

## Law and the Political Discourse of Skill

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NATASHA ISKANDER, *Does Skill Make Us Human? Migrant Workers in 21st-Century Qatar and Beyond*. Princeton, NJ: Princeton University Press, 2021.

In 1989, the US Supreme Court rejected claims by Filipino and Native workers regarding systemic racial discrimination by employers in Alaska salmon canneries. As the Court summarized in *Wards Cove Packing Company, Inc. v. Atonio*, 490 U.S. 642 (1989), jobs at the canneries “are of two general types: unskilled ‘cannery jobs’ on the cannery lines, which are filled predominantly by nonwhites; and ‘noncannery jobs,’ most of which are classified as skilled positions and filled predominantly with white workers, and virtually all of which pay more than cannery positions.” I, with George Lovell, demonstrated in our historical book on the case, *Union by Law* (2020), that Filipino migrant workers had been conscripted for low-wage work in the canneries and other West Coast extraction industries following the violent, exploitive US colonial project in the Philippines at the turn of the twentieth century. Filipino migrant workers were recruited by profit-driven labor contractors for employers, paid poorly, and subjected to segregated, brutal conditions at work and in society. Jobs designated for “unskilled” laborers were palpably shaped by and expressive of racialized, classist, and dehumanizing assumptions about the workers and their work. Nevertheless, a bare Court majority indulged vague neoliberal abstractions regarding employment markets and skill differentials to ignore the injustices suffered by workers deemed to be unskilled.

That study of Filipino cannery workers was just one of many projects in which I addressed the ways that discourses about skill have been invoked politically to mark differences and uphold systematic inequalities among workers in modern capitalist systems. Most fundamentally, my study of legal mobilization by low-wage female workers (*Rights at Work*, 1994) explored how two-tier, gender-based job evaluation schemes and occupational organization systematically undervalued women’s skills, capacities, and contributions relative to those of men in the workplace. Despite those sustained intellectual engagements with low-wage workers classified as unskilled or low-skilled, I humbly admit that I never really thought very deeply or complexly about

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the relationship of political discourses about skill to social injustice. That was the case, however, until I read Natasha Iskander's remarkable book, *Does Skill Make Us Human?*

## TALKING ABOUT SKILL IN QATAR

The volume is a fascinating, ingenious exploration of the politics of skill in Qatar amid an explosive building spree in the years leading up to the 2022 World Cup, where 90 percent of the workers were imported (mostly male) migrants whose low political status was defined by their devalued economic function. The premise of the book is that skill cannot be measured objectively. This is because skill is always "informed by the structure of economic systems, social stratification, and political power. The distinction between skilled and unskilled . . . is always political" (256). That is just the starting point of the book, however. The author's most fundamental contention is about the political definition of *personhood*, and specifically about how skill is *used* as a "political language to render questionable the humanity and capacity for freedom of those who are described as unskilled." Iskander's analysis probes the many ways that political discourses of skill classification are a "structural feature of capitalist systems" that tends to disenfranchise and dehumanize people characterized as unskilled. Moreover, skill is embedded in Qatari official law and informal social norms, which enables dominant groups to invoke the classification to justify violent labor coercion, social control, and exclusion, while at the same time affirming narratives about the freedoms essential to market economies. As such, the politics of skill notably demarcates who (the skilled) does and who (the unskilled) does not enjoy political rights as citizens and in the workplace. This structurally discriminating language of skill, Iskander further insists, "masquerades" as objective, neutral technical practices that are at once invisible, "believable," taken for granted, and all pervasive (257).

The book opens with a gripping narrative of thousands of conscripted migrant workers compelled to run the Qatar Mega Marathon in 2015 amid difficult conditions on their off day from work, a daunting task for which they had no experience or training. This was but another dimension of dehumanized treatment of foreign construction workers as agentless "bodies, press-ganged into whatever activity was required, perhaps in the heat, perhaps without sufficient access to water, food, or rest" (3). The scenario introduces the context for the ensuing analysis regarding how the language of skill and unskilled work structured, enacted, and legitimated the subordination of migrant workers during the volatile construction boom in Doha. The conditions of labor exploitation for "World Cup 'slaves'" (30) drew international condemnation, but Iskander takes us much deeper into the many dimensions of exploitation at stake. The empirical foundation for the inquiry is a rigorous, time-consuming, multi-phased, and multi-dimensional undertaking of field study and interviews, complicated greatly by increasingly repressive crackdowns in Qatar after 2014.

The subsequent chapters are organized around "layers" or themes analyzing how skill discourse shapes the politics and power of capitalist organization and practice. Chapter 1 focuses on "Regulation" and will be of particular interest to sociolegal scholars. The author demonstrates how the language of skill has been codified into official law through the historical development of Qatar's "kafala" system that governs its

over two million foreign workers who make up 94 percent(!) of the labor force. That system requires that foreign workers have an in-country sponsor, or *kafeel*, responsible for their visas and legal status, making the workers deeply dependent, often bonded in debt, and vulnerable to deportation. The author explains that modern Qatar's regulatory framework was inherited from British imperial governance of indentured laborers, including notably in the pearling industry, and evolved as a state project over a century through subsequent waves of international investment and global engagement, especially involving oil commodity production. The government of Qatar reformed its regulatory structure over the years, but these reforms "demonstrated just how enduring two key notions continued to be: that unskilled workers deserved fewer rights, and the rights that they did have were considered coequal with their bodily welfare" (67).

The second chapter, labeled "Production," explores how definitions of skill shape and are shaped by business strategy and economic organization in the volatile construction industry of modernist Qatar. Skill was identified with the work of a professional elite who managed unskilled workers in the construction of buildings and urban areas that the latter would never inhabit. Indeed, foreign workers in Qatar, like Filipino nationals in the United States before World War II, were designated as family-less "bachelors" confined to typically temporary residence in segregated labor camps, which some men described as "prisons." With over 80 percent of its population "transient and recent arrivals," Qatar thus "could design cities without concern for its residents" (90). Moreover, the labor of unskilled workers was not just poorly paid; delayed payment and wage theft were structural features of the modernist production process. At the same time, the temporary, nonspecialized foreign work force provided a "shock absorber" for the challenges of a volatile construction industry; trainable workers' bodies were valued as an investment while they were devalued as persons and denied freedom and rights.

"Skill" is the title of the third chapter. Focusing on the construction of a mammoth mosque requiring towering scaffolding along with disciplined scaffolders, the author illustrates the core theme that managers preferred workers who were nonspecialists who could be "trained" through on-site learning. Workers thus came to "embody" skills and express agency in practical work, but managers sought to control those skills and the workers' bodies that enacted the skills, depriving them of demonstrated agency. The next chapter is titled "Protest." Iskander examines here yet another paradox—that protests by workers were illegal in Qatar but occurred frequently, mostly through work stoppages and wildcat strikes that were channeled into patterns unthreatening to managers, and failed to develop worker solidarity or augment their agency. At the same time, workers did express agentic resistance to exploitation through the praxis of on-site learning and cultivating cross-national social ties to avoid and even subtly challenge exploitive or risky conditions.

The last two substantive chapters vividly elevate the book's analysis to great contemporary significance. "Body" underlines further how workers in Qatar were required to labor in extremely hot conditions that were unsafe and harmful in both short-term and long-term ways, leading outside critics to amplify claims about slavery. Iskander notes how worker fatalities drew great negative public attention, but controversies focused on whether deaths were "accidents" or "injuries" rather than

on the ongoing harmful conditions for the living workers. The last thematic chapter, aptly titled “Earth,” addresses how the politics of skill classification interacted with, preyed upon, and contributed to destructive climate change. Most directly, employers in Qatar heavily recruited migrant workers for exploitive low-wage jobs from areas in the Global South most subjected to disruptive and destructive climate changes. The workers were, in short, “climate refugees.” Companies found particular value in impoverished, displaced workers who were not highly trained but were capable of learning skills required by the designs of managerial elites. As Iskander summarizes, “(S)kill politics in Qatar closed the cycle of climate damage: an industry emitting large amounts of carbon and bankrolled by hydrocarbon revenue capitalized on the damage caused by the use of fossil fuels to source learning at bargain prices” (28).

The book’s conclusion underlines that scrutinizing the political language of skill in Qatar is important for understanding the patterns of labor migration, low-wage unskilled work, and fate of freedom in our world that is plagued by rapid warming and extreme weather.

### **TAKING SKILL SERIOUSLY: TAKEAWAYS, QUESTIONS, AND DEEPER DIGS**

As my summary above suggests, I greatly appreciate this original, provocative, illuminating, important, and solidly grounded study. The book is very well organized, elegantly written, and thus accessible to a wide range of audiences. Most important, it is difficult to find fault with the author’s central thesis about how the language of skill is employed to produce radical inequality and dehumanize those classified as unskilled. That said, the organization and style of the book narrative make it challenging to engage critically. The author does not lead readers to a summit of understanding through a specific line of argument so much as chart an analytical map by which we can find our way around the topic of skill politics. The travel is nonlinear, circuitous, and diffuse, approaching the terrain from multiple angles, often traversing the same markers repeatedly so as to make them sensible by repetition. The book enabled me to learn my way around the terrain of talk about skill, but I was left uncertain about some relevant matters. I offer a few brief thoughts about the implications of that characterization.

One feature that deserves attention is the author’s focus on Qatar as a case study. This empirical focus anchors the diffuse, kaleidoscopic theoretical analysis in time and place. I learned a lot of fascinating information about Qatar and a bit about the worker source cities in the Philippines, India, and Nepal that provided the recruitment networks to Doha. More important conceptually is Iskander’s provocative suggestion that the modernist dynamics of the construction industry reliant on imported low-wage labor in Qatar, a tiny, extremely wealthy, and seemingly unique state, harbingered our global future. I find that claim plausible, but the author does not elaborate her reasoning or sketch a variety of scenarios and different contexts to sharpen or support the point.

There are other ways that I wanted to know more. For example, I was surprised that Iskander did not engage more extensively with other scholarly work on skills and deskilling. The author mentions the classic scholarship by Harry Braverman (1998) and others regarding how employer investments in automation technology

purposely “dumb down work tasks by decomposing them,” reducing the demand for blue-collar workers generally and robbing them of bargaining power. That earlier work in some ways revealed dynamics in the neoliberal Global North that are opposite to what Iskander’s book demonstrates in the modernist Qatar scenario—capitalist production that is organized around demand for huge numbers of desperate migrant workers subject to the persistent threat of deportation. Iskander does draw an important distinction, though. Braverman and others showed how companies relied on local workers to support training systems in ways that granted employees some modest ownership over worker skill. Iskander recognizes that, in contrast, training systems in Qatar were “designed to erase workers’ contribution to training” and to reduce their “ownership over their own skill” (109). This is an illuminating difference, but more of such comparative engagement would have been welcome.

I also would have appreciated more development of the author’s overall theoretical framework. Iskander’s book is very much a work of cultural study that interrogates how language and meaning convey power. The author explicitly identifies her research as ethnographic and displays much competence (dare I say, skill?) in this mode. In this regard, the author’s analytical vocabulary—focused far more on “language” and “talk” than on “discourse” and never mentioning “ideology” or “hegemony”—resembles much interpretive or constructivist sociolegal scholarship but is not provided much epistemological explanation or justification. There is nothing wrong with this, but I wondered what is at stake in the author’s choice to focus on certain analytical terms and not others. Similarly, the claim that the “political use of skill is at once invisible and all pervasive” (257) deserves elaboration. I assume that “political” signals state-sanctioned deployment of power, although I could not find a clear explanation of the concept. And how should we understand language as a matter of “use”? It is worth noting on this point that sociolegal scholars debate often about instrumentalist versus constitutive understandings of discursive practices, but we are left to wonder where Dr. Iskander might stand on this fundamental issue.

Likewise, the persistent theme of worker agency, and its deprivation or erasure, is a key contribution of this study. The analysis is lightly spiced with references to Marx, Freire, Arendt, Burawoy, and other social theorists. But I would have appreciated a more explicitly outlined macro-theoretical framework to guide the analytical narrative about domination and resistance in capitalist society. Finally, the author mentions that skill classifications “interact with other social categories, attaching themselves to signifiers of race, gender, and class, amplifying the social hierarchies they produce” (9). That is convincing, but the substantive dynamics of these intersections are not developed much in the book. My point is not that the story of migrant workers in Qatar could be told as one of racialization or racial capitalism, but rather the question of *how* skill talk compounds, or perhaps more importantly masks, racialization. In sum, I wished that the author explained more explicitly some of the keys or assumptions that structured her mapping of talk about skill.

## MIGRANT WORKERS’ STRUGGLES FOR RIGHTS IN COMPARATIVE PERSPECTIVE

I offer one more substantive point. In Chapter 5, the author’s argument that workers’ “protests” tended to be channeled into moderate forms and yet still expressed

agentic resistance through work praxis is familiar, sophisticated, and important. However, the chapter is less clear or convincingly evidenced to me than other parts of the book. This matters because it is one topic of great interest to many sociolegal scholars. It is also where the contrast between Filipino migrant workers in the United States and recent migrant workers in Qatar is relevant. In both cases, official law and legally authorized practices violently subjugated and exploited workers deemed to be unskilled and upheld the interests of capitalist employers and managers. In both cases, moreover, the persistent threats of deportation constrained migrant workers' options for expressing agency. However, in the US case, Filipino activists from the start found inspiration in traditions of rights that were then mobilized as part of their transformative political project over two generations. Even when losing in the courts, they found enough support to win rights and challenge key pillars of racial capitalism arrayed against them. As I ponder this difference, I cannot help but think that the dynamic mix of liberal and illiberal legal traditions in the United States provided at least limited resources for politically contesting skill talk that did not exist in Qatar. In short, these contrasting cases provide an empirical record to assess various forms or degrees of law's hegemony and containment of rights activism. I am not arguing that Iskander should have addressed this comparative question about legal forms, but I do think that putting her story into conversation with sociolegal histories of migrant workers' struggles for rights in the United States (e.g., Cummings 2018; Venkatesh 2016) and elsewhere (e.g., Calavita 2005; Fredette 2014) has much to show us about how different legal traditions matter for subaltern populations.

All in all, *Does Skill Make Us Human?* is a brilliant, fascinating, and important book in many ways. I heartily encourage sociolegal scholars interested in the changing patterns of work required for capitalist production and the possibilities of workers' rights in the present era of radical climate change to read this volume.

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