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AMERICAN EMPLOYERS' INTERESTS AND MIGRANT LABOUR IN HISTORICAL

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Abstract

The paper is the result of a larger effort to identify in contemporary history the links between employer interests and labour migration and the allocation of migrants in the labour market. The author focuses on the specifics of these relationships in the United States, under different political and economic conditions. In particular, he addresses conditions that prevailed during the early period of colonisation and settlement in North America, during the development and flourishing of the plantation economy, during the phase of intensive industrialisation and in the current period of globalisation. He discusses the ways in which employer interests related to the influx and employment of immigrants are expressed, including lobbying. The analysis contained in the paper demonstrates the persistence of employers interests related to migrant labour, despite changing political and economic circumstances.

Key words: labour migration, employer interests, United States

Interesy amerykańskich pracodawców a imigrancka siła robocza w historycznej perspektywie

Streszczenie

Opracowanie jest efektem większego przedsięwzięcia mającego na celu zidentyfikowanie we współczesnej historii związków między interesami pracodawców a migracjami pracowniczymi i alokacja migrantów na rynku pracy. Autor skupia się na specyfice tych związków w Stanach Zjednoczonych, w różnych warunkach politycznych i gospodarczych. W szczególności zajmuje się warunkami we wczesnym okresie kolonizacji i osadnictwa w Ameryce Północnej, w czasie rozwoju i rozkwitu gospodarki plantacyjnej, w fazie intensywnego uprzemysłowienia oraz okresie obecnej globalizacji. Podejmuje kwestie sposobów wyrażania interesów pracodawców związanych z napływem i zatrudnianiem imigrantów, w tym lobbingu. Zawarta w opracowaniu analiza dowodzi trwałości tego zjawiska, pomimo zmieniających się okoliczności natury politycznej i ekonomicznej.

Słowa kluczowe: migracje pracownicze, interesy pracodawców, Stany Zjednoczone

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1. The aim

This study is one of the outcomes of the preliminary, exploratory stage of the research project "Employer interests as an underrated factor in labour migration – an institutional approach"[1]. The task of this stage was to find in the modern history of the world economy distinct cases illustrating employers' interests in the employment of foreigners and their influx (immigration), and consequently identify and more closely characterize them. This was to be used to create a kind of catalogue of the manifestations of these interests and the ways in which they were realized under different historical conditions involving such features as the culture of the society, the political and economic system, including the way the labour market functions. In turn, such a catalogue was to be used in the verification and operationalisation of hypotheses and research questions during the crucial stage of the project involving an in-depth study of the phenomenon expressed in its title, in the modern economy on the example of selected countries[2].

Of the many temporal and spatial directions covered by the research in this exploratory stage, one, presented in the following paper, refers to the history of the United States[3], and not only in the period from the country's independence to the beginning of the 21st century, but also in earlier times, from the beginning of English colonization of North America. The specifics of the inflow of foreign workers at different periods of American history and the characteristics (including employment) of the people involved, as well as the relationship with the accompanying political and economic conditions, are the main focus of the research.

The following text focuses on significant (well-described and recognized as an important feature of the labour market at a particular time) examples, selected from the literature, illustrating - generally speaking - the employer's interest in the relationship between capital and labour, especially when the nature of this relationship prompted employers to hire foreigners or created conditions for their increased immigration. Such a perspective had to mean focusing on the active role of employers and the way in which their interests were realized.

[1] This research was funded in whole by the National Science Centre, Poland (grant no. 2020/39/B/HS4/00885). It was carried out in the Centre of Migration Research, the University of Warsaw.
[2] These countries are: Germany, Poland, the United Kingdom and Italy. In addition to these four national cases, the circumstances of the accession of the Central and Eastern European countries to the European Union were additionally examined in the project.
[3] Other "historical cases" examined include: selected Western European countries, Gulf Arab countries, Israel and Japan.

The examples described in this paper, which illustrate the interest of employers in hiring or importing migrants, were set in their appropriate historical context. A watershed moment ushering in certain political and socioeconomic relations that prevailed for decades was considered the primary distinguishing feature of this context.

At this point, I owe the reader an explanation as to why the motif of the migrant's disadvantaged position vis-à-vis the employer will manifest itself several times later in this study. Of course, this is not due to my bias on this issue. Indeed, this perception of the situation of the migrant worker is primarily due to a universal feature of the labour market, namely the asymmetry of the relationship between employer and employee and the market (bargaining) power of these two groups of entities. It is the employer (or the owner of capital) who reports the demand for labor and initiates hiring, and creates employment effectively; not the other way around. As a rule, the employer has better access to labour market information and thanks to this is able to reduce transaction costs to a greater extent than the employee. Moreover, for each specific transaction involving the conclusion of an employment (work) contract, the employer is largely autonomous, while the employee's perpetration is significantly limited. The risk of discrimination against employees in the labour market can also be mentioned here, as the employer's choice among different candidates for a given position is largely arbitrary. Additionally, employers often enjoy preferences in terms of public policies regarding labour market regulations[4].

These circumstances are the source on the part of the employer of a phenomenon described as moral hazard, which in turn may give rise to exploitation of the employee. Migrant workers are seen as particularly vulnerable to exploitation. This is one of the important and lasting reasons for employers to be interested in importing and employing foreign workers (Fudge 2013). Hannah Lewis and co-authors (2014: 4) argued that "[m]igrants, especially new arrivals, are seen as being harder workers, more loyal and reliable, and prepared to work longer hours due to their lack of choice and the large volume of available labor at the low end of the labor market"[5]. They are viewed as relatively cheap labour, especially in highly labour-intensive

[4] All these arguments demonstrating the relative disadvantage of the employee in the labour market are discussed in numerous studies (e.g. Dowlah 2020; Mahmud 2013; Northrup 1995; Skrivankova 2010; Strauss, McGrath 2017). Some researchers are inclined to generally refer to this situation as 'unfree labour' (Barrientos et al. 2013; Bras 2013; LeBaron, Phillips 2018; Lewis et al. 2014, Morgan, Olsen 2009; Phillips 2013; Rioux et al. 2019), placing almost all forms of employment in various degrees of this category, ranging from chattel slavery through serfdom, indentured servitude, bonded labour, industrial contract employment, temporary labour (especially guestworking), to contemporary neoslavery. For meaning of these forms, see: Dowlah 2020

[5] See also Hopkins 2017; MacKenzie, Forde 2009.

sectors of the economy where there is intense competition between workers and the profit margin is relatively low (Piore 1979; Hamilton, Chinchilla 2001)[6]. Nestor Rodriguez (2004) calls employers "guardians" of migrants' entry into the labour market[7], and - in addition to the above-mentioned reasons or advantages guided by employing immigrants - indicates a number of further benefits of a structural nature. These will be discussed later.

I must also clarify what this text is not. Since the purpose of the study presented in it was ancillary in the sense described above, the historical threads were treated selectively, without the care for systematization and comprehensiveness appropriate to the principles of historical research. As mentioned above, it deals with history (it goes back to it), but does not outline nor penetrate any aspect of American history, such as immigration or economic history. While it is based entirely on the findings of other authors, it is also not intended as a literature review. The literature was selected from the point of view of two criteria: first, for the selection of relevant examples throughout the course of history, and second, for the in-depth description or analysis of a particular example. It should be added that the illustrations presented do not include special cases, quantitatively insignificant, regardless of their actual qualitative significance, such as the circumstances of the influx of inventors and outstanding scholars to North America (USA).

2. An introductory note on employer interests in the early American context

The very notion of "employer interests" has a contemporary meaning in research on the United States. With regard to the period from the beginning of the colonization of North America to about the third quarter of the 19th century, even the category of employer was rarely used. Rather, the following names were used to describe employers: grower, farmer, entrepreneur, factory owner or company owner. For some time, their interest was "hidden" behind the unequivocally expressed interest of the British crown, which was to gain benefits from the Atlantic trade (including - unfulfilled - gold extraction) and to increase international political

[6] According to Michael Buravoy (1976), employers' benefits from hiring immigrants go far beyond the wage component. A particularly important, though rarely explored, aspect is the "saving" on the costs of production and reproduction of the labour force, which are incurred abroad, in the countries of origin of the migrants. This is primarily about a portion of the tax bill allocated to childcare, education, health, housing and other areas essential to this production and reproduction. In turn, Roger Waldinger and Michael Lichter (2003) draw attention to yet another kind of benefits for employers, especially those who run their own business in the sector known in the US as an ethnic enclave. By employing, as a rule, migrants of the same ethnic group, employers achieve significant savings in the costs of recruitment, adaptation to the profession and supervision during work. This is due to the features of the functioning of social networks in the labour market. These activities are, to a large extent, performed "cost-free" by previously employed members of a given ethnic group.

[7] „[E]mployers play important, if not critical, roles in the development of immigrant labor streams, ranging from passive hirer to central organizer. Regardless of their level of action, all employers function as gatekeepers to the labor market. The act of hiring, be itself, can produce manifest and latent effects that resonate throughout the international social structures of immigrant labor" (Rodriguez 2004: 453).

prestige. Soon, however, exports from the colonies, the basis of which was the protocapitalist plantation economy, developed on such a scale that, over the gains from trade (mainly the tariffs imposed by the Crown), a dispute arose between the metropolis and the colonists, which eventually led to war and independence. The colonists, mainly the shareholders of the London Company or their heirs, and other wealthy people, e.g. those paying for the transport of servants in return for the allocation of land, were surrounded by a halo of pioneers who, thanks to their initiative and perseverance, laid the foundations for the future new society (state). Speaking of their "interest", initially, it was primarily survival, consolidating one's existence. All of them needed other people "to help" - available only outside America - who, when coming to the New World, usually had only the ability to work, and often, due to the debt they incurred, became "slaves", completely dependent on, employing them "to help", patrons.

Nevertheless, even in this pioneering period of about 100-150 years, it would be possible to identify the interests of these patrons, in fact employers, as regards the workforce employed. As we will see below, they were a manifestation of a glaring objectification of human labour. They did not reflect the market relations between capital and labour in any way, but rather relations in the commodity markets, with the commodity being people acquired as workers. Contrary to the modern labour market, which was shaped during the development of the capitalist economy, the employed labor force was close to fixed capital and not variable capital, creating a relatively constant component of the costs of a given enterprise (plantation, farm, workshop). In such conditions, the interests of employers were strongly atomized and individualized, largely dependent on the economic condition of a particular enterprise. Despite such dispersion, they had a solid support (security) in the political system because the wealthiest employers (large planters, and later also industrialists) were associated with or were part of the ruling elite.

When after the Civil War (American Civil War, 1861-1865). the 13th Amendment to the US Constitution (1865) ensured all citizens (and workers) full subjectivity (in fact, it abolished slavery and involuntary servitude), only then did the capitalist labour market begin to develop, and clearly draw the confrontation between the interests of employers and employees. On both sides, group interests and the forms of their manifestation and implementation, as well as organizations associating representatives of these groups, have emerged.

3. Milestones in the history of American economy and labour

In searching for and exploring distinct manifestations of the pursuit of employer interests, especially with regard to migrant labour, I will employ my own selection of related

breakthrough moments (events) in the modern history of Northern America[8]. I argue that each of those moments resulted in the development of a specific mode of the operation of economy and labour. Such mode, specific for a given "breakthrough", extended and predominated for tens or even hundreds years.

First was the decision of English crown, in 1584, to colonise American lands which had not been taken over or claimed by pioneering maritime powers of the epoch[9]. Although the process was inspired by the Crown, it was fully financed from private sources. Moreover, almost from the very beginnings, unlike Spaniards and Portuguese, the principal means of English colonisation became importation and settlement of Englishmen. This involved a considerable flow of labourers, not only administrators and soldiers. For several decades those people had to cope with hostile environment and harsh living conditions.

Second breakthrough moment was associated with an initial disappointment of colonisers who failed to fulfill their expectations (modeled on Spaniards and Portuguese) to benefit from discoveries (or expropriation) of gold and silver, and instead, in the mid-17th century, found a highly profitable economic activity in the cultivation of sub-tropical crops which were in high demand in England and other European countries. This gave way to the development of large-scale export-orientated agriculture in Northern America, and plantation economy in general. Similar to the first period associated with colonisation, here too there was a strong differentiation of interests and influence between a small political and economic elite and an underprivileged majority of labourers. Both the political and economic spheres were dominated by, to use Acemoglu and Robinson's terminology, extractive institutions - conservative and limiting human abilities.

Third – ensuing a tremendous expansion of the territory of the United States[10] (including effective interconnection of different parts of the country through the road network, rivers, canals and railways) and overwhelming reformatory outcomes of the Civil War, there followed, in final decades of the 19th century, consolidation of democratic political system and wide introduction of inclusive institutions (Acemoglu, Robinson 2012), both in the economy and polity, that secured the property rights and promoted entrepreneurship, innovation and competition, and ultimately brought about rapid industrial growth. Step by step, the United

[8] In other words, in the history that starts from discovery of the continent by Europeans in the 15th century.
[9] Dated December 14, 1584, the bill was passed by the English House of Commons confirmed Raleigh's right (the patent issued for Walter Raleigh by Crown, i.e. Queen Elisabeth) to settle in those parts of North America not already claimed by any Christian power.
[10] The English (British) rule formally ended with the Declaration of Independence in 1776, which established the sovereign United States of America.

States (and North America as a whole) became the top world economy and a leader in new technologies, new organization of production (Fordism) and new forms of business.

Fourth such crucial breakthrough, since the mid-1970s, came with the recognition of physical limits to production of goods dependent on non-renewable raw material and exhaustion of the sources of mass production of cheap industrial goods. This went hand in hand with intensifying globalisation, and, particularly in the United States, deindustrialisation, development of non-tangible services (especially in the financial sector), and increasing role of information technologies. There widely spread flexible modes of production organization (post-Fordism).

4. The era of colonisation

The successful colonisation of North America was accomplished by England (Great Britain) although initially other countries (notably Spain, France and the Netherlands) were also at play. In accordance with the royal decree, a commercial endeavour, known as the London Company, was set up in 1606 with an aim to take over and colonise eastern shores of the continent. The company whose capital was shared by members of nobility nominated by the king, enjoyed a large degree of autonomy and could acquire a certain area of land for company's exploitation[11].

During the first decades of the 17th century, the pioneer settlers struggled on American soil due to the lack of shelter and insufficient supplies of food (which in a predominant part had to be sent over from England) and water. They suffered from high mortality, and their tiny population – despite influxes of newcomers, which were by no means sizeable or regular – strongly fluctuated. In addition, in attempts to acquire and cultivate land the settlers were challenged by local Indian tribes. Gradually, however, the settlers, especially so in case of the Plymouth colony, learned how to grow and process plants essential to survive, acquired small plots of arable land (after extensive grubbing) and became regular farmers. The developments along the Chesapeake Bay (Virginia) went a little other way where a number of settlers followed an innovative introduction of Caribbean strains of tobacco. Almost instantly, the cultivation of that tobacco became a valuable commodity crop for export for the London Company. Within relatively short time some shareholders of the Company became very rich. Nonetheless, for many decades a large majority of settlers, both in the New England and southern colonies of North America, were either owners of subsistence farms or their servants.

[11] As early as 1607, the first colony (named Jamestown) was established. It gave rise to the settlement of what is now Virginia and then the southern British territories of America. In 1620, another successful venture by the Company of London resulted in the founding of the Plymouth colony in Massachusetts, which in turn began the colonisation of the northern areas later known as New England.

Many colonists of those pioneering times were the prone to risks adventurers but at the same time hard-working entrepreneurial people. Faced with enormous areas of inhabited land open to settlement and cultivation, among the constraints they encountered one was particularly nagging/acute – shortage of labour.

The situation of the colonists in the colony of Virginia was symptomatic. The first farms on the continent, called plantations, were established there, producing the crops almost entirely intended for sale (export). However, the demand of European consumers, which promised exorbitant profits, was not met by a handful of colonists. For clearing up the land for crops, cultivating, caring for, harvesting and processing them, many people were needed, and these were lacking. Therefore, as David Galenson (1984: 2).wrote, "the most critical economic problem facing early investors in the Virginia Company and the settlers they sent to North America in the decade after 1607 was that of recruiting and motivating a labor force".

The necessary additional workers could not be recruited from among the indigenous people. Attempts to recruit wage earners in England also failed. In the latter case, high travel costs, as well as the associated time and uncertainty, were an obstacle. Searching for a solution to this problem, the managers of the Company came up with an idea that was called indenture.

Below I will devote more attention to this novel institution because it was to become a prototype of employment of foreign labor at various times all over the world. As a result, in accordance with the above-mentioned idea, the people of England were offered short-term service contracts, which included a commitment to compensate for travel expenses while working for the Company (its shareholders / settlers in America). As a rule, the indentured servant did not receive remuneration in money for his work; in addition to the remission of dues for the trip to America, the employer ensured him/her a modest stay at home.

This proposal was addressed mainly to the occupational group that had been popular in England for a long time, i.e. servants in husbandry (servants employed in farms). These people, usually young (aged 13 to 25), were associated with the farm owner (principal / patron) with short-term (usually 1 year) employment contracts in return for maintenance, housing and modest remuneration. Another professional group included in the indenture were journeymen in craft, i.e. apprentices, who were usually associated with the master with 7-year contracts[12].

[12] The relationship between journeyman (apprenticeship) institution in 17th century England and the indenture in America is indicated by Henry Gemery (1986: 46): "Both institutions, in combination or individually, could serve as a model for the indenture system, and Galenson makes such a case for the tradition of servants in husbandry eliding into indentured servitude. In functional terms the indenture system was thus primarily a geographic extension of the system of service in husbandry. Significant differences develop as the extension occurs. Lengths of indenture ran well beyond the annual terms of the servant in husbandry and indentures were assignable. Both

The shipment of people to America picked up pace when, in 1619, the English politician and businessman Edwin Sandys became treasurer of the London Company of Virginia. He developed the idea to grant 50 acres (approx. 20 ha) for each new settler. In fact, the land was received by the one who paid for such a person's trip. In the years 1619-1625, about 4.5 thousand people came to this colony[13]and became new settlers. Almost half of them had the status of the so-called indenture servants, persons obliged to work off travel expenses. They were hired (or rather accepted for service) by patrons who provided money for their trip. The duration of the service was determined in the contract (most often oral, in accordance with the principles of English common law), which the servant concluded with his new patron in the colony. It depended on the qualifications of the servant and usually ranged from 3 to 11 years, with the higher the qualification level, the shorter the indenture time. Upon its expiry, the patron was required to pay the terminator a return trip to England. However, some of this category of saved earnings was able to buy a small piece of land in America and settle down as a "free" person[14].

Technically, most servants delivered to plantations or for off-plant service contracted an indenture agreement with an intermediary (usually the ship's captain) financing the trip[15], who then resold the contract to the farmer (grower) or other colonist offering the highest price. In the case of some people coming to work, the initiative belonged to the colonist from the very beginning, who, through his contacts in England, recruited the workers he needed and paid for their travel expenses. During the existence of the Company, contracts were non-transferable between employers, but could be inherited (van den Boogaart, Emmer 1986)[16].

changes were adaptations necessitated by the greater investment incurred in meeting the initial transport costs of the servants. Thus, English servitude did not equate with colonial servitude, though the full significance of that fact was hardly likely to be apparent to prospective emigrants of the early 17th century. While generally aware of the differences, particularly as the century progressed, English laborers probably extrapolated their local labor market experience to the colonial. Envisioning some degree of customary and legal protection, they could approach an overseas move more readily than a population without experience in formal or informal contracting".

[13] For comparison, in 1610 there were only 350 settlers in Virginia, and 10 years later - just over 2,000.

[14] As noted by Galenson (1984: 7), "[l]abor productivity in many parts of colonial America eventually proved to be sufficiently high to allow many bound European workers to repay the cost of passage to the colonies in periods of as little as four years".

[15] At the very beginning, this role was played mainly by the London (Virginia) Company.

[16] Farley Grubb (1985: 855) put it in the following way: "Emigrants attracted by the opportunities in America but too poor to afford the voyage could trade contracts on their future labor for passage fare to America before leaving Europe. Shippers would carry these immigrants and their labor contracts across the Atlantic and sell them to recover voyage expenses. By guaranteeing the contract terms to the servant before sailing these shippers were essentially speculating in forward-labor contracts. As late as the American Revolution the majority of European immigrants may have voluntarily used servitude to pay for the journey. Indentured immigration was one of the most important private-market solutions to financing the colonial migration of poor Europeans".

From an economic point of view[17], the main problem faced by growers (and other patrons) has been to motivate indenture servants to (usually very strenuous) work efficiently. To this end, the benefits were established at the very beginning of the journey; they consisted of covering the cost of travel and a fixed rate of remuneration, and completely ignored the requirements of the future employer (patron) or working conditions (including climate). Unable to improve the terms of the contract[18], the servants avoided the diligent performance of their duties and often became fugitives. As Galenson (1984: 8) wrote, "physical violence was the principal means by which masters extracted work from servants in early Virginia" [...] as "servants had little other reason to work hard, for few wished to be rehired at the end of their terms, while masters lacked an incentive to treat their servants well for precisely the same reason, since it was unlikely in any case that they could induce their servants to stay on after their terms ended". The physical compulsion that induces the servants to work hard has become widespread and institutionalised in the plantation economy, and not only on plantations. The colonial laws in force at that time tried to counteract the abuse of patron power, but in practice the practices of flogging and even drastic abuse of physical force against indentured workers were tolerated. Other penalties were also commonly used, such as extending the contractual term of office. Indentured servants could not marry without the permission of their master. The terms of an indenture were not always enforced by American courts, although runaways were usually sought out and returned to their employer. There were generally no policies regulating employers once the labor hours were completed, which led to frequent ill-treatment[19].

In the course of time the institution of indenture matured. As Farley Grubb (1985: 856) pointed out migration of European indentured servants developed into an efficient and well-organised trans-Atlantic market in forward labour contracts. "Forward contracting distinguished this market from other forms of long-term contracting. The important issue in forward contracting is how well it conforms to the efficient-market hypothesis, or how well future values are

[17] The work of Galenson (1981) deals extensively with the economic aspects of the indenture system during this period.

[18] Working conditions on plantations were often described as inhuman, it took place from dawn to dusk under the watchful eye of overseers, who in turn were imposed harsh treatment of the servants by the patrons. In practice, the social life of indentured servants was limited only to work. It must be admitted, however, that in the initial period of development of the plantation economy, the rule was their joint work (physical, for the sake of clarity) with the plantation owner and his family members, and the resulting relatively humane treatment of terminating workers.

[19] In order to increase the effectiveness of the application of this category of labour, the practice of making indenture dependent on age, professional qualifications and literacy, as well as the nuisance of the place of contract fulfillment, has developed over time. More favourable personal characteristics of the servant and more difficult working conditions were associated with a relatively shorter period of dependence on the patron. In addition, patrons gained the opportunity to trade in termination contracts or to lend them temporarily, which made the use of labour resources much more flexible.

estimated and how efficiently the value of information is arbitraged when negotiating the initial contract". Based on the statistical analysis of contract prices at the Philadelphia servant auctions in the mid-18th century, the author concluded (1985: 868): "Merchants transporting indentured servants from Europe to America were speculating in forward-labor contracts. They guaranteed the contract terms to the servant before sailing and then sold the contract in the colonies at auction. Merchants had to forecast the colonial price of each contract to successfully compete for servants in Europe. Separating predictable from unpredictable sources of price variance indicates that recruiters used information known at the time of recruitment with relative efficiency. They successfully arbitraged known profit opportunities relating to expected differences in colonial servant values".

Expansion of the plantation economy, which began in the second half of the 17th century, which also marked the decline of the pioneering era of colonisation, resulted in almost insatiate (ever increasing) demand for immigrant labour. In the last two decades of the 17th century, however, the influx of indentured servants from Europe decreased significantly, mainly due to the growing demand for hired labour (thus, rising wages) in the English economy and a certain improvement in living conditions in England, and to some extent also due to the growing awareness of murderous work on plantations (Engerman 1986). In total, this resulted in an increase in the "unit price" when purchasing an indentured worker by as much as 60%. In effect, from the growers' perspective, a source of labour other than workers recruited in England became urgently sought after. Indentured workers from other European countries did not turn out such a source. Yes, later (during the industrialisation era), the recruitment of indentured or bonded labourers was resumed, although it was sought outside Europe, mainly in Asia (cf. sections 6 and 7).

Looking from the perspective of the entire colonial period, the indenture system, despite its clearly declining economic importance, remained the primary and relatively permanent source of skilled labour in North America, mainly in the South and Middle colonies. As David Galenson, an eminent researcher of this period concludes, "[t]he ability to satisfy the changing demands of the colonial labor market at critical periods helped make indentured servitude one of the central institutions of colonial American society" (1984: 13)[20].

[20] Christopher Tomlins (2001) argues that early assessments of the proportion of indentured servants among immigrants from Europe were somewhat overstated. However, he acknowledges that, especially in the second half of the 17th century, this share was very high.

5. The plantation economy

Generally, the plantation economy can be defined as based on mass agricultural production, often monoculture, produced on large farms (called plantations), intended mainly for export. The plantations themselves were organized like a factory, they were an industrialized and centralized form of agriculture. Relatively low labour productivity (compared to small farms)[21], resulting i.a. from the difficulties of effective supervision of employees, was "compensated" there by the economies of scale[22].

I will now characterise the five most important - in my opinion - conditions of the development of the plantation economy in North America.

First, it was the existence of receptive outlets. In this economy, there was a full "commodity orientation", i.e. sales (and export) of manufactured goods. This condition was met to a large extent thanks to the coincidence with the Industrial Revolution in England and - somewhat later - other Western European countries. For example, the engine of British industrialisation was the textile and clothing industry, which largely replaced wool with much cheaper and more abundant cotton imported mainly from Virginia and other regions of North America (Baptist 2014).

Secondly, plantation crops did not require high qualifications of the workforce, the level of mechanisation and agrotechnical thought was low[23]. Such a production technique is called labour intensive, and the profitability of production is achieved thanks to its large scale. All in all, the plantation economy was extremely extensive.

Third, the premise of this economy was the abundance and cheapness of land from the beginning. The land for cultivation, in practically unlimited amounts, was obtained by looting (appropriating) it or obtaining it by trickery from the indigenous people.

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[21] This changed in the 1st half of the 19th century with radically improved techniques and organizational innovations in plantation production.

[22] Aside from the view on the anachronistic nature of farming growers, Pieter C. Emmer (2007: 1) made the following observation. "Since the 1970s […] the role of the planters in the plantation economies of the New World has been reinterpreted. The view that they were 'uneconomic', wasteful, and backward-looking autocratic rulers of a crumbling empire has been turned almost upside down. More recent studies of the nineteenth-century slave economies in the Americas now portray the planters as highly efficient managers in the most prosperous section of the world economy at the time. New interpretations based on a careful analysis of the many surviving plantation records confirm that the planters carefully tuned the purchase of slaves to their needs, and were keen to avoid creating a wasteful mix of labour and capital. They also confirm the fact that planters were keen to introduce new machinery as well as to experiment with new crops such as cotton and new varieties of sugarcane. With slave prices rising, the planters also attempted to increase the natality, and decrease the mortality, of their slave populations by spending more plantation money on providing better food, housing, and medical care".

[23] See note 26.

Fourthly, it required appropriate natural conditions: good quality soil, proper irrigation, the possibility of operating all year round (no seasonality of production) and the availability of convenient transport routes (navigable rivers). These conditions made it possible to carry out the next stages of production on site, on the plantation, such as: grubbing or burning trees or bushes for new fields, irrigation, sowing / planting and plant care, harvesting and processing of the harvested crops, packaging and shipping. This allowed for the effective use of the means of production - tools, utility rooms and employees.

Fifth, finally, a plentiful and cheap labour was needed. Favourable growing conditions did not mean a favourable working environment. On the contrary, the climate was difficult for humans and in many cases deadly. Work on the plantation was very strenuous. In practice, it turned out that brutal measures were needed to get people to work in these conditions. Nevertheless, the growers did not complain about the lack of workforce, as an efficient mechanism for attracting and transferring workers had been developed.

Incidentally, it is worth adding that the plantation economy was characterized by a drastic class differentiation - next to the small group of rich plantation owners[24], there were small, generally poor, farmers, artisans and various service providers, while the majority of the population, i.e. manual workers, and their overseers, who usually lived in deplorable conditions, were concentrated on plantations.

As a result of the rising price of an English (or Scottish) servant, an alternative in the form of African slaves (already massively delivered to colonies in the West Indies)[25] began to seem attractive, the supply of which was then much more flexible and constituted a relatively less expensive source of unskilled labor[26]. What is no less important, while the indentured worker could, after fulfilling the terms of the contract (usually after a few years) regain freedom (return to Europe or take up a job "on his own"), the slave was forced to work for the patron for the

[24] The highest layer of growers itself was also highly diversified.

[25] Already in the 17th century colonists In New England (also in North and South Carolina) practiced the enslavement and trade of indigenous people, who comprised mainly prisoners of local battles, often women and children. Some of those slaves were bought from native tribes who economized on such trade. As a rule, however, colonists (except in North and South Carolina) rarely used the enslaved Indians as their labour. Apparently more profitable proved their exportation to sugar plantations in the Caribbean (Gallay 2002). An expert in the field estimated that until 1750 altogether between 147 000 and 340 000 Indians were enslaved in North America (Reséndez 2016: 324).

[26] Jenny Bourne (2001: 11) additionally points to the relatively high "utility" of a slave born in captivity, growing as the plantation economy developed: "[a]t the same time, second-generation slaves became more productive than their forebears because they spoke English and did not have to adjust to life in a strange new world. Consequently, the balance of labor shifted away from indentured servitude and toward slavery".

rest of his life. These premises generated significant planters' demand for enslaved labour, a fact that quickly diverted much of the transatlantic slave trade to North America[27].

The availability of slaves as principal source of labour was a major factor of booming plantation economy, which in turn became a distinct trait of the society of a large part of the English colonies in America, and later USA. Indeed, many authors (e.g. Blackburn 1988; Fogel 1989; Dowlah 2022) saw in slavery the salt of the American plantation economy, especially in its heyday (in the first half of the 19th century)[28].

Eventually, most of the plantation workers "turned" from white to black. More specifically, as Galenson (1984: 11, 12) indicates, at the end of the colonial period, due to the specific preferences of growers, in colonies producing mainly crops intended for export, a racial division of labour emerged, determined by the skills of workers: "Unskilled labor forces were increasingly made up of black slaves, while white servants continued to perform skilled crafts and services, and in many cases to act as plantation managers and supervisors of the slaves".

In addition to the economic rationale that ensured the development of a plantation economy based on the labour of imported slaves, a political factor, strictly the political power of the planters, played an essential role. As Berlin (2010: 158, 159) wrote: "Governors of territories [...] came without exception from the grower class or the ranks of those who would soon be included in it. Slave owners [that is, growers] also held positions in territorial and state legislative assemblies, as well as courts and sheriffs' offices". No wonder then that political and administrative-legal instruments fully served the economic interests of planters/growers (Bourne 1993)[29].

[27] At the beginning of the eighteenth century (1710), the number of people of African descent in the British colonies in North America was rather small, at about 55 000. The largest number of these, about 23 100, were in Virginia, which accounted for nearly 28% of the colony's population. By the end of that century (1790), the black population on the continent was approaching 760 000, reaching 1 771 700 in 1820 and 4 441 800 in 1860, equivalent to 14.1% of the population of the United States at the time. The percentage of slaves among blacks initially declined slightly, from 92.1% in 1790 to 86.8% in 1820, but by 1880 had risen to 89.0%. Statistical source: www.statista.com/statistics/1010169/blac-and-slave-population-us-1790-1880/ (accessed 11.04.2022).

[28] In North America, however, it was also present outside the economy or before its expansion began. This is true of both the New England and New Holland colonies, French Louisiana and Spanish Florida. In the first half of the nineteenth century, after the ban on the import of slaves (1808), many Africans and African Americans living in the traditional plantation South (more precisely in the southeastern US states, from Maryland to Georgia) were moved (sold, mainly to new plantations) deep into the continent. This inner journey involved about 1 million slaves (Berlin 2010).

[29] The English colonial law in America was quite elaborate as far as slaves (and, generally, blacks) was concerned. In southern states those who appeared African or of African descent were generally presumed to be slaves. And they were subject to various restrictions and discriminatory practices, regardless of their being free or slave. Even, as Bourne (2008: 4) listed, "many Southern states forbade free persons of color from becoming preachers, selling certain goods, tending bar, staying out past a certain time of night, or owning dogs, among other things". Even in the early times of US independence, federal law denied black persons citizenship. The law in detail regulated such matters as: sale, hire and public transportation of slaves, slave control, manumission, slave crimes, protecting the master against loss of slave (due to injury or slave stealing), and so on (Bourne 2008).

Planters (“employers” and owners of the slaves) were not the only group interested. The other such group were those involved in slave trade. It was very profitable business encompassing complex business transactions that linked numerous seamen, bankers, merchants, investors, credit exchanges, insurance facilities, and governmental agencies across many countries in which many entrepreneurs from the northern states took part (Davis 2006; Eltis 1987)[30].

Undoubtedly, all these conditions existed in North America until the Revolution (struggle for independence) and the peace treaty of 1783, and "that is why slavery took root and prospered there" (Fogel, Engerman 1997: 60).

Plantation economy experienced various downturns, for instance, after the American Revolution (1765-1783), when conditions on the world market for plantation products (especially tobacco, rice and indigo) deteriorated, and their prices significantly decreased. A prosperity returned at the turn of the 19th century after wide introduction of cotton gin, which caused a substantial increase in the labour productivity on plantations. This coincided with sharply growing demand for cotton on the part of textile industry in England. In response to these favourable market conditions, many planters changed their old crops to cotton and expanded the area of cultivated land, and in effect needed more and more labour (slaves). Growing demand for slaves was reinforced when quite new territories (mainly in the deep south and the interior of the continent) were turned into cotton (also sugar cane and other crops) plantations.

At about the same time – as argued by Robert Fogel and Stanley Engerman (1974:102) – the ban on the import of slaves (US Congress decision, 1808), in the conditions of growing demand for their work, caused a strong and permanent increase in slave prices (their supply started to depend solely on the birth rate). This hit primarily the labour market in the cities, which had to compete with plantations for a limited supply of slaves. There were no "close substitutes" for slave labour on the plantations, so there the demand for them was "highly inelastic". In contrast, in cities, “free” labour, especially indentured and contract labour, turned out to be "a very effective substitute". This made the urban demand for slaves quite "elastic". Consequently, as the competition of the cities and the countryside forced the price of slaves up relative to the

[30] This was accurately described by Dowlah (2022: 67, 69): “The transatlantic slave trade involved a highly profitable triangular shipping trade. Usually, British ships departed from Liverpool or Bristol carrying highly profitable goods demanded in West Africa - such as fire arms, alcohol, cotton goods, metal trinkets, and beads, and then in the ports along the African coasts, they sold those goods in exchange of slaves. The vessels then packed slaves in appalling conditions - in most cases slaves were crammed below decks, shackled and badly fed, and navigated across the Atlantic. After disposing terrified and wacked slaves along the Atlantic coasts, the shippers then picked up valuable products of the West Indies, such as sugar, rum, molasses, and tobacco, and then sailed back to England where wealthy consumers eagerly awaited such slave-made products”. See also Eltis (1987).

price of "free" labour, the cities shifted toward the relatively cheaper form of labour. In other words, slaves were shifted from the cities to the countryside not because they didn't want slaves, but because as slave prices rose, it was easier for the cities than the countryside to find acceptable lower-cost alternatives to slave labour. On the other hand, the countryside (or strictly speaking, cotton – and some other – plantations) could easily cope with the slave price rise thanks to a fast growing output and labour productivity.

By no means the increasing labour productivity on plantations resulted solely from technical innovations (such as cotton gin); a lot of it can also be attributed to innovative labor practices. As Jenny Bourne (2008: 11, 12) explained it, "[c]ertainly, the use of the 'gang' system in agriculture contributed to profits in the antebellum period. In the gang system, groups of slaves performed synchronized tasks under the watchful overseer's eye, much like parts of a single machine. Masters found that treating people like machinery paid off handsomely. Antebellum slave owners experimented with a variety of other methods to increase productivity. They developed an elaborate system of 'hand ratings' in order to improve the match between the slave worker and the job. Hand ratings categorized slaves by age and sex and rated their productivity relative to that of a prime male field hand. Masters also capitalized on the native intelligence of slaves by using them as agents to receive goods, keep books, and the like".

Edward Baptist (2014) estimated that in 1800-1860 production of cotton increased by factor 130(!). Consequently, the GDP growth rate in the South accelerated and became higher than elsewhere in America. This contributed to a relatively fast rise of living standards in that part of the United States. For instance, in 1860 the value of total assets per capita (among the white population) in the southern states was almost twice as high as in the North (Wright 2022). Cotton plantation labour, slaves, became invaluable and slave owners accumulated fortunes. According to Samuel Williamson and Luis Cain (2011), in 1860 the total value of slaves accounted for nearly 16% of entire US assets. On a plantation with more than 100 slaves , their capital value exceeded that of the land and farming equipment. In the southern states, where a large majority of plantation was located, in 1800-1860 the number of slaves increased from 851,500 to 3 950,500, and in some states it constituted a majority of the population (South Carolina 57% and Mississippi 55%). In these states, however, only a tiny proportion of population (barely 5% among the whites) owned slaves. Among those 394,000 slave owners, only 177,700 possessed more than 5 slaves, and only 2,341 more than 100 slave[31]. Therefore under the conditions of plantation economy, tiny minority owned most of all assets, which was one of the main traits of extractive institutions.

[31] Source of the above quoted statistics: Historical Demographic, Economic and Social Data: The United States, 1790-1970 (http://fisher.lib.virginia.edu/census/).

The plantation economy played an important role in wealth creation and economic development in the United States. Some authors believe that this wealth was the foundation of the expansion of the American economy in the second half of the 19th century and its leading role in the world. Of particular importance for achieving that was the increase in cotton production, which in 1860 accounted for about two-thirds of the world's production of this raw material and became the main US export product (61% of total export value).

Considering that the driving force of the industrial revolution in England (and then in other countries of Western Europe and the United States itself) was the textile industry based on abundant and cheap cotton yarn, the vast majority of which came from the USA at the time, Edward Baptist (2014) argued that it was American cotton (and implicitly - American plantations) that left a decisive mark on the course of this revolution. On the other hand, the prevalence of extractive institutions in the plantation economy, preserved by colonial ties with (or dependence on) Britain, was difficult for the political and economic elites of the North to bear, who sought to reduce the tax and customs burdens imposed by the metropolis and expand the freedom of economic activity. There have been a number of attempts to change the institutional foundations that have hampered economic development. The first major effort was the American Revolution (1775-1783), the final one the Civil War (1861-1865)[32].

6. Industrialisation and the blooming of capitalism

In early 19th century there emerged premises for a profound change in the American economy, which ultimately challenged if not undermined unusually high importance of the plantation economy. Its early decades were marked by activities of technological innovators and huge investment projects in transportation network. This gave rise to the development of industry which in earlier period – except scattered local craftsmanship – was practically limited to water-powered flour-milling and saw-milling[33].

[32] I will refer to those profound events in the following sections.

[33] The establishment of the first industrial plants, modeled on Western European factories, was related to the activity of inventors or imitators of European technical thought. The most important achievement was the creation and mass use of a cotton ginning machine (Whitney, 1793). It contributed to an abrupt increase in the productivity of this raw material production. It also prompted the dynamic development of the textile industry (mainly in Massachusetts, New England), initially based on a copy of an English water-powered mechanical cotton spinner (Slater, 1793). Another of the pioneers of industry (Du Pont, 1802) created a large chemical plant to produce gunpowder, using French technical thought. A serious problem at that time was the scattering of the settlement network and the necessity to travel long distances in a time-consuming manner. For example, around 1800 it took nearly 6 weeks to travel (or transport goods) from New York to Chicago (half a century later only two days!). The beginning of its solution was the use of a convenient river network and the invention of a steam engine propelling ships (initially only in inland navigation), which as early as 1807 (designers Fulton and Livingstone) was used to travel on the Hudson River between New York and Albany. To compensate for the lack of river connections, canals for the transport of goods were built, the most economic of which was the nearly 600-kilometer-long Erie

In the years 1841-1856, economic expansion was unprecedented until the end of the 19th century (average GDP growth rate - 7.6%). The American industry became second in the world, second only to Great Britain, and its flywheel - cotton production by the middle of the century accounted for 75% of global production. Further changes in production technology[34] played an important role here, but above all – investments in the transport network (mentioned above) and means of transport. Roads and canals were built, and most of all, a railway. Steam engines were manufactured to move rail trains, as well as more and more efficient clippers (multi-mast sailing ships) and steam ships moving on rivers. The use of the telegraph has become helpful. An important impulse for the development of the transport network in the first half of the nineteenth century was, on the one hand, the significant expansion of the territory of the United States, and on the other hand, the discovery (in California, in 1848) and the approximately 10-year long but increasing exploitation of gold deposits. Internal migration, especially towards the west, was not insignificant for this long-term economic boom.

Such dynamic development took root in the capitalist economy in the USA, strengthened economic ties between various states, contributed to the growth of the economic importance of the North, but has not yet undermined the dominant role of the states of the South, where the "old orders" still persisted. The federal government initiated the sale of land in the vast western territories, which increased immigration from Europe. There were also many Chinese and Mexicans who were attracted by work in gold mining. It is estimated that in the years 1840-1860 the country's labor force doubled, while the city population tripled (Davis, Weidenmier 2017).

The defeat of the Confederates in the Civil War (1861-1865) created the conditions for a definitive change in the economic structure of the US and paved the way for the dominance of inclusive political and economic institutions, which in turn created an environment conducive to the expansion of strongly competitive and innovative companies and led the country to become a leader in the world economy and a global industrial giant. According to estimates of Angus Maddison (2006) for 1913, American GDP was already more than twice of the UK, the top industrial economy of the world in the 19th century, although in 1820 the British level was almost triple of the American. During that nearly one hundred-year-long period the annual rate

Channel (1825), which connected the then emerging industrial district of Buffalo (on the Great Lakes) - from Albany, through the Hudson River - with the Atlantic Ocean (near New York).

[34] Exemplary of breakthrough inventions in the 1840s and 1850s included telegraph (Morse 1844), vulcanized rubber (Goodyear 1844), sewing machine (1853) and Bessemer process (Kelly 1847 and Bessemer 1856). Not much later first telephone (Bell 1876) was patented, and from 1868 onwards there emerged an enormous number (over 1,000) patents by Edison, mostly related to exploitation of electric power. In 1882 the first central power plant in USA began producing electricity (Manhattan, New York) opening up a period of the mass use of electrical grid in the economy and households.

of growth of GDP was on average approximately 4% compared to below 2% in the UK[35]. An engine of such impressive economic growth was a spread of manufacturing industry which adopted effective methods of production process (e.g. its subdivision into many small repetitive tasks combined with sophisticated mechanisation, such as assembly-lines) and organization of enterprise (e.g. concentration of small holdings into a big company or adoption of a corporate structure), leading towards mass production of relatively cheap goods and a high competitiveness[36].

All these led to dramatic changes in the nation's occupational structure. As put by Mongomery (2014: 82), "[b]etween 1870 and 1910 the population rose by 132 percent, but the number of people involved in industrial labor soared even more rapidly – from 3,500,000 to 14,200,000. More than a fifth of the workers in 1870 were involved in construction alone, but their numbers over the next forty years did not increase as dramatically as those in other occupations. Iron and steel workers increased by over 1,200 percent between 1870 and 1910 to 326,000. Manufacturers of metals products constituted almost twelve percent of the industrial labor force by 1910, after a forty-year growth of 437 percent. And more than half a million men were needed by the end of the century just to drive the horses and wagons delivering goods around congested city streets.

These profound economic changes strongly affected the social structure and new distinct social classes were formed, especially the middle class.

Since the seventh and eighth decade of 19th century, after abolition of slavery (1865), many employers in their hiring practices had to adjust to quite new political and economic situation. Industrial plant and farm owners and others who relied on unskilled labour, both in the country side and cities, could draw the required new workers from three different major sources. The first was a growing inflow of free (voluntary) immigrants, mainly from Southern and Eastern Europe, the second were supplies of newly contracted indentured workers, this time mostly from Asia, and the third – a large pool of liberated former slaves. None of these was easily and equally accessible in all parts of the country and in all industries.

[35] All Maddison's estimates have been obtained by Geary-Khamis method (in constant 1990 U.S. dollars).

[36] "Nevertheless – as described by David Montgomery (2014: 84) – much of American manufacturing continued to be carried on in small, even tiny, units. The construction and clothing industries were mosaics of, small competitive enterprise, interlocked by elaborate webs of subcontracting. […] Men's clothing was mostly sewn by tailors in their homes, after the cloth had been cut to patterns in the manufacturer's shop. The invention of the sewing machine made the home a little factory. It even diminished the degree of control tailors had formerly exercised over their own hours of work. […] This was the infamous sweatshop system".

From the beginning of the 19th century, attempts were made in the United States (particularly in the states on the Atlantic coast) to sort out transatlantic passenger traffic, previously largely subservient to Britain's pro-emigration stance and pressure from shipping companies. This coincided with a 'nativist' approach ('nativist fervour', according to Aristide Zolbereg's term) by some elites proclaiming the need to stop the 'dilution' of previously settled Britons into a mass of immigrants from other countries[37]. They even sought to organise the emigration of black residents (former slaves) to Africa. These aspirations clashed with powerful economic interests (and ultimately failed) (Zolberg 2006). First, there was a shortage of labour in the growing and industrialising cities, compounded by an ownership structure in American agriculture that discouraged an exodus to the cities. Secondly, it became clear that large-scale road infrastructure projects to populate and economically develop new territories, which were to be offset by federal government revenues from land sales[38], could not achieve the desired results solely through land purchases by already settled Americans. Thirdly, there was inexorable pressure from powerful interest groups, the owners of industrial plants and transoceanic lines, and above all (at the time) railroad-related capital, which traditionally had an interest in maintaining liberal immigration policies. Opponents of restricting inflows from abroad had to give way. In view of the declining propensity to emigrate in Anglo-Saxon (and predominantly Protestant) countries, the gates were opened to immigrants from Southern and Eastern Europe.

New and enormously strong wave of immigration from Europe occurred immediately after 1880, and it was very high until 1893 (in several years exceeding half a million persons, the level never experienced in the past), then after a short downturn in 1900 resumed (in fact exploded and in numerous years surpassed the limit of one million) and continued until 1914[39]. Initially it had one of its sources in sharply decreasing fares on the Atlantic steamship lines and activities of intermediaries (Dupont et al. 2016; Montgomery 2014)[40]. In the course of time, however, equally important became growing (and fluctuating, to be sure) demand for industrial labour[41]. Although migrants arriving in that period comprised mostly of uneducated (illiterate) and unskilled people who were looking for better living conditions than those in their

[37] For instance, despite a large predominance in previous decades, in 1832-1841 only one-fourth of immigrants were Britons. This took place against a backdrop of a rapidly increasing proportion of immigrants in the total population (Zolberg 2006).
[38] The importance of the federal government's revenue from land sales is evidenced by the fact that in the mid 1830s, for example, it accounted for about half of all revenue from all sources.(Zolberg 2006).
[39] Precise data can be found In: U.S. Yearbook of Immigration Statistics (Homeland Security / Office of Immigration Statistics).
[40] According to ads of various steamship companies, the average passenger transatlantic fares in the 1890 halved the 1865 level and were slightly above one-third od the 1830 level (Dupont et al. 2016: 44; Dupont, Weiss 2016).
[41] Brinley Thomas (1972) evidenced a phenomenon of inverse long cycles in migration and urban development (capital investment and construction industry), in the Atlantic economy, i.e. In the space extending from Great Britain to the United States over the period 1870-1914. Investment upswings in Britain coincided with downswings in America, and vice versa, and this caused respective wage rate fluctuations and flows of labour.

overpopulated and poor native localities, they usually, after a short time, found employment in booming industrial centers. This was because the industrialization of American economy resulted in a sharp rise in the demand for unskilled workers. Meanwhile, before that, until the end of 18th century a predominant part of labour was employed in agriculture whereas the reminder, the non-agricultural workers, performed skilled and specialized occupations. The growth of industry led to shrinking of apprenticeship and made it nearly obsolete. All those finally caused the emergence of modern labour market and indeed the commodisation of labour.

Workers hired to industrial factories, who in large numbers were composed of the first generation migrants, formally belonged to the category of "free labour". They were willingly and consciously contracted by employers on the terms known to them, and could legally terminate employment at any time. However, as pointed out by David Northrup (1995: 7): "The labor law of that period, though stopping short of the provision of slave codes, could be harsh and unforgiving: workers were bound by contract to set pay and hours, absences and lateness were severely penalized, and discipline could be enforced by corporal punishment. Even after many reforms, 'wage slavery' remained a popular metaphor." In addition, workers had no guarantee of enduring employment (not to mention a protection of social security) even if they performed in accordance with those harsh requirements. Just to the contrary, in case of business downturns employers often resorted to massive lay-offs. On their part, Roger Waldinger and Michael Lichter (2003: 4) made a shrewd observation on occupational prospects of immigrants of that generation: "The American economy on the brink of the twentieth century was growing at a rapid clip. In a tight labor market, employers wanted no more than brawn and a willingness to work hard—just what the newcomers provided. Arriving with no capital, few useful skills, and—the Jews excepted—limited literacy, the southern and eastern European predecessors of the 1880–1920 period moved easily into the new urban economy's bottom rungs: servants, laborers, long shoremen, schleppers all."

The second important source of labour in that period consisted of indentured workers who were sought in mining industry, agriculture and infrastructural projects. Those workers represented a quite new wave (generation) of imported unfree labour, which according to many authors emerged in the wake of the abolition of slavery, and strictly in order to satisfy unfulfilled demand for plantation workers. To be sure, the United States was by no means a principal destination of this generation of indentured migrants and American agriculture the most popular sector. Many more were send to British colonies in Africa (including Mauritius) and the Caribbean, to plantations over there. Anyway, according to Tayyab Mahmud (2013: 228) "[t]he

main successor to modem slavery was the institution of indentured labor[42], that is often portrayed as a bridge between slavery and modem forms of contract labor".

As Neha Hui and Uma Kambhampati (2020: 2) made it clear, "'[i]ndentured' or 'coolie' migration constituted a contractual agreement, which the migrant workers signed at their place of origin. These contracts defined the duration and terms of employment including the estate that the labourer would be working on. Labourers could not change the terms of the contracts and, since the cost of the individual passage was a sunk cost to the employers, it was not in their interests to terminate the contract. This rigidity in the contracts often resulted in coercion, which was seen as the only way to extract worker effort. […] [E]ven in the 19th century […] indentured workers worked under conditions characterised by asymmetric information and low bargaining power, which led to violence and abuse. Despite this, indentured labour was accepted, even embraced by the political circles of the time". And the authors concluded (2020: 6): " [The] system was seen to be a compromise between the previous unacceptable system of slave labour and free labour, which would place plantation interests at risk".

In turn, Tayyab Mahmud (2013: 234) argued as follows: "Indenture was akin to a standard form it the rights and duties embodied in it were not negotiated or negotiable by the migrant. The sanctions for breach of terms by the migrant were penal, not civil, contradicting the form of his contractual engagement. An extensive set of regulations defined terms of engagement and tied those under indenture to a particular employer and a particular residence. The extensive regulation and lack of legal capacity of the migrant to change employment meant that this form of labor, like slavery, was not driven by market rationality and did not fulfill the classic liberal criteria of free alienation of labor power".

The main countries of origin in case of America-bound inflow of indentured labour were China and Japan. The number of Chinese in the United States was quickly rising, from 25,000 in 1852 to more than 300 ,000 in 1880. Their travel was mostly financed from money borrowed from relatives and commercial agencies under the debt bondage (Van Bueren 2008)[43]. In addition American employers established a network of recruiting agencies in China which offered to cover the cost of a journey to California, the major Chinese destination in America, to those unable to borrow money. Eventually the borrowed money had to be paid back from the expected earnings (Cohen 1984).

[42] Here the author (Mahmud) has, of course, in mind the so-called second wave of indenture, which took place after the abolition of slavery and, contrary to the previous wave did not involve Europeans and was almost entirely limited to Asians.

[43] There is an evidence that the recruitment and travel to America were controlled by Chinese business syndicates who not only credited the journey and impacted access to the employment and the terms of related contracts but also regulated the time of the recovery of freedom related to the indenture (Dowlah 2022).

The inflow and work of the Chinese was strongly resisted by resident American population of the European descent. In the localities they settled (mainly in California) they suffered from aggravated racial discrimination. As reported by Dowlah (2022: 270), "[t]he opponents of Chinese labor depicted them as a racially inferior people who were willing to work for inhuman wages and they posed threat to free society because of their inability to assimilate. Many viewed Chinese workers as a harbinger of a new form of industrial 'wage slavery'". In effect, since 1882 when the Chinese Exclusion Act went into existence, further immigration from China was banned, American citizenship was denied to all already settled and in fact many Chinese were excluded from employment. This opened the way for the recruitment of cheap indentured labor from Japan (or Japanese already living in Hawaii). Between 1901 and 1908 the estimated 127 000 Japanese arrived in the United States[44]. They also mainly settled in California where in 1909 approximately 30 000 persons worked in agriculture.

Although the second wave of the indentured inflow to America comprised almost exclusively the workers from Asia, i.e. from quite different geographical area than the first[45], which was initiated in the 17th century, it displayed some legal similarities (terms of a contract of work for a limited period of time voluntarily agreed by the migrants in exchange for the provision of transportation, and a degree of control by governments of sending and receiving country). Nevertheless Stanley Engerman (1986: 263) emphasized the occurrence of "considerable differences in their racial composition, the racial attitudes of recipient countries, the relative incomes of sending and receiving countries, the specific uses of labour during the period of contract, and the opportunities available after the contracts had expired". He also observed (1986: 269) that "for the period of indenture, contracts could be sold, and servants had no choice of location, occupation, or employer"[46].

[44] According to another estimate, between 1886 and 1911 over 400 000 Japanese emigrated to the United States and Hawaii (source: https://www.loc.gov/classroom-materials/immigration/japanese/).

[45] Such difference resulted first of all from decreasing cost of overseas transportation. Migrants from Europe where the level of living was steadily improving could afford to pay the fares on their own, and after arrival represented the "free labour", whereas the Asians were not only generally poorer but also the fares for them – due to much longer distances – were higher and simply non-affordable (Galenson 1984; Engerman 1986).

[46] Specificity of that wave of the indenture was also highlighted by Galenson (1994:15): "The form of the contracts typically used in this nineteenth-century migration differed somewhat from that used in the earlier period; for example, wages were generally paid to the Asian servants, and their contracts often provided for their return passage to their country of origin upon completion of the term. Yet the immigrants normally worked for fixed terms of years, without the power to change employers, under legal obligation of specific performance of their contracts with penalties including imprisonment, and they were therefore bound under genuine contracts of servitude rather than simply service contracts of debt that could be terminated by repayment of a stated principal sum".

As already mentioned, indentured workers were principally send to enterprises on the western coast, mainly in California. In particular, as described by Galenson (1984: 15), "[b]ound Chinese laborers were imported to work on the sugar plantations of Hawaii beginning in 1852, and they were joined there by a migration of Japanese workers that began in 1885. From 1852, Chinese workers also began to come to California to work as miners and to build the western railroads. The Asian migrants to Hawaii worked under true indentures, which bound them to work for specified planters for fixed periods of years, with legal provision for compulsion of specific performance or imprisonment. Those bound for California immigrated under debt contracts […and] in principle they were free to change employers, or to repay their outstanding debt and become free". Unlike workers from China who were massively recruited by mining and infrastructural companies, a large majority of Japanese were employed in agriculture, sometimes as tenant farmers (Masakazu 1996).

With the Chinese Exclusion Act and a strong anti-Japanese movement among Americans which culminated in the Japanese Exclusion provision of the 1924 Immigration Act, the importation of indentured workers from Asia (and elsewhere) was terminated (Solomon 2012).

For a couple of decades, after 1865 and the introduction of an amendment to the U.S. Constitution which mandated the southern states to confer all civil rights to the freed slaves, former slaves constituted the third major reservoir of labour, especially that comprising unskilled agricultural workers. However, black people formally and rather outwardly put on the same footing with the whites, were in real life treated as second-category citizens. By means of various regulations („black codes"), which, besides i.a. racial segregation or separate education, pressed the former slaves to enter into fixed-term employment contracts with farmers, their compulsory employment on plantations was introduced. As Mahmud (2013: 229) observed: "Initially, the planters secured the right the labor of ex-slaves for twelve years, who would be bound in forms of mandated apprenticeship. […] Planters saw the labor shortage as the heart of the problem, and soon initiated various immigration schemes, including the introduction of Africans 'liberated' from other nations' slave ships and brought directly from other Caribbean islands or Africa".

A mention should also be made here about another mode of coping with a shortage of plantation labour after the abolition of slavery. Shortly afterwards in many southern states mandatory work of prisoners became a common practice. It was based on the assumption that the prohibition of forced labour pertained solely to the free citizens, not to convicts. The respective law introduced a peculiar institution, the so-called convict lease, which enabled local administration to offer for a certain price (in fact, to "sell") the persons guilty of common crime or even slight offence

to plantation owners or other entrepreneurs for unpaid work. Leasing of convicts proved very profitable to the state authorities (exceeding the costs of prison maintenance) and delegated intermediaries (Perkinson 2010). Randall Shelden (2005) argued that the "convict lease" law prompted coercive apparatus to zealous racially-skewed tracking of offenders and contributed to drastic over-representation of black people in the prisons[47].

Towards the end of the first half of the 20th century, a new wave of unskilled workers emerged in the US labour market as another distinct form of labour in the market. It was linked to a massive influx of temporary workers from Mexico under an intergovernmental bilateral agreement. Because of the great importance of this arrangement, I will devote a special attention to it in the subsequent section.

7. On the interests of growers and employment in the US agriculture in the period of rapid industrialization

In highlighting the role and interests of employers in the era of industrial expansion, I should not overlook the situation which was specific to American (especially California) agriculture as also this sector was not only blooming but received large influxes of immigrant labour[48]. Two historical episodes of imminent importance are worth to be mentioned here – the first related to the work of Chinese, and the second to Mexicans.

The circumstances accompanied the emergence and withdrawal of Chinese farm workers were skillfully described by Michael Burawoy. The author evidenced the way in which farmers (employers) interests, mainly manifested in their preference for those relatively cheap, hard-working and obedient migrants, were pursued, even if this implied the breach of law. In the beginning he argued that (1976: 1064) "[b]ecause California is the United States's largest agricultural producer, farm labor has assumed a critical role in its development", and in reference to historical experience, he observed that each leading group of employees (be it domestic or alien) "before stability voluntarily left agriculture for employment in other sectors of the economy or was removed forcibly and succeeded by a new group of migrants. The Chinese were the first [in the late 19th century] immigrant group to respond to seasonal demand

[47] „It can also be said that the use of inmates as a form of cheap labor has been part of the capitalist system from the beginning, as owners seek to maximize profits however they can, including using the cheapest form of labor, whether it be slaves, immigrant labor, or inmates. In fact, taking advantage of those imprisoned (in various forms, including slavery) has been common among nations for centuries" (Shelden 2005; http://www.cjcj.org/uploads/cjcj/documents/slavery_in.PDF: 1).

[48] To put it in Philip Martin's (1999: 120) words, "[t]he southwestern economy developed an enormous appetite for unskilled workers willing to work when needed for low wages. […] The fact that immigrant workers were willing to go to work at their own expense, and then work when needed for relatively low wages, held down labour costs, encouraging agricultural industry do expand".

of California agriculture. They were rendered occupationally immobile by discriminating practices, and their stabilization coincided with increasing demands for Chinese exclusion by domestic labor during the last two decades of the 19th century. With the eclipse of Chinese labor, whites affected by the depression of the 1890s were recruited for work in the fields; but with the return of economic prosperity, a new reservoir was tapped – the Japanese[49]. By the end of the first decade of [the 20th] century, the Japanese had superseded every other group, only to lose their domination to Mexicans by 1915". Further on, Burawoy (1976: 1071) pointed to the strategy of farmers: in spite of that "during the last decade of the 19th century, domestic labor successfully resisted displacement by Chinese, [g]rowers continued to employ Chinese labor after legislation had been passed to provide for exclusion from employment of Chinese not legally resident in the country. The refusal of growers to bow before pressure from labor organizations led to riots throughout the state […] eventually forcing the removal of Chinese from the fields. Since then, domestic labor has had only limited success in establishing itself as a permanent farm-labor force, reflecting its vulnerability to the political power of agribusiness". Finally, the author concluded (1976: 1072): "[T]he growers […] have gained monopolistic access to external labor reservoirs. In achieving these ends, there has been a long history of collaboration between farmers and immigration authorities and of collusion between farmers and state police in suppressing labor organizations and labor protests".

Before I come to the Mexican "episode" in the agriculture of California, which is strictly and above all related to initiated in 1942 the Bracero Programme, few introductory remarks of a more general nature seem needed. This is because the Mexican migrants hardly, at any time, worked in US agriculture under the indenture[50]. In fact, until the 1890s immigrants from Mexico were rather absent anywhere in the United States, and since the annexation of Texas in 1845 many native Mexicans left the country, mostly for Mexico. Even during the Gold Rush in California (1848-1853) a majority of thousands of Mexicans involved in the mining were the wage labour who came from gold mines in neighbouring Mexican province Sonora but returned home shortly after the depletion of deposits. A a large migration inflow of Mexican people occurred in the US Southwest attracted by a fast development of the mining and agriculture in that area. The inflow intensified tremendously during the Mexican Revolution (1910-1920) and later until the Great Depression of 1929, when, quite abruptly, tens of thousands of rural workers went back to Mexico and nearly two millions more (of whom up to 60% US citizens!) were deported or sent back home under the government-promoted unofficial policy of "repatriation" (Young 2015). Conspicuous outcome of those sizeable movements of Mexican

[49] For more details, see the previous section.
[50] Except native Mexican people in California and Texas who after the annexation of these states happened to become servants in households or on farms of well-off American settlers.

people is that relatively few of those migrants struck roots and settled in the United States. This principally resulted from enduring discrimination and racism on the part of Americans (Morefield 1965). As Erin Blakemore (2017) reported: "Though Latinos were critical to the US economy and often were American citizens, everything from their language to the color of their skin to their countries of origin could be used as a pretext for discrimination. Anglo-Americans treated them as a foreign underclass and perpetuated stereotypes that those who spoke Spanish were lazy, stupid and undeserving". Under such "pressure", particularly in times of economic depression, for the many a viable "rescue option" was a return back home, which usually meant relatively short and inexpensive journey[51].

Waning of indenture employment in the late 19th century, especially the expulsion of Chinese workers, caused acute deficits of labour in certain parts of the USA and some sectors of the economy. For many companies (employers) the highly mobile and flexible but also hard-working Mexicans often looked like the best solution. For this reason Mexico was exempt from immigration restrictions, including quotas like those imposed by the Immigration Act of 1924[52]. Another reason was the activity of agricultural lobby. As Philip Martin (1999: 120) noted, "US farmers for decades resisted restrictions on Mexican immigration". In particular, California (and other) farmers argued that they will be unable to sow and harvest crops without the involvement of Mexican workers. Massive emigration to the United States ensuing political events in Mexico was also welcome news to such employers like the Southern Pacific Railroad, which desperately needed cheap labor to help build new tracks. The railroad and other companies successfully evaded existing immigration laws that banned the importation of contracted labor by sending their recruiters to Mexico to convince workers there to take up employment in those companies (Henderson 2011).

The Bracero Programme paved the way for quite a new form of contract employment based on the importation of foreign labour. The novelty was in its legal frame which was a bilateral agreement between the governments of sending and receiving country, and also the essence of employment – temporariness and selective eligibility in terms of workers characteristics and their sectoral allocation. In migration literature this form of employment is usually named guestworking[53]. Caf Dowlah (2022: 277) perceived such a new form as contemporary way of

[51] An extensive account of Mexican migration to the United States in 19th and 20th century is presented in David Spener's report of 2005.
[52] A historian Julia Young in an interview with Jason Steinhauer claimed: "The perceptions of Mexicans as temporary migrants and docile laborers contributed to the fact that they were never included in the quotas". See: https://blogs.loc.gov/kluge/2015/03/the-history-of-mexican-immigration-to-the-u-s-in-the-early-20th-century/. See also Young 2015.
[53] In the second half of the 20th century guestworking became very popular in Western Europe and elsewhere in the world.

acquiring unfree (necessarily, cheap) foreign labour: "After the indentured servitude era came to an end following global condemnation for sustaining many of the features of slavery-like dehumanization and commodification of labor-power for colonial capitalist accumulation, industrialized countries came up with an updated version of coerced labor labeled as guestworkers programs"[54].

As already mentioned, the Bracero Programme was a pioneering and very prominent case of bilateral guestworker programmes[55]. It was established in 1942 as a private-public endeavour devoted to collaboration between American farmers represented by the US government and the government of Mexico. It originally aimed at filling expected labour deficits during the wartime[56] by importation of Mexican farm workers. Nestor Rodriguez (2004: 457) pointed to the fact that the US government initiated the respective agreement with its Mexican counterpart "in response to requests from large farmers in California, Texas and Arizona and a few railroad companies". Under the programme the workers (called "braceros") were guaranteed decent shelter, food and sanitation in labour camps, in addition to a prevailing wage rate[57].

[54] The reasons why guestworking programmes have become popular and attractive in many countries over the past few decades were explained by Dowlah (2022: 278) as follows. "Labor-importing developed countries across both sides of the Atlantic had solid economic and political rationale for launching such programs. Temporariness of the program allowed them to import foreign workers when they were needed, and they could do so without adding alien permanent residents to their domestic labor force. Ordinary citizens in developed countries loved the program as 'temporariness' was built into the structure of guest worker recruitment—the entry and length of stay of such workers preempted their permanent residency in the host country. Moreover, an overwhelming majority of foreign workers came from former colonies and they were employed in jobs largely shunned by domestic labor forces in host countries. As most of the pejorative 3D jobs—dirty, degrading, and dangerous jobs—were filled by foreign workers, it also helped many domestic workers to move up in social echelons in their domestic job market. Developed country employers also loved a sustained flow of cheap and motivated foreign workers as they unfailingly filled positions in sectors in which native workers were unwilling to work, and dependence on market forces alone would have forced them to raise wages due to chronic shortage of domestic labor. The guestworker programs also enabled them to avoid or delay investments in new and advanced technology, and to employ foreign labor without major adjustments to wages and working conditions, and thus, boost their profits and reduce their costs of production". The analysis of the functioning of several guestworker programmes led Dowlah (2022: 279, 280) to the following conclusion: "The experience of guestworker programs […] indicates that labor-importing countries often sequestered guestworkers from their native populations; restricted their geographic and occupational mobility; prevented or discouraged them from bringing family members; subjected them to discriminatory measures related to health and safety protections, and compensation for work-related injuries and illness; and denied them rights to organize labor unions".

[55] However, a prototype of a programme of this kind (a little misleadingly named "first Mexican farm worker program") was launched by the US government shortly before end of the World War I, but after six years it was terminated. The programme was solely addressed to non-immigrant Mexicans who were obliged to return home when their seasonal employment ended. On the other hand, US farmers and railroad companies could employ a Mexican seasonal worker only after US Department of Labor certified that native workers were not available. Reputation surrounding the programme was by no means favourable. As Philip Martin (1999: 121) noted : "Many Mexican workers admitted under this programme run up debts; they had to repay growers for their transportation, so many arrived in debt, and pilled up more debt at company stores".

[56] Possibly caused by a loss of native workers to the military forces.

[57] Accordingly, the employers were obliged to offer braceros a minimum number of working hours every week, and to contribute to the cost of their insurance, housing and non-profit canteen facilities (Galarza 1964).

In the course of time the programme was modified several times. Its first phase lasted a little longer than five years (up to 1947)[58]. Then, there came four-year interim period of renewed negotiations between the two governments during which the continued inflow of braceros was executed on the basis of a number of provisional administrative regulations. Those regulations protected and in fact strengthened the interests of influential farmers. In 1951 the programme was formally reinstated as a highly debated the Congressional act „Public Law 78" also known as the Mexican Farm Labor Program (or second Bracero). Adoption of the act was preceded by recommendations of a President's Commission on Migratory Labor (which were not adopted) suggesting i.a. that no special measures were needed to further increase the number of foreign contract workers and that sanctions should be imposed on employers hiring unauthorized foreigners. At the time of legislative proceedings, farmers lobbied for a new Bracero, arguing that it would reinforce nation's ability to win the Korean war (Craig 1971). In 1963, after another heated debate in the Congress, in spite of the position of the House of Representatives rejecting any further prolongations of the Bracero Programme, the Senate voted the opposite way, and consequently the House approved the final one-year extension. Eventually, the programme was ended in 1964 (Calavita 1992).

One of many fundamental effects of the programme was an unprecedented scale of the inflow of Mexicans, many of whom – contrary to provisions of the programme – settled in the United States, and contributed to a huge Latino immigration, driven by networks established by former braceros and assisted by numerous intermediaries[59]. The programme itself offered contracts to 4.6-4.9 million braceros[60] and stimulated inflow of irregular Mexican workers of an enormous multi-million size[61].

Initially, the program operated in the following sequence. First, the authorized US officials placed with the Mexican government an order (request) for a specified number of potential workers. It was based on actual American employers (farmers) demand. In the next step the

[58] In that period the programme was strongly opposed by American farm workers who perceived Mexican braceros as strike breakers, and farmers' instrument in preventing wage rises

[59] Philip Martin (1999: 124) claimed that during the programme, for several years, the US government tolerated illegal entry of Mexicans into American labour market. "After an illegal Mexican worker found a US job, the worker was legalized by granting him a work permit, a process that came to be termed, even in the official US government publications, 'drying out the wetbacks'. The number of aliens who were legalized after arriving and finding employment illegally far exceeded the number of Mexican workers that US employers contracted legally in the interior of Mexico".

[60] For lower limit of this estimate, see Martin 1999: 122, for upper limit – Rodriguez 2004: 457.

[61] Some „guesstimates" suggest that the inflow of undocumented Mexicans related to the Bracero programme by far exceeded the documented (e.g. Orrenius 2001). Kristi Morgan (2004: 128) illustrated numerical proportion between braceros and "known illegal Mexicans" by means of the 1954 data, where the former amounted to 309 033 while the latter to as many as 1 075 168. During entire duration of the programme (1942-1964) 4.9 million of undocumented Mexicans were apprehended in the US (Martin 1999: 126). Unknown, however, remained the probability of an undocumented migrant to be apprehended.

government directed Mexicans willing to work in the United States to the recruitment centres in Mexico. Then, Mexican and U.S. officers carried out careful inspection of the candidates and made a final selection, and they allotted selected applicants to specific employers (farmers) in the United States. The journey and shelter (labour camps) of braceros were secured by the US government whose involvement included, in particular, covering a lion share of the transportation cost of migrants from their home to their work destination (Calavita 1992)[62]. During the interim phase of the programme, the US government – in words of Caf Dowlah (2022: 287) – "named farmers as the employers on record, although the original Bracero Accord had both the US government and the farm-owners as employers". As a matter of fact, the employers took over the programme management. First of all, they moved the recruitment centres from the Mexican interior to a vicinity of the US border, which decreased the administrative and intra-Mexico transportation costs. Secondly, they became direct negotiators of the Mexican workers' contracts. Since 1951 various instruments were applied by the US administration to control the power of employers and punish those abusing the Programme provisions. This was concomitant with a growing awareness of their rights amongst braceros and their resistance against abuse (Calavita 1992; Martin 1999). It should also be stressed that in the course of time – under the pressure of American workers and labour unions but also in view of growing "side-effects" of the programme (e.g. illegality of work, trafficking in or smuggling of migrants, corruption of officials), political support in the United States for the Bracero Programme weakened (Martin 1999).

Overall, the programme had its clear winners. As implied by Philip Martin (1999: 126), "[t]he availability of braceros permitted southwestern states to become the garden states of the US. In California, fruit and nut production rose 15 per cent during the 1950s, and vegetable production rose 50 per cent. New irrigation facilities expanded the acreage available to grow fruits and vegetables, the interstate highway system allowed produce to be shipped cheaply to eastern markets, and new plant varieties and packing technologies made California produce preferred to locally-grown fruits and vegetables in the eastern US where most Americans lived". On the other hand, it is an irony that the very premises on which the programme blueprint was developed proved false. The number of recruited workers each year during the wartime was much lower than in the long period that followed. Expected war-related labour deficit turned out a myth. In addition, in the war years a large majority of braceros was - contrary to the expectations - not involved in the production of food but in hand-picking cotton which - due to oversupplies - had to be emergently bought and stored by the government. Finally, year-by-

[62] Employer contribution was fixed at sheer $5 per one migrant.

year, more and more braceros were not needed in agriculture, and were directed to other sectors of the economy.

By all means, however, the main winner were employers, in the first instance California farmers. Nestor Rodriguez (2004: 458) pointed out that "[f]or the agricultural employers, a much-desired economic advantage was to have a large supply of workers to keep wages down. From this perspective, a labor shortage did not mean too few workers but too few workers to keep wages down to the lowest possible levels. Bracero labor allowed agricultural employers to reduce some operating costs by about 50%. […] Moreover, U.S. policy makers and employers realized the benefit of hiring braceros without their families. The American Farm Bureau Federation found that bracero labor could 'fill . . . seasonal peaks and return home . . . without creating difficult social problems' that result when families come along. The federal government facilitated the spatial advantage for employers when it underwrote most of the millions of dollars it cost to transport braceros to their U.S. work sites. This advantage was further increased for employers when U.S. government agents arrested thousands of undocumented workers for illegal entry into the United States and then converted these arrested migrants into bracero workers for U.S. farmers. Employers of bracero labor also gained major political benefits from the government-supported labor import program. Through the bracero labor supply, these employers avoided hiring native labor, which often went through organizing cycles. This advantage probably was also a motivation for agricultural employers to pressure the federal government to implement the Bracero Program".

As a majority of studies devoted to the programme indicated, the benefits of employers were an outcome of a wide specter of circumstances that enabled the exploitation of Mexican workers. Caf Dowlah (2022: 286) summarises this in the following way: "Studies suggest that during the tenure of the program, many employers flouted conditions stipulated in the contracts with complete impunity, paid Mexican farmers less than their American counterparts, overcharged them through company-owned stores, and subjected them to poor working and living conditions compared with their American counterparts. […] Despite stronger terms stipulated in the [second] Bracero Accord, several studies suggest that the program also earned 'notorious reputation' for abusing and mistreating of braceros. Like before, many employers apparently violated their obligations by ignoring or circumventing the provisions related to protection of wage rates, working conditions, and workers' rights. […] Several studies suggest than many employers switched to piece rates which enabled them to pay less to braceros".

These arguments find support in the conclusions set forth by Michael Burawoy (1976: 1073) who emphasized the political instruments used by big farmers. "The power of growers [was]

reflected in their ability to establish common wage rates…, [thanks to the collaboration of farmers in employer associations. While] [i]n theory, the prevailing [wage] rates [we]re to be fixed by the free play of the market, [i]n fact, they [we]re established unilaterally by the growers. […] Unilateral wage fixing, monopolistic recruitment, militant antiunionism and powerful lobbies in central government implied inordinate concentration of power".

8. Economy and labour market in coping with the challenges of globaliastion

The 1970s were the period when another breakthrough, the final in my arbitrary search for and the evaluation of distinct manifestations of the pursuit of employer interests regarding migrant labour, took place. It was a consequence of a deep world-wide change in the international economic relations, epitomized in one word: globalization. To be sure, the change strongly influenced by the US economy and the international economic institutions conceived in America[63]. In the United States it also meant a response to challenges posed by globalization.

In purely economic domain the globalization implied world-wide, apparently of superior efficiency, institutions which prioritised market mechanisms over state intervention or regulation[64]. There was also a tendency to curb the scope of the public sector and redistributive policies of the state, and to privatise social services. Major players in business, and economic sphere in general, became trans-national or national corporations. The strength of worker unions and therefore their bargaining power declined considerably.

Dominant business practices of corporations consisted in flexibility and quick responses to market signals. Companies separated many of their sections and outsourced those highly labour-intensive to external (often foreign) subcontractors. In such situation labour market was expected to be flexible, smoothly responding to fluctuating needs of the business and free of long-term security and other obligations towards employees. In addition, manufacturing was heavily fragmented and specialized ; the elements of particular goods were produced in by various companies (then assembled in one of them), often located in different countries. Nevertheless, the proportions in corporate investment reflected the declining role of manufacturing, in favour of financial markets.

The turning point in case of the US economy was 1973 when, in addition to the recession caused i.a. by overproduction and slackening investment opportunities, it was badly hit by the oil crisis

[63] Like e.g. the World Bank, the International Monetary Fund, the International Finance Corporation, but also the World Trade Organization (WTO).
[64] Even China, a totalitarian state, integrating into the modern global economy, has had to accept the standards required by the WTO and comply with them at least to some extent.

and ensuing price hike of this major in American industry raw material. The US economy responded to those unfavourable developments with a deep political, economic, and social restructuring which extended for around 15 years. One of the most important effects of this restructuring was a shift in the dominant model of organization of industrial production – from Fordism to post-Fordism, known also as "flexible accumulation". Post-Fordism featured a greatly intensified technological progress, a substantially modified market strategies, vital organizational innovations, the emergence of new economic branches and new organization of financial services (Moutsatsos 2009).

Flexibility in the management and organisation of production has intensified under the pressure of competition from emerging economic powers, mainly in Asia, from where, inter alia, the lean manufacturing method was derived in the 1990s to prevent wastage of resources (Abolhassani et al. 2016). The IT sector boomed and became one of the main drivers of the accelerated economic growth in the USA (Oliner, Sichel 2000). It also created a huge demand for highly qualified IT specialists, which has largely been met by imports from abroad. Rising employment in this sector continues, with immigration remaining a significant source of this trend.

One of other consequences of these changes which affected American labour market was an American manufacturers' quest for profitable opportunities in cheaper and less regulated markets, which mainly took a form of subcontracting, outsourcing and off-shoring. This coincided with setting up by the so-called newly developing countries (such as China, India or Mexico) of designated industrial areas (often called "free trade zones") where American investors found favourable ground to recruit mostly unskilled workers and transfer over there some of their activities from the home country. Deindustrialisation of the US economy started, involving a transfer of substantial parts of industrial branches, such as those producing steel, rubber, cars, electronic equipment, textiles and semiconductors, to other countries (Phillips 1998)[65]. Off-shoring was also largely practiced in case of service work, and included such jobs as customer service call centres, programming, financial support, office support, diagnostic support centres, medical receptionists, etc. (Freeman 2000).

All these heavily affected American labour. Some authors in a shift in investment pattern from production of goods to financial markets and in other above mentioned changes saw a "corporate warfare against organized labour supported by federal government policies" (Rodriguez 2015: 461). In fact, there were massive manufacturing job losses (also high-wage

[65] For instance, by 1984 the productive capacity of all US steel companies decreased by 20% and 40% steelworkers were laid off. Similar demise happened in many other manufacturing branches.

jobs in management), an increase in low-wage occupations in the service sector, reductions of wages and work-related benefits, and labour market segmentation and polarization (Harrison, Bluestone 1988; Rogers 2007). The flexibility which was one of landmarks of changes in the US economy of that time gave rise to the gig economy with a growing incidence of self-employment, freelance work, project-tied employment and crowdsourcing (Saucedo 2018)[66].

Chrisy Moutsatsos (2009: 22) pointed to "a qualitative change of steady, unionized labor into 'flexible' labor, i.e. more and more jobs, whether requiring skilled or unskilled labor, have been steadily transformed from long-term, contractual and with benefits and union representation, to contingent, part-time, and non-contractual. This trend, in addition to the increase of women's participation in the labor force globally, has been identified as the 'feminization' of workforce. […] Overall, the feminization of labor is directly associated with much greater social and economic insecurity. In other words, the feminization of labor also refers to the increase in part-time and temporary contractual work, lower wages, and lower skilled workers replacing more highly skilled workers". In reality, those manufacturing employees who lost their job due to being laid-off or company's outsourcing were compelled to a search for non-traditional and flexible work arrangements, usually in the service sector (e.g. in educational services, health care and social assistance, but also in professional services) , characterized by part-time employment, low pay, lack of benefits and temporary contract[67].

Economic environment in which more and more workers functioned was a highly segmented labour market. This stemmed from a general characteristic of the emerging new global labour market which was comprised of three segments. The first was a relatively tiny "core" of employees occupying important positions in corporations or representing "precious" skills (e.g. IT professionals), and enjoying full-time and stable fixed-term, and retirement benefits. Then there was "the first periphery" which embraced full-time workers with "easy-to-acquire-and-find" abilities but with little security of jobs and high turnover. Workers in the third (and the fastest growing) segment, called "the second periphery", were part-time or temporary, and low paid, and have very low employment security[68].

[66] In words of Lisa Gussek and Manuel Wiesche (2022: 6), "[t]he work context in the gig economy is comprised primarily of short-term independent workers . The workers are no longer employed in traditional full-time jobs with a long period of employment and a constant connection to a company. They work in form of "gigs" or pre-defined small tasks with short contracts and under flexible agreements".

[67] According to a report published in 2002, only slightly more than a quarter of US manufacturing workers who lost their jobs found new jobs on the same (or better) terms. Moreover, the reemployment rate in manufacturing industry was very low and much lower than in other sectors of the economy (US Department of Labor, 2002).

[68] Such classification was proposed in 1986 by The Institute of Management's Flexible Patterns of Work (Harvey 1989).

The both "peripheries" are also referred to as the secondary labour market. That is where employers often "organize their workforce informally outside the realm of government regulation and keep employment records off the books by paying workers in cash, thereby gaining an extra economic advantage by not paying into governmental social programs for workers" (Rodriguez 2015: 463).

As argued by Saskia Sassen, new tendencies in the labour market, generated by the economic restructuring in the US manufacturing industry and services, included the expanding market for low-wage workers. Jobs in this market - apart from those laid-off manufacturing employees and some resident ethnic minorities - attracted masses of migrants, chiefly from Latin America[69]. Legal entry to the United States, however, was increasingly limited, especially for the unskilled, which was due to various legislative and enforcement activities of the government culminating in IRCA[70]. For a majority of Latino migrants illegal entry became a preferred solution. Indeed, according to the US government estimates, in the 1990s alone approximately 350 thousand new unauthorized migrants were arriving each year[71].

In a highly segmented US labour market of that period employers' interests with respect to required labour were diversified according to skill and sector. In the primary labour market (the "core" segment) shortages appeared mainly in IT, financial and R&D sectors. It was i.a. manifested in numerous lobbying activities aimed at the increase of respective immigrant quota[72].

The intense public and political debates and lobbying concerning the accession of foreign citizens to the US labour market, which were already vigorous, if not harsh, at the times of the Bracero Programme, continued throughout the second half of the 1960s and in the 1970s, and – apart from employer interest groups – increasingly involved labour unions, civil rights' and minority group associations. These organisations mainly highlighted the issue of growing and hardly controlled inflow of illegal migrants seeking job, and precarious and deteriorating situation of immigrants (and of members ethnic minorities) in the labour market (and in the

[69] As she observed (2007), „[b]eginning in the late 1970s, the supply of low-wage jobs in the United States expanded rapidly, while the labour market became less regulated. Such tendencies facilitated the incorporation of undocumented migrants by opening up the hiring process, lifting restrictions on employers and typically lowering the cost of labour".

[70] The Immigration Reform and Control Act (IRCA or the Simpson–Mazzoli Act) was passed by the Congress and signed into law by US President Ronald Reagan on November 6, 1986. For a thorough description of IRCA, see paragraphs below.

[71] In contrast to popular view, their immigration was not only the effect of their survival strategy but to a large extent also a consequence of new business developments in the US (and global) economy (Sassen 1984).

[72] I will enlarge on this in the next section.

society, in general). Ultimately those activities led to what finally became a new comprehensive law.

Their outcome, the Immigration Reform and Control Act (IRCA) was the first major revision of America's immigration laws in decades, and a milestone in the US immigration policy, the first major attempt to address the issue of illegal aliens and employers knowingly hiring individuals unauthorized to work in the United States.

The resistance to changes on the part of employer interest groups was quite effective but in the course of time weakened. As recalled by the analysts, Muzaffar Chishti and Charles Kamasaki (2014: 1), "Its [IRCA)] passage was many years in the making, building from the recommendations of a high-profile, congressionally appointed Select Commission on Immigration and Refugee Policy presented in 1981, and similar proposals developed during the Ford and Carter administrations. Though various versions of IRCA were passed by the Senate in 1882[73], 1983, and 1985, and twice by the House (1984 and 1986), the legislation won final approval only during the closing days of the 99th Congress".

The final version of the law eventually reached both chambers in 1985 but failed on the cost issue in the conference committee. Nonetheless, that year was a major turning point for attempts to change. Employer resistance to workplace fines started to subside, partially owing to the law's "affirmative protection" provision, which expressly freed employers from the duty to verify the validity of workers' records. Also, agricultural employers shifted their focus from opposition to employer sanctions to a concerted campaign to secure alternative sources of foreign labour. As opposition to employer sanctions waned and growers' lobbying efforts for extensive temporary worker programs intensified, agricultural worker programs began to outrank employer sanctions as the most controversial part of reform[74].

Regarding major provisions of IRCA, it prohibited employers from consciously hiring, recruiting, or referring for a fee any alien who is unauthorized to work. As a result, all employers became mandated to verify both the identity and employment eligibility of all regular, temporary employees, temporary agency personnel, and student employees. IRCA imposed substantial fines for failure to comply with these requirements. In addition, failure to verify a new employee's identity and employment eligibility was to result in the termination of employment for that employee. Furthermore, addressing the issue of illegal immigration, the

[73] For instance, the first version of IRCA was approved by the House and Senate Judiciary Committees (1982). However, the bill failed to be received by the House. Civil rights advocates were concerned over the potential for abuse and discrimination against Hispanics while growers' groups rallied for additional provisions for foreign labor and the US Chamber of Commerce persistently opposed sanctions against employers.
[74] See https://en.wikipedia.org/wiki/Immigration_Reform_and_Control_Act_of_1986.

law provided amnesty for certain long-term residents to gain legal permanent status[75], and it separated temporary agricultural labour from other temporary labour for purposes of nonimmigrant worker provisions, and established a special agricultural worker adjustment program.

However, the enforcement of IRCA provisions was far from perfect, to say the least. Moreover, some "inducements" for unauthorized aliens remained in force, for instance, the 1982 decision of the Supreme Court which forbade schools to deny services based on illegal immigration status or the Emergency Medical Treatment and Active Labor Act, which forbade hospitals from denying emergency care services based on immigration status signed in 1986 by President Reagan. In effect, despite the passage of the act, the population of illegal immigrants rose from 5 million in 1986 to 11.1 million in 2013[76]. Other side-effects were visible also on the labour market, like changes in the hiring process as employers turned to indirect employment through subcontractors. As explained by Douglas Massey (2007: 145), "[u]nder a subcontracting agreement, a US citizen or resident alien contractually agrees with an employer to provide a specific number of workers for a certain period of time to undertake a defined task at a fixed rate of pay per worker". […] "By using a subcontractor the firm is not held liable since the workers are not employees. The use of a subcontractor decreases a worker's wages since a portion is kept by the subcontractor"[77].

Coming back to the developments in the US labour market in the globalization era, as far as its secondary part (especially its "second periphery" segment) is concerned, with the exception of agriculture where special government regulations opened the way for employers to lobby for desired quota, employers did not carry out any consistent activities related to acquiring labour. On the one hand, IRCA clearly defined the category of authorized workers and introduced penalties for hiring unauthorized workers, and on the other hand, employers had at their disposal a vast pool of irregular (undocumented) migrants for whom employment in the "second periphery" was practically the only option. In addition, as Rodriguez (2015: 467) suggested, "[g]iven the lower skill range in this labour market sector, employers prefer[red] to hire new workers than to invest in those who [did] not rise to expectations". Eventually, workers became highly mobile across the secondary labour market which in turn resulted in a strong dynamism and elasticity of this sector.

[75] Under IRCA, 2.7 million undocumented long-term residents received legal permanent status.
[76] Source: https://en.wikipedia.org/wiki/Immigration_Reform_and_Control_Act_of_1986.
[77] Of course, this indirect hiring , albeit stimulated by IRCA, pertained to every worker regardless of legality.

In summing up and finalizing this section, it is worthwhile to turn to Saskia Sassen (2007[78]), who, arguing that in order to understand and explain immigration, the characteristics of the demand for labour should be identified first, referred to the three converging trends of vital importance, which were observed in the US economy and labour market. Due to their concise style and persuasive reasoning, I will quote here few paragraphs from her related publication.

Based on a number of studies, Rodriguez (2015) identified the following ways employers recruited migrant workers (including a great many being in irregular situation) into the secondary labour market:

- by finding and recruiting migrant workers in day-labour pools;
- by hiring migrant workers when they approach workplace and inquire about job opportunity;
- by hiring migrant workers introduced and recommended by other workers;
- by contacting various intermediaries (recruiters or smugglers) to recruit migrants;
- by asking immigrant employees to recruit new migrant workers;
- by visiting community and commercial areas to locate and recruit workers;
- by indenturing migrant workers by paying the "smuggling fare" to intermediaries[79].

In summing up and finalizing this section, it is worthwhile to turn to Saskia Sassen (2007[80]), who, arguing that in order to understand and explain immigration, the characteristics of the demand for labour should be identified first, referred to the three converging trends of vital importance, which were observed in the US economy and labour market. Due to their concise style and persuasive reasoning, I will quote here few paragraphs from her related publication.

"Three trends converged: first, the growing practice of sub-contracting, and the expansion of sweatshops and industrial homework (all of which have the effect of isolation workers and preventing them from joining together to defend their interests); second, the downgrading of skill levels required for jobs through the incorporation of machines and computers; and third, the rapid growth of high-technology industries that employ large numbers of low-wage production workers. These conditions make the United States an attractive location for foreign

[78] No page numbering in the quoted text.
[79] Evidence quoted by Rodriguez (2015) indicated that indenture workers were mostly among Chinese immigrants and migrant women employed in nightclubs.
[80] No page numbering in the quoted text.

manufacturers and other types of firms, and, at the limit, make certain areas of the country competitive with Third World countries as production sites.

The rapid growth of the service sector also created vast numbers of low-wage jobs, in addition to the more publicized increase in highly paid investment banking, management and professional jobs. The growth industries of the 1980s - finance, insurance, real estate and business services - feature large numbers of low-wage jobs, weak unions if any, and a high proportion of part-time female workers. Sales clerks, waitresses, secretaries and janitors are among the growth occupation.

The expanded service sector also creates low-wage jobs by raising the demand for workers to service the lifestyles and consumption requirements of the high-income professional and managerial class. The concentration of these high-income workers in major cities has created a need for legions of low-wage service workers – residential building attendants, restaurant workers, preparers of specialty and gourmet food, dog walkers, errand runners, apartment cleaners, childcare providers and so on. The fact that many of these jobs are 'off the books' has meant the rapid expansion of an informal economy.

Immigrants are more likely than US citizens to gravitate towards these jobs: they are poorly paid, offer little employment security, generally require few skills and little knowledge of English, and fundamentally involve undesirable evening or weekend shifts. In addition, the expansion of the informal economy facilitates the entry of undocumented immigrants into these jobs. Significantly even immigrants who are highly educated and skilled when they arrive in the United States tend to gravitate toward the low-wage sectors of the economy.

The fact that primary generators of low-wage jobs are the major growth sectors of the US economy, such as high technology and services, rather than the declining sectors, suggests that the supply of such jobs will probably continue to expand for the foreseeable future. As long as it does, the influx of immigrant workers to fill these jobs is likely to continue as well".

9. The 19th century origins of employer lobbying

As already highlighted in this text, interests of employers were pursued (often successfully) throughout the American (USA) history. The lobbying was one of the means used by employers to attain their goals[81]. The other activities, more popular in the past, included organisaton's

[81] Systematic lobbying is said to start from the time of taking over the immigration matters by the federal government which took place around the middle of the 19th century (Zolberg 2006).

resolutions (manifesto), petitions, statements in media, etc. Below I highlight an important series of these activities (and related events) which in my opinion became a milestone in an emerging modern relationship between the national interests represented by federal government and the particular interests of employers (and business, in general).

What I have in mind is a confusing episode of ambiguous position of employers towards immigration which took place in the 1880s. The events of that period triggered off the first major revision in the US immigration regulations that occurred between 1882 and 1925. Morrell Heald (1953) devoted to it a penetrating analysis based on public speeches of business leaders, opinion polls among employers and above all contents of publications of popular journals and business magazines.

In earlier periods, the business adamantly opposed any attempts of the federal government to take over the regulation of immigration. It considered immigration a natural and enduring element of America's development. The situation changed radically in the 1870s and the change was reinforced in the 1880s when economic crises hit the industry and the economy in general. "During the 1880s and 1890s, while labor leaders protested the competition of alien workers, business publications were criticizing no less bitterly the impact of immigration on American society. […] Measures presented to Congress for regulating and limiting the admission of aliens were frequently concurred in by prominent business leaders" (Heald 1953: 291). Further, Heald observed that "businessmen were impressed by the numbers and the plight of unemployed laborers crowding the cities. The high proportion of foreign-born among the jobless aroused particular concern".

Surveys of business opinion in that period indicated that most employers were in favour of limiting admissions while a considerable proportion recommended a total ban on immigration. Several state business chambers and many leading businessmen advocated the literacy test, a major instrument considered by the government and legislators to curb the inflow of uneducated people from Southern and Eastern Europe.

The arguments set forth were omnifarious. The most powerful claimed that the immigration itself was strengthening the labour movement, which in turn was conducive to strikes and violence. Also urban disorders were attributed to newly admitted immigrants. Anxieties were expressed about radical anti-capitalist frame of mind on the part of "foreign troublemakers". Some business circles denounced migrants from Southern and Eastern Europe as mentally and racially inferior to predominating Anglo-Saxons. On the other hand, small businessmen supported restrictions on the admissions of foreigners because they saw in exploitation of the

immigrants by the big business a threat to their competitiveness and development. It was even maintained in the public debate that the process of settling of the vast territory of the United States was near completion and no further immigration was needed.

Such change of attitude of employers to the immigration made it possible to undertake by the Congress a number of regulations controlling and limiting the inflow of foreigners. However, many far-reaching legislative initiatives of those times had to undergo a painful political process and ultimately become softened because of conflicting interests among the big business. For instance, the barons of steel industry consistently stood against restrictions. Also, "[i]n her study of the political economy of the introduction of the 1917 Literacy Test provision in the USA, Goldin (1994) points out that capital owners were against this restrictive measure and actively lobbied against it"[82]. Indeed, a typical cumbersome legislative path was that related to enacting by Congress the literacy test, which took 22 years despite the restrictive stance of a majority of the legislators.

According to Torsten Feys (2015), a major ally of those employer' circles who opposed restrictions proved to be the shipping industry. As he contended: "No [other] interest group benefitted more directly from migration". As he argued (2015: 25), "the most constant, long-established and hence driving force behind the pro-immigration lobby during the long nineteenth century was not employers or migrant communities but shipping companies. […] Their influence on migration policies not only dates back longer, they were also more consistent than employer interests that were more reluctant to defend the cause during economic downturns. Shipping companies never backed down, not even under growing anti-trust pressures. They stimulated the mobilization of the migrant communities to strengthen both their inside top-down and outside bottom-up lobby campaigns". Nevertheless, he admits that "[t]he shipping lobby also constantly sought the support of employers and capitalists with whom they coordinated the efforts".

Another important finding of Feys is that in the climate of the 1880s "the conviction that immigration was a matter of national sovereignty became generally accepted", [and lobbying amateurs] "were replaced by professional lobbyists. These intermediaries circulated vital information between the shipping lobby and policy makers, allowing the former to react quickly to provide the latter with the necessary incentives, strategies, arguments, and bills to oppose restrictions. They stalled and attenuated new reforms using institutional changes and the growing need for expert advice by pushing for congressional investigation committees of unprecedented scale to their advantage". [In pursuing their interests,] "the shipping lobby

[82] Quotation after Facchini et al. 2015: 561.

mainly counted on journalists and migrant communities. It financed and sometimes even established national and cross-ethnic associations, providing crucial citizen support which voiced their protest on the streets, in the press, and in Washington. To stir the public in favor of immigration, the shipping lobby hired journalists to screen the press, spread propaganda in newspapers, magazines, and scientific journals".

10. Recent activities in favour of employer interest

As evidenced in previous sections, US employers always heavily depended on migrant labour. Bringing them to the country and hiring was in their vital interests. In earlier periods, especially during the colonial times, the employer interests were mainly secured and pursued thanks to their double role in the society. Big planters (growers, farmers) and business owners simultaneously occupied high positions in the administration (central or regional) and law-making (e.g. the Congress) and judiciary systems, and - so to speak - controlled and impacted immigration-related regulations and their enforcement. "Although not often highlighted in the immigration research literature – observed Nestor Rodriguez (2004: 470) - employers have played a critical role in anchoring immigration trends to the US labor market through formal and informal means"[83].

However, as argued in the previous section, in the course of time, along with growing and diversifying American economy and labour market, the interests of employers with respect to immigration ceased to be uniform and were by no means stable. Also the means of expressing and operationalising these interests by the employers changed. The present section contains several examples illustrating the most recent public activity (lobbying) of employers in this area.

It is common knowledge that nowadays "lobbying" is a major instrument by which interest groups influence the law-making. In fact, it became widely practiced by various interest groups only in the late 20th century. In earlier periods, lobbying, understood as "activity by paid professionals to try to influence key legislators and executives"[84], commissioned by groups first called "factions" and later "groups of interest", happened mostly within particular state's legislatures because the federal government as a rule did not handle economic matters. In addition, throughout almost entire 19th century, it "was often practiced discretely with little or

[83] This opinion is confirmed by many studies. For instance, Nicholson-Crotty and Nicholson-Crotty (2011) in an analysis of policy making in 2005-2007 found that employers representing certain industries who rely on migrant labour strongly affect policy decisions. In particular, the response of state policy makers to public pressure for more restrictive immigrant policy is moderated by the political and economic importance of those industries.
[84] Quotation from https://en.wikipedia.org/wiki/History_of_lobbying_in_the_United_States.

no public disclosure"[85]. There was sound opposition against lobbying accused of "corruption of petitioning", and lobbyists were blamed as corrupting politics. It culminated between 1880s and 1920s. The climate changed when in 1951 the Supreme Court ruling defined lobbying as only "representations made directly to the Congress, its members, or its committees" as opposed to, explicitly condemned (as an evil and a danger), "indirect lobbying", i.e. efforts to impact the Congress through influencing public opinion[86]. Currently, lobbying is a highly regulated activity subject to state laws, which differ in several respects[87]. Nevertheless, general meaning of the term is similar: it is activity attempting to on behalf of another for compensation.

In the following decades, in a better political climate, lobbying activities expanded and became a highly profitable profession. According to one account, while 1975 the total fees of Congressional lobbyists did not exceed $100 million, in 2006 it was more than $2,5 billion[88]. Among the groups of interest active in lobbying are organisations of employers (and business, in general), although their importance measured by the amount of spending on lobbying for immigration is relatively low, and never exceeded 6% of the total lobbying contributions (Facchini et al. 2015: 563)[89]. Nonetheless, these activities were rather effective. As argued by Giovanni Facchini and the co-authors (2011: 115), on the basis of the analysis of data for 2001-2005, "[o]ur preferred estimates suggest that a 10% increase in the size of lobbying expenditures per native worker by business groups is associated with a 3.1% larger number of visas per native worker, while a one percentage-point increase in union density – for example, moving from 10 to 11 percentage points, which amounts to a 10% increase in union membership rate – reduces it by 3.1%".

Since the introduction of IRCA, the US immigration policy became much more "orderly" then before, and the possibilities of legal entry of new migrants have been relatively clearly formulated. A major door through which foreign citizens can enter US labour market are temporary admission' visas for work. There are several of them, and in general they are sector-related and may have different validity and a cap (i.e. annual upper limit). In terms of the number of admissions (issuance), the most important are H-1B concerning workers of distinguished merit and ability (e.g. annually 130 thousand in 2001-2005), H-2B concerning

[85] Quotation from https://en.wikipedia.org/wiki/History_of_lobbying_in_the_United_States.
[86] Quotations from https://en.wikipedia.org/wiki/History_of_lobbying_in_the_United_States.
[87] See: How States Define Lobbying and Lobbyist, 9/3/2021 (https://www.ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx).
[88] R.G. Kaiser, How lobbying became Washington's biggest business, The Washington Post, 2007; quoted after: https://en.wikipedia.org/wiki/History_of_lobbying_in_the_United_States.
[89] In 1998-2005 there were 1662 incidents of lobbying on immigration and related overall expenditures reached $1,3 billion (6143 incidents and $5,0 billion in case of trade, the main area of lobbysts' activity). See: Facchini et al. 2015: 577.

workers in "other" (non-agricultural) services (73 thousand) and H-2A concerning workers in agriculture (31 thousand). Distinction between different categories of visa for work have respectively channeled various employer interest groups in their lobbying activities. Interestingly, in 1998–2005, the sector with the highest number of organizations lobbying on migration over the period was "education"; universities/educational institutions carried out lobbying activity on migration 296 times. They pressured on increasing a cap for H-1B visas.

Facchini and the co-authors (2015: 561/2) made the following observation concerning lobbying at the turn of 21st century: "during the 'dot com' boom at the end of the 90s, high-tech firms have intensively and successfully lobbied the US Congress to increase the number of H-1B visas. At the same time, US hospitals and healthcare providers have been able to secure an increase in the number of H-1C visas awarded to foreign nurses. Finally, after the 2006 US midterm elections, the vice-president of Technet, a lobbying group for technology companies, stressed that the main goal of the reforms proposed by her group was the relaxation of migration policy constraints. New visa categories have also been introduced in the USA as the result of lobbying activities. An interesting example is the case of H-2R visas. In 2005, the quota for H-2B visas was filled with none of them going to the seafood industry in Maryland. This industry started heavy lobbying of the Maryland senator Barbara A. Mikulski, who was able to add a last-minute amendment to the Tsunami Relief Act (PL 109-13) of 11 May 2005 […]. As a result, a new visa category was introduced, H-2R visas. The requirements for H-2R visas are the same as for H-2B visas, but there is no quota. As long as the individual has held an H-2B visa in one of the previous three fiscal years, he can get an H-2R visa. This has substantially expanded the number of temporary, non-agricultural workers allowed to enter the USA.

It their report on the failure of the immigration reform of 2007 (Comprehensive Immigration Reform Act) which was due to activity of "a tangled web of lobbyists, Lee Drutman and Alexander Furnas (2013) concluded: "[I]n the five years, 2008-2012, since the reform last died on the Senate floor, we count 6,712 quarterly lobbying reports filed by 678 lobbying organizations in 170 sectors mentioning 987 unique bills, associated with more than $1.5 billion in lobbying spending". In contrast to 1998-2005, on the list of top lobbyists, the most active in this period represented "ethnic/minority groups", followed by "education" and a major association of employers, Chamber of Commerce.

I will insert below an extensive quotation (five paragraphs) from that report to illustrate the cases of most fierce lobbying between 2007 and 2012.

"The first case relates to lobbying on agricultural work visas. A series of bills have been introduced to streamline the H-2A agricultural worker program, based on compromises worked out over years between agricultural employers, farm worker unions, and key lawmakers. The bills have generally been introduced under the title 'The AgJOBS Act'. As then-Senator Ken Salazar D-CO explained in 2007: 'There are 567 organizations that have endorsed [the AgJOBS Act], from the Colorado Farm Bureau, to the Farmers Union, to every single agricultural organization in America. The leaders on AgJOBS in the Senate, Senator Feinstein and Senator Craig, have been eloquent in making their statements about the need for the agricultural community, farmers and ranchers, to be able to have a stable workforce. We need to stop the rotting of the vegetables and the fruits in California, in Colorado, and across this country. The only way we are going to be able to do that is if we have a stable workforce for agriculture'.

One other proposal that has been heavily lobbied – 'The Dairy and Sheep H-2A Visa Enhancement Act' – would expand the H-2A visa program to also include sheepherders and dairy workers. Naturally, this has been of particular interest to the dairy industry, which relies on immigrant labour. As bill sponsor Rep. John McHugh (R-NY) told the House floor in 2009: 'During the past decade, dairy farms throughout the nation have increasingly experienced difficulty in hiring local workers to meet their needs and, as a result, are ever more reliant upon immigrant labor. The tremendous uncertainty regarding that labour supply has a profound impact on their ability to plan for the future and make sound business decisions'.

Another [case] highlights massive lobbying in support of extending the H-2B visa worker exemption to allow non-agricultural seasonal businesses to hire immigrant workers. As Sen. Barbara Mikulski (D-MD), sponsor of the proposal, told the Senate floor in 2009, 'Every member of the Senate who has heard from their constituents - whether they are seafood processors, landscapers, resorts, timber companies, fisheries, pool companies or carnivals - knows the urgency in their voices, knows the immediacy of the problem and knows that the Congress must act now to save these businesses. I urge my colleagues to join this effort, support the Save our Small and Seasonal Businesses Act, and push this Congress to fix the problem today'. The lobbying interests most active on these issues have been hotels and motels, restaurants, florists and nursery services, forestry and forest products companies, and real estate agents.

The messiest [case] is in the middle, and it largely coalesces around two major lobbying interests: computer software and manufacturers, and the Chamber of Commerce. The concerns of these groups overlap. Part of their lobbying (particularly the tech companies) is aimed at high-skilled workers: retaining math and science Ph.D. graduates, enabling high-skilled

immigration generally, and expanding H1.B and L.1 temporary visa programs. (H1-B visas allow skilled workers in mostly engineering, science, medicine, and finance to enter the U.S. for a limited period while L-1 visas allow employees of international companies to work in U.S. offices of the company for a limited period).

The other major issue in this [case] is around the employee verification program, a web-based system that helps employers to check whether potential employees are in fact eligible to work in the United States. Both the Chamber of Commerce and the computer industry have lobbied heavily on this issue. This cluster also catches some concerns over homeland security, border enforcement, and travel visas, and brings in the building trade unions and the lodging and tourism sector".

11. Summing up the historical considerations

The foregoing analysis supported my initial claim that migration for work in the English colonies of America and later in the United States concomitant enduring employers interests took distinctly different patterns depending on the contextual factors which ensued or were marked by a specific "breakthrough". Indeed, each of those (four) breakthroughs resulted in a distinct character and mode of the functioning (and development) of economy and labour relations.

In the following summary, I will strictly adhere to the illustrations of the problem addressed in this paper that were described in the earlier sections. In doing so, I am aware that their selection was not representative, especially given the diversity, variability over time and the way in which employer interests are manifested. I have explained the reasons for this approach in the introduction.

The first of them was an attempt to colonise North America by the English Crown by means which substantially differed from the way followed by the other European powers, notably Spain and Portugal in South America. Instead of subduing, robbing and exploiting native people, England ventured to settle the New World. This way of colonization proved to be an arduous process of acquiring by Englishmen uncultivated no one's (in their perception) land and step-by-step moving from a painful struggle for survival to self-substistence by farming on area gained over through grubbing up bushes and trees, to development of a well-organised agricultural economy, being a "union" of several English colonies.

Initially the colonists were granted ownership or lease of land which was in abundance but because farming over there was highly labour-intensive they badly needed people to work for them. The solution was found in the institution of indenture.

In England (also Scotland) of that time many young people with no possession engaged in temporary servitude. They became recruited as servants also for American colonies in exchange for payment of the cost (very high) of overseas trip and full-fledged maintenance during their service. The recipients of that labour ("employers") were mainly farmers but also craftsmen, tradesmen or administrators. The virtue of the institution of indenture was a voluntary bondage of a worker who was contracted by a "principal" for (fixed) several year term and mandated to obediently work for the principal during the entire duration of the term. It should be added that a large majority of indentured migrants worked for family small-farm owners, and many of them, after expiration of their term, stayed in America and as a rule became farmers themselves.

Indenture proved to be very effective way of bringing necessary labour to North America during its colonization. It involved much more than a half of the immigration volume of that time. Above all, it enabled the colonists to stabilize English possessions in America, and to establish foundations for the growth of the economy in decades to follow. By far the most important of labour relations was that between the patron (employer) and the indentured worker (employee). Due to excessively uneven position of these two parts, the relationship between them served and was strictly subordinated to the interests of employers.

The above mentioned foundations led to the emergence of plantation economy. It arouse from the developments of the colonization period with a growing social and economic stratification of the population of the colonies. In particular, few colonists, mainly in southern colonies, were able to accumulate vast areas of land and turn them into profitable export-orientated plantations, initially specializing in tobacco, then also in other crops, and culminating in cotton. The principal role of small farmers, who were a clear majority, was to maintain their families. In addition, they provided extra food and other produce to local markets, and in infrequent cases served as sub-contractors to big planters. In turn, the well-off colonists in northern parts specialized in various trades, including manufacturing (timber, flour) and also supply of workers to southern plantations. A majority of northern settlers, however, run relatively small family-based farms.

Although the economy expanded thanks to various circumstances, also of strictly political nature (including the independence from England/Great Britain), the virtue of its development was a coincidence of an increasing demand for particular goods (mainly raw materials) in

Europe (mainly in England) and an enormous production capacity of southern plantations. Big planters in order to exploit this capacity, however, needed a new type of worker, other than the indentured servant. For the labour required on plantation had to be highly disciplined and able to work hard all days long throughout whole year, irrespective of whether conditions or season. The workers recruited in England and elsewhere in Europe hardly met this condition. This time the solution was borrowed from the colonies in the Caribbean and South America where land owners already widely used the slaves imported from Africa as their labour. Since a respective trading infrastructure (intermediaries, routes and market places) was already well developed, the planters got an access to practically unlimited supply of slaves. At the peak of development of the plantation economy, the slaves were the most numerous category of US labour and accounted for almost one-third of the US population (in 1840), and reached 40% in southern states of the country.

The planters developed a very efficient, so to speak protocapitalist, plantration-specific division of labour and the organization of work. In spite of generally highly extensive and labour-dependant production technique, labour productivity of slaves was supposedly by more than one-third higher than that of wage-earners employed on farms in the northern states.

Fortunes of the plantation economy changed over time but in the end it brought about a gigantic wealth to planters (slave owners) and companies that collaborated with the plantations, including those involved in financing and organizing the slave trade. An estimate for 1860 implies that the value of slaves – who were exclusive and life-long property of their owners – exceeded the value of other assets in all the United States and consisted nearly 16% of the America's total wealth. No wonder then that the interests of the planters (slave owners and "employers" at the same time) were strictly related to the access (including immigration and reproduction) and possession of these precious "employees", the interests embedded in the political system and political power enjoyed by them[90]. It is claimed that the plantation economy based on work of the enslaved people laid foundations for the next turning point in the restructuring and development of the US economy, and largely contributed to the success of the industrial revolution in England.

The third breakthrough was, as much as the previous one, strongly influenced by the factors of political nature, above all the consequences of the Civil War. The United States became territorially and politically consolidated, and obstacles for entrepreneurship and industrial development were removed. The economy, driven by laissez faire principles, flourished and

[90] Let me mention here that the 1787 legislation guaranteed slave owners additionally three-fifth of one vote for each slave, which means that an exemplary owner of ten slaves had additional six votes.

soon became the world leader in terms of GDP growth and export of industrial goods dynamics. Not only that the slave trade was banned but also the slavery was abolished, and the former slaves were granted all citizen's rights. The very roots of the plantation economy were undermined and most of planters switched into farm growers dependent on wage labour.

The country experienced new wave – on unprecedented scale (sometimes exceeding one million annually) – of immigration from Europe, this time chiefly from Southern and Eastern Europe, and composed of poorly educated and unskilled people. Newly arrived immigrants in a large majority hoped for better life prospects and gainful employment[91], and constituted a pool of "free" labour. Employers generally had no part in paying for their journey to America, nor in their recruitment.

Rapid industrial growth and its landmark – mass production at relatively low cost, together with ongoing infrastructural investment projects, created a huge demand for unskilled workers. It met perfectly the inflow of new immigrants.

A model economy of the United States of that time also featured a model capitalist labour market where workers were hired (and laid off) according to demand for labour, which in turn to a large degree depended on the business cycle and the specificity of economic sector. A huge supply of unskilled industrial labour, in the Marxist parlance – a labour surplus – resulted in relatively low wages, unstable terms of employment and fluctuating unemployment. In the course of time, however, industrial workers increasingly attempted to defend their interests by joining and acting through labour unions, and some regulatory measures concerning industrial relations were being introduced by the government. Nevertheless, the big business, representing the interests of employers, thanks to connections with the political elite, usually had an upper hand in labour disputes.

As far as manufacturing industry is concerned, employers hardly ever worried about the lack of workers they needed, and contrary to earlier times they did not attempt to stimulate immigration. In fact, at times of economic downturns and high unemployment, and ensuing labour protests (sometimes ferocious), employers happened to argue against (too) liberal immigration laws[92]. Quite opposite was the situation in sectors such as agriculture, mining and railroad construction. A demand for cheap labour was mainly satisfied by bringing into the

[91] While the main purpose of people who took part in this influx was earning a living, they often to hoped to benefit from the promise behind the "American Dream", a myth stirred up by the extraordinary and unparalleled success of the US economy at the turn of the 20th century.
[92] See the next section.

country Asian (Chinese and Japanese) indentured workers and Mexican temporary workers[93]. In the both cases the inflows and work of migrants occurred clearly in the interest of influential employers, despite the opposition of domestic workers and racial prejudice of the general populace. A conspicuous phenomenon of those years was a rather marginal role (presence) in the labour market (and in the preferences of employers) of the former slaves (Afro-Americans, in general).

Finally, the fourth breakthrough, concomitant the globalization, brought about another radical change in the economic structure and labour market. While agriculture remained important (albeit by no means crucial) sector of the economy, manufacturing industry, an engine of the GDP growth in the past century, winded up. A leading role was assumed by financial sector and services in general. Predominant business practices, above all a quest for flexibility, severely affected labour relations. The labour market became highly segmented, and the situation of many workers became precarious. Masses of industrial workers were made redundant and, so to speak, transferred to services, where the jobs offered were less secure and lower paid. High (if not growing) demand for labour, apart – as usually – from agricultural temporary workers, was practically limited to the highly skilled, especially in IT technologies, finance and banking, and R&D.

The changes in the economy created a vacuum where a high and unsatisfied demand for cheap consumer products and services met instantly a blooming informal activities. Irregular employment became a mass phenomenon in the US economy, not only in a peripheral segment of the labour market[94]. That was this section of the economy (and a segment of the labour market) which attracted huge nambers of migrant workers, mostly the Latinos. It also perpetuated the inflow of unauthorized migrants.

In conclusion, looking at the history of the United States (including the colonial period) from the perspective of migrant labour and related employer interests, I found a symptomatic sequence of dominating forms of the employment of immigrants. These forms were clearly a consequence of a given “breakthrough” and the ensuing political and economic conditions In

[93] The importance of the guest worker programmes dedicated to Mexican citizens was crucial for labour migration to the United States in the decades to come. Mexicans, initially temporary agricultural workers, gradually penetrated into many other sectors and contributed to inextinguishable chain migration (in a large part undocumented) from Mexico and other Latin America countries. Ultimately, this flow changed traditional (at least two-century old) distribution of immigrants by country of origin, and resulted in marginalization of European migrants who prevailed in earlier years.

[94] By the way, this phenomenon has also occurred in other leading economies of the globe.

turn, these conditions shaped the characteristics of a preferred worker, who *en masse* had to be imported.

First, indentured workers from Western Europe predominated in the labour force. Then, the most needed (and the most numerous in the economy) were slaves from Africa. The slave labour almost fully eliminated (made unproductive) the indenture. After the abolition of slavery (to be sure, its concealed forms persisted much longer), a new form, a wage contract work[95], became the most popular, especially in manufacturing industry. In a substantial part the workers were newly arrived and as a rule unskilled immigrants from Southern and Eastern Europe. Due to a growing diversification of the economy, other (than the manufacturing) sectors also expressed demand for migrant workers. And that is how new form of indenture appeared; it was mainly based on debt-bondage and embraced immigrants from Asia. These indentured workers were recruited by (agricultural) growers as well as mining and railroad construction companies. At certain point of time the growers replaced the indentured workers by guest workers from Mexico. A final element in this conspicuous sequence of the forms of employment (but also the origin of migrant workers) became a huge presence of irregular workers from Latin America who found inferior employment mostly in the secondary (but also in the primary) labour market, in various sectors of the economy. It was accompanied by the recruitment, albeit on a much smaller scale, of the most talented and highly skilled from all over the world to work in the most expanding economic sectors. Throughout the US history, beginning with English colonisation, immigrants have indeed been an indispensable factor in the continuation and development of this country, its society and its economy.

Interestingly, to be observed at the end, not only that in all prevailing forms of employment specific to the conditions related to a given breakthrough immigrants were the most numerous group but also these forms were examples of unfree employment (labour), alluded to in the introductory section.

We may also argue that there was a large variety of explicit activities of employers by which they strove to "shape" the inflow of foreign labour and secure its unregulated availability in the labour market. At times they were uniformly anti-restrictionist, although it also (rarely) happened that a majority took an anti-immigration stance. Most of the time, their position was mixed and subordinated to particular (often conjectural) interests of different groups representing specific industries or capital groups. The outcomes of those activities were also

[95] Formally, in the meaning of American labour legal system, "contract worker" largely differs from "employee" (i.e. someone employed on the basis of permanent or fixed-term contract). Conditions of hiring of a "contract worker", including duration, work load, etc.) can be set individually between employer and worker, and, as a rule, do not include any non-wage benefits.

diversified; sometimes employers succeeded in passing law they were in favour of, but sometimes they did not. In some instances they were able to block a law which was detrimental in their perception but on other occasion they failed in such attempt. In my opinion, the high efficiency of lobbying in the interest of employers was particularly manifested in the cases of prolonged process and a delay of adopting a given law (regulation) and of partly or wholly blocking its enforcement.

In earlier times, particularly until around the mid-18th century, their major instrument was a direct political pressure thanks to mixed (combined), entrepreneurial and political or judiciary, roles assumed by the major employers. In the course of industrialization and changes of economic structure, the interests of employers became increasingly diversified and their "access" to the heart of law and political decision-making less obvious and in many instances more difficult. Immature attempts at lobbying were certainly present even before the industrial revolution but since the 1880s we may observe a nucleus of "professional" lobbying of employers (mainly of big business or influential representations of industry) in contemporary meaning, i.e. executed by commissioned and specialized intermediaries. The analysts of employer lobbying in the 20th century, especially after the WWII, are in agreement that political environment (i.a. immigration policy) induced highly chaotic activities of employer interest groups and their lobbies which is best exemplified in the political and legislative process surrounding IRCA, and a little earlier the Bracero Programme. At present, after the adoption and several amendments of IRCA, the lobbying system has become highly professional; on the one hand, it is by far the most important way of influencing the government by employer groups of interest, and, on the second hand, it is a business by itself, generating enormous wealth to major lobbyists.

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