caught between the regulations on the one hand, and, on the other, all the conditions of the country's own nature. The enlisted person remains at the sole discretion of his master, whereas he can get rid of his enlisted person whenever he wishes"¹³.

The following attempts to regulate indigenous work reveal a common concern over the need to adjust the duties and rights of these workers to specific working conditions, in order to restore, as far as possible, the liberal dimension of the employment contract (the free consent of the parties involved)¹⁴. Thus, the decree of 7 April 1911 establishing the "labour regime" in the AEF defines the outlines of a system - the *livret ouvrier* - which is similar to a hybrid contractual form. It combines characteristics of the *engagement* system (the conditions of return to the region or village of origin), the *louage de service* (food provided directly by the employer) and the modern contract which is then spreading in metropolitan France (compensation for accidents at work). It provides a series of information on work identification, working conditions and labour and employment relations. It first mentions: the surnames, forenames and nicknames of the employee; his or her approximate age; the name of his or her village; the name of the land chief and the village chief on whom he or she depends; the "identifying information" required to have him or her recognized; the nature of the work to be performed; the duration of the *engagement*; the regions in which the work is performed; the wage rate; the advances made on the *engagement*; the daily ration in kind and quantity as well as the termination and "repatriation" clauses. Other provisions concern sanctions relating to the non-enforcement of clauses and conditions of employment contracts

¹³ ANOM, G1 AEF, 2H/8, Rapport sur l'application du décret du 28 mai 1907 réglementant les contrats de travail au Congo français, 5 octobre 1907.

¹⁴ ANOM, G1 AEF, 2H/8, Circulaire n° 45 aux lieutenants-gouverneurs, relative à l'application du décret du 7 avril 1911 portant réglementation des contrats de travail en Afrique équatoriale française, 10 octobre 1911.

(whose complaints are submitted to the justice of the peace), absence from work or accidents at work¹⁵.

The desire to control and supervise the hired workforce is evident from the model contract that is circulating among colonial professionals and administrators. The main information concerning the conditions of *engagement* (salaries, advances made at the time of engagement, compensation benefits) is gathered in summary tables that will be added to the "general account". To this must be added the "labour administration deposit account", which records the wages earned by the indigenous people during the term of the contract. The conditions for the payment and withdrawal of sums are carefully established:

"[...] the nature of the payment shall be indicated in the employment contract booklet [...]. Each deposit shall also give rise to the issue of a receipt, detached from a stem book, specific to the officer in charge of the management of the caisse in the chief town; in the constituencies, the receipt shall be detached from the stem book common to receipts of any kind made by the special agents"¹⁶.

While local entrepreneurs must be given "a first guarantee of security", these measures also contribute to the establishment of a series of guarantees in favour of indigenous people, "unable to defend their rights and prerogatives on their own". Hence the layout of the *livret ouvrier*, which has undergone changes over the years (salaries paid only at the end of the contract, advances made in cash, daily rations delivered in kind, etc.) aimed not only at "securing" the working conditions of the employees, but also at providing them with training, with a view to stabilizing and "educating" a rare and inexperienced workforce:

"It might be rational to incentivize the employee to save and to encourage him to build up a small *pécule*, he must nevertheless be given the opportunity to enjoy, in a reasonable way, the funds he has earned through his labour" ¹⁷.

In the same vein, the emphasis placed on the repression of any misappropriation of advances given to the natives (via imprisonment or the payment of a fine)¹⁸ or on the desirability of proceeding with personal taxation to "inculcate in the worker the notion of money leading to that of gain" is explained¹⁹.

What kind of subordination, in the end, does the employment contract based on the *livret ouvrier* institute for indigenous people? We can make some comparisons with the workers' booklet long used in the metropolitan area and abolished in 1890 (Dewerpe, 2010). If the objectives for fixing and monitoring the workforce are, to a few degrees, the same, one may wonder how this administrative control was organised. By introducing a certain degree of discrimination between employer and employee, the *livret ouvrier* for native people helps to establish a first form of contractual discipline. It is based on the link between monitoring and compliance with *engagés*. To achieve this, this "work certificate" also attempts to forge conduct by instituting practices likely, on the one hand, to reassure employers (the repayment of debts or advances being linked to permanence in office) and, on the other hand, to educate

¹⁵ ANOM, FM 7AFFECO/3, décret du 7 avril 1911 fixant le régime du travail en AEF.

¹⁶ ANOM, FM 7AFFECO/3, arrêté du 10 octobre 1911 créant un compte spécial de dépôts administratifs du travail.

¹⁷ ANOM, FM 7AFFECO/3, circulaire du gouverneur Martial Merlin aux lieutenant-gouverneurs de l'AEF, 18 octobre 1911.

¹⁸ ANOM, FM 7AFFECO/3, décret réprimant en Afrique équatoriale française les détournements d'avances de salaires commis par les indigènes, 14 avril 1920.

¹⁹ ANOM, FM AFFECO/9, note sur la main-d'œuvre et l'impôt de capitation en Afrique équatoriale française, n.d.

workers to respect contracts and to exercise a certain parsimony (debt in this sense means strengthening the relationship of dependence between the worker and the employer). This ambivalence towards the practice of advances and debt (guarantee or constraint?) does not reflect the desire to make the *livret ouvrier*, unlike in metropolitan France, an instrument of discipline between employers (to avoid poaching practices) or to transform it into a "capacity patent" in the service of workers' employability (Le Crom, 2005). Far from it, it is more simply a matter of adjusting both control and constraint to local working conditions. These characterize a labour market marked - like many exploitative colonies - by an endemic labour shortage, which requires the intervention of the colonial administration to ensure its regulation and even its own functioning.

Rights and social citizenship: a distorted mirror

The attempt to introduce wage labour into the colonial space puts the citizen/colonial subject dichotomy under tension, insofar as the contractual relationship provides for an exchange - albeit unequal and subject to many constraints - between autonomy and subordination, between freedom and rights.

The example of French sub-Saharan Africa, in this case the AEF, characterized by a severe labour shortage and early efforts to regulate the wage system, shows how difficult it is to articulate the different objectives of regulating the colonial labour market, such as putting people to work and social protection. According to the Superior Council of Colonies, the standard contract to be disseminated in the territories of the Empire must provide guarantees both for the indigenous worker (food, housing conditions, medical care, rest and relaxation periods, reasonable wages, etc.) and for the employer (protection against desertion, taking advances, indiscipline or "laziness")²⁰. Surveillance and even police measures are also recommended to ensure the application of the two sets of guarantees set out above: the first element is the establishment of an identity booklet for any indigenous person living far from their native village - as has been done in the AEF ²¹. However, these provisions are having difficulty normalizing the employment relationship in the French colonies, as evidenced by the very laborious application of the 1936 social laws (40-hour week, paid leave, collective agreements), which are supposed to extend the social standards linked to the contractualization of employment.

The progressive shift in colonial policy under the Popular Front, particularly in sub-Saharan Africa, is reflected in the attempt to modernize the labour market (in terms of equipment, productivity, regulation of labour flows, etc.) and to guarantee social stability (by promoting, for example, "indigenous colonization", i.e. the increase and improvement of local production and activities) (Cooper, 2004). More generally, the "work incentive" formula becomes a pledge given to local employers in order to allow the difficult transition to the wage system, by breaking down the borders, often more tenuous than it seems, between free and forced labour (the latter having not been completely ousted, particularly because of the compulsory benefits required of indigenous people both by the colonial administration and by private companies) (Le Crom, 2016 ; Tiquet, 2019). As the degree of development of the indigenous people is considered insufficient, there is no question of considering any assimilation between the native worker and the European worker. It is preferable to proceed with a phased

²⁰ ANOM, FM, 7AFFECO/5, Conseil supérieur des colonies. Conseil économique. Commission spéciale de la main-d'œuvre coloniale, 24 février 1928, p. 3.

²¹ Ibid., p. 7.

programme based, on the one hand, on the development of forestry and, on the other hand, on agriculture, which is considered as a source of economic and social stability. This is the view of the Commission of Inquiry headed by the Deputy and former Minister Henri Guernut, which attaches great importance to the issue of labour and manpower²². Several suggestions are put forward to amend (and adapt) the metropolitan legislation: replace annual paid leave with an annual bonus, likely to tie the worker more closely to his job; institute the nine-hour working day and not eight, because the performance of the local workforce is generally lower and it is increasingly turning to work on the job, in order to focus on maintenance work and picking; strengthen the conditions for terminating the employment contract, etc.²³

These recommendations are reflected, with a few nuances, in the texts (decrees and orders) issued by the colonial administration in the AEF²⁴. According to the rationale of the local employers, the Governor General rejects the application of social laws, because there is no professional organization to conclude collective agreements, the very poor performance of the indigenous people cannot support the implementation of the 40-hour week, and the introduction of paid leave is considered "formal" and therefore inapplicable²⁵. It is important here to highlight the changes the new regulation of the native labour regime triggered in the local conditions of employment of indigenous people: emphasis is placed, for example, on guaranteeing the principle of the right to travel to and from work for the worker and his or her own family (often in the case of workers hired from other villages or regions), on the establishment of the *pécule*, on the standard food ration and on the provision of land for food crops, on sanctions in the event of illegitimate absence (the so-called "desertion"), on the keeping of a *livret ouvrier* to serve as an identity document for indigenous people (including day workers), using fingerprints and, as far as possible, photographs, the subdivision chief being in charge of checking the register of notebooks, etc.²⁶ Similarly, the draft international convention on the recruitment of colonial labour, advocated by the ILO in the mid-1930s, is judged in the light of the specific constraints of the local labour market and the adjustment measures that these constraints suggest: securing employment contracts to control sub-colonial migration and avoid vagrancy, the importance of tribal ties, the role of village chiefs as recruiters, limiting advances on wages, etc.²⁷ The social rights associated to the forms of contractualization imported from metropolitan France are often seen as an obstacle to the "development" of colonial economies and, ultimately, prevails an assimilationist conception of colonial policy, to be achieved in a progressive manner. Thus, the terms of social citizenship underlying the employment contract - i.e. the production of specific rights associated with employment status (Castel, 2008) - are adjusted to take into account the completely complementary needs of control, stabilisation and also education of the indigenous workforce. While native work is often considered backward and uneconomic, it is also detrimental to social cohesion and stability; it thus acts as a distorted mirror to think of work according to Western criteria.

²² ANOM, GUERNUT//50, Chambre du commerce du Gabon. Règlementation du travail en AEF, s.d. [1936].

²³ ANOM, GUERNUT//50, Gouvernement général de l'AEF. Territoire de l'Oubangui-Chari-Tchad, [Commission pour l'étude de l'application des lois sociales], procès verbal du 8 décembre 1936.

²⁴ ANOM, GUERNUT//50, le gouverneur général de l'Afrique équatoriale française au M. le ministre des Colonies, s.d. [1936].

²⁵ ANOM, 1H11, lettre du gouverneur général de l'AEF au ministre des Colonies, 4 juin 1937.

²⁶ ANOM, GUERNUT//50, Gouvernement général de l'AEF. Projet d'arrêté, juin 1937.

²⁷ ANOM, G1 AEF, 2H/8, lettre du gouverneur général de l'AEF au ministre des Colonies, 23 novembre 1935.

At the turn of the 20th century, France and other Western industrialized countries were preparing, to varying degrees, to institute forms of social protection for "national" workers, but colonial areas were spared from this dynamic (Feldman, 2003). The construction of the modern welfare state (medical assistance, workers' compensation, pensions and health insurance, etc.) goes hand in hand with the denial, in theory and in practice, of social rights to indigenous workers (Stanziani, 2018). Similarly, colonial workers employed in metropolitan France during the mobilization of the First and Second World Wars under the aegis of the Ministries of War and Labour are excluded from most social benefits, as this additional labour force is intended to leave once the war effort is over. Their opaque status (neither civil nor military) hinders recognition for their services to France, as evidenced by the lost "battle" of the Indochinese workers requisitioned during the Second World War and aimed at obtaining, after some thirty years, the right to a pension (Luguern, 2007).

However, there are ways of developing the scope of a welfare system whose boundaries are not really defined. Thus, the practice of the *pécule* can be perceived both as an administrative constraint and as a guarantee of security, especially since, in some cases, it is rationalized (both in its collection and distribution) in order to discipline indigenous labour in order to better protect it. While the insurance function of the *pécule* is often in danger of being diverted (the final sum being subject to a number of rebates or reimbursement costs) (Taurisson-Moret, 2017), the institution of the autonomous *pécule* fund in certain colonial territories such as Indochina aims to "hoard" these sums while making them grow in the very interest of contractual workers²⁸. For indigenous workers operating in metropolitan France, the *pécule* takes the form of "special daily allowances" made up directly by the State from the budget of the Ministry of Labour²⁹. While the definition of workers' compensation benefits in the mid-1930s was not yet defined for indigenous workers, the indexation of the allowance to that adopted for skirmishers (about 2/3 of the amount granted to the military) testifies to the full integration of this scheme into the status of "indigenous worker"³⁰.

Workers hired during periods of war mobilization keep claiming rights acquired or allegedly acquired during their professional experience in metropolitan France, while trying to establish a contractual reciprocal relationship with the employer State. This is the case for the management of the "pay delegation" or "emergency delegation", a monthly deduction from salary that is similar to a kind of allowance intended for the families of the workers hired and that they must subscribe before their departure for France. It is subject to negotiation, whether to adjust it to the possible decrease in salary³¹, to suspend or modify it because of a change in status³² or to be exempted from it when the beneficiaries are no longer alive³³. Indigenous people who, after demobilization, have remained in metropolitan France without resources, often ex-combatants or domestic workers smuggled in clandestinely, are forced to

²⁸ ANOM, AFFECO, 4107COL25, lettre du ministre des Colonies, André Maginot, au Président de la République, au sujet de l'institution d'une caisse autonome du pécule en Indochine, 1^{er} mai 1929.

²⁹ ANOM, AFFECO, 4107COL49, Ministère du travail. Direction du travail. Sous-comité de la main d'œuvre coloniale, *Instruction générale sur le fonctionnement du Service des travailleurs indigènes nord-africains et coloniaux dans la métropole en temps de guerre*, 24 juillet 1934.

³⁰ ANOM, AFFECO, 4107COL49, lettre du ministre du Travail au ministre des Colonies, 28 décembre 1934.

³¹ ANOM, AFFPOL, 61COL1462, lettre du sous-secrétaire d'Etat de la Guerre au Commandant du Dépôt des travailleurs coloniaux, 9, janvier 1919.

³² ANOM, AFFPOL, 61COL1462, lettre du ministre de la Guerre au ministre des Colonies, 10 mai 1917 ; 61COL1462, lettre du ministre de la Guerre au Général commandant supérieur des troupes du Groupe de l'Afrique orientale, 24 juillet 1917.

³³ ANOM, AFFPOL, 61COL1462, lettre du sous-secrétaire d'Etat de l'Administration générale au ministre des Colonies, 21 août 1917.

claim allowances or free return to their country³⁴. Other indigenous workers and soldiers ask to remain "exceptionally" in France (or to be "liberated", following ministerial jargon) if they comply with conditions that amount to a simulacrum of highly selective citizenship (specializing in an industry necessary for the development of their native colony, pursuing higher education, being legally married with a French woman or being the father of a French child, still within the framework of a legal union)³⁵. Some colonial workers, taking advantage of their temporary presence in France, also manage to apply for French nationality, by addressing their request to the Minister of Justice, either directly, or through their group commander or head of department. This prompted the annoyed reaction of the Minister of War, who considered this procedure to be irregular "in that it tends to remove colonial workers from the authority to which they are subject by virtue of a freely consented contract"³⁶. The employment contract, although subject to constraints such as military supervision or the repayment of debt or salary advances, is thus perceived as a producer of rights - in this case access to civil citizenship, arbitrarily backed by a social citizenship with very vague outlines.

Conclusion

A comparative look at the scales of production of categorization dynamics of native work reveals a complex reality. The application of the employment and social standards recommended by the international regulatory initiatives advocated by the ILO since the inter-war period (i.g. the employment contract) to colonial territories is not always achieved. The operations of qualifying labour activity in the colonial space come up against the plurality of labour regimes present there (from *engagement* system to so-called "free" work) and, in addition, on the commensurability of Euro-centric categories that are difficult to transpose through time and space. Changing the scale of analysis, on the other hand, makes it possible to shift the boundaries establishing the conventions on which these regimes are based, whether it is a matter of questioning control mechanisms or the means of accessing resources through work. It also makes it possible to highlight the phenomena of transnational circulation of these devices and their repercussion within a wider space, in this case the French Empire. The convergence of certain work control mechanisms, such as the *livret ouvrier* (the worker's booklet), is an example, since the control of worker mobility is at the heart of all forms of contractual discipline, regardless of the degree of hybridisation to which it is subject. Similarly, the terms of social citizenship linked to the European employment contract are adjusted according to local imperatives of work, for example the shortage of labour or the burden of constraint in employment relations. The metropolitan area also comes into contact with colonial work, particularly because of the war mobilization effort to manage foreign labour, some of which comes from French colonial territories. The demands of these workers, like their counterparts operating in the Empire, question the contractual relationship as a producer of rights. The result is an effort to redesign the scope of an exclusive, even protectionist welfare system, instituted essentially for "national" workers. Thus, the metropolitan area contributes to the legitimization of a category that is both mobile and

³⁴ ANOM, AFFECO, 4107COL25, lettre du ministre des Colonies aux gouverneurs généraux, gouverneurs des colonies et commissaires de la République au Togo et au Cameroun, 3 août 1925.

³⁵ ANOM, AFFECO, 4107COL49, Ministère des Colonies, Instruction interministérielle, 4 avril 1919.

³⁶ ANOM, AFFPOL, 61COL1492, lettre du ministre de la Guerre au Commandant du Dépôt des travailleurs coloniaux et aux commandants de Groupements de travailleurs coloniaux, 6 juin 1917.

localized, that of indigenous/colonial work, while at the same time contributing to defying the historical model of wage labour experienced in the Western world.

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