

Becoming a Victim of Pesticides: Legal Action and Its Effects on the Mobilisation of Affected Farmworkers[☆]

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Abstract

This article analyses the effects of legal action on the mobilisation of farmworkers suffering from illnesses they link to the use of pesticides. It draws on a qualitative survey conducted with members of the Phyto-Victims Association, a protest organization comprised of sick farmworkers, their families, and the legal professionals who support them. Using this material, we retrace the paths taken by these farmworkers to obtain recognition for their status as pesticide “victims”. We describe the ambiguous effects of the law on this process at both individual and collective levels. We show how the law helps farmworkers to see their illness as an injury requiring compensation and to consider themselves as “occupational victims”. We also suggest that legal action prevents a full exploration of the responsibilities involved, and may trap farmworkers in a reductive face-off with pesticide producers.

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On the morning of 29th November 2013, a group of ten or so farmworkers, mainly farmers, held a meeting in a room made available by a communist local government in a Paris suburb. These men and women had come from all over France to attend an extraordinary general meeting of Phyto-Victims (victims of pesticides), a national association which since its creation in 2011

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has been denouncing the effects of pesticides on farmworkers' health and assisting those who believe themselves to be "victims" of these products with medical and administrative formalities. The main object of the meeting was to vote on a modification to the association's statutes in order to facilitate any future involvement in legal proceedings. A lawyer was present at the meeting. As a partner in a large Paris practice specialising in public health matters (most specifically in asbestos-related cases) he has acted as legal advisor to the majority of the association's members. On that particular day he gave a lengthy presentation during which he examined the possibilities for legal action. He carefully explained the technical subtleties of the law and set out the various remedies available to farmworkers wishing to argue their case as "pesticide victims". The farmworkers took this opportunity to thank the lawyer for his commitment on their behalf, to ask questions, or, more often than not, to tell their own personal stories. Each of these stories was further proof of the decisive role that the lawyer had played in the trajectory leading these farmworkers to join the Phyto-Victims Association. Some of them mentioned the fact that the lawyer had been very helpful in facilitating their medical and administrative procedures with a view to obtaining recognition of occupational diseases. Additionally, almost all of them pointed out how decisive his assistance had been in effectively prosecuting the pesticide manufacturers that the victims held to be mainly responsible for their health issues.

It was an astonishing picture. Nothing predisposed these men and women — most of whom made intensive use of pesticides on their farms — to find themselves at the heart of a joint action to denounce the impact that these substances have on health. They were owners of small enterprises with a tendency towards "right-wing" politics (as they put it), with no history as activists. As such, they were not predisposed to collaborate with actors (lawyers, researchers, association leaders) with political beliefs very different from their own. Nor were they predisposed to instigate, as "pesticide victims", legal proceedings which would often be lengthy, sometimes costly, always complex. The commitment of these farmworkers is the result of a long process which has led them — both privately and publicly — to take on the social role of "victim". The processual nature of most "victims' careers" (Ponet, 2009) has already been highlighted in the social sciences. Recognising oneself as a victim, designating an offender and claiming reparation is a series of steps which are by no means self-evident (Felstiner et al., 1981) and which require third-party intervention (Boltanski et al., 1984). More specifically, the words that the Phyto-victims exchanged during their general meeting on 29th November 2013 testify to the decisive role that legal action has played in this pathway. The specific aim of this article is to understand how the law has affected the victimary careers of farmworkers suffering from pesticide-related diseases, in both their individual and collective dimensions.

Several works have shown the extent to which the law facilitates "advancement" in this type of career. They highlight how it constitutes a powerful vector for the cognitive liberation of victims (McAdam, 1982), allowing them to become aware of the wrong they have been done (Felstiner et al., 1981) and to formulate it in legal terms (Ewick and Silbey, 1998). The law also offers frameworks with which to equate the separate cases of individuals who share common suffering and thus encourages the creation of victims' groups in support of a political cause aimed at the denunciation of an injustice (Lefranc and Mathieu, 2009; Roussel, 2009). Finally, even when it does not lead to full recognition of the harm endured, the law offers victims' groups indirect political advantages, such as increased public visibility (Latté, 2008). The mobilisation of Phyto-victims shows how the law facilitates victim mobilisation. Yet the law is not just a freely available resource for social movements: it is also a constraint. It directs the way that demands are framed and, above all, the way of thinking about the legal, moral, economic and political responsibilities at play in the situations which are denounced (Roussel, 2009). It necessarily causes victims wishing

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