Conduct of conduct: bio-politics and Australian childhood

Abstract

This paper presents an overview of the rise of a bio-politics of governing families and children in Australia and its relations with liberal political reason. Drawing on Foucault’s published lectures, it maps out the ways in which liberal governing seeks to define the nature and scope of norms and freedoms in a population through the practices of the human sciences. Bio-politics is shown to introduce new ways of calculating and intervening upon certain parts of the population and to create normalising relations with sovereign or judicial forms of governing.

Introduction

In this paper I wish to draw on the perspective of governing through freedom to look at aspects of governing problem children in Australia. Foucault’s published lectures on Security, Territory, Population (2007) and The Birth of Biopolitics (2008) map out the ways in which forms of liberal governing seek to define the nature and scope of freedoms in a population through the practices of the human sciences. Liberal political reason accepts that governing involved reflection on governing practices rather than simply asserting a power, or as Donzelot (2008:122) puts it, ‘recognising that truth is told elsewhere than at the centre of the State’. By this he does not mean that the State disappears: the end of governmental reason is no longer the State and its wealth but society and its economic progress, and government no longer seeks to curb freedom but to regulate it towards these outcomes: ‘there is no freedom that is not produced, that is not to be constructed, and this construction takes place through interventions by the State, not by its disengagement’ (ibid). Importantly, governing takes a pulse from the production of objects of knowledge in the human sciences, including knowledge of population through the production of statistics (the ‘science of state’), the making up of categories of persons, and the knowledge produced in technologies of administration that are applied to those parts of the population needing to be managed (Hacking, 1983).

Knowing neglected and criminal

In the case of children the problem was one of how to govern such an important area of life, on such an extensive scale. The rationalities of governing taking form in the following half-century of maturation of children services and public policy favoured family intervention and monitoring, this to
the point where in 2003 one in five children born in Victoria in 2003 would be notified for suspected child abuse or neglect during their childhood or adolescence (Victorian Department of Human Services, 2003: vi). One in four children in Queensland are now ‘known to children’s services’ (Source).

The answer can be looked for in the kind of governance arrangements set in place which, while seeming to fail to relieve poverty and health issues, nevertheless did achieve some success in developing a system of knowledge production of poor families and children. It established a governance relation and mapped out a domain of population in the same moment. A rationality of ‘securitisation of populations’ may not of itself produce poverty relief and a reduction of family violence, but it built a grid for assessing the ‘habits and mode of living’, as the first legislation for a children’s court described it (Victoria, 1906), of that part of the population whose performance in a range of life circumstances might be regarded as problematic. Governing agencies set about reforming their approaches to problem populations in response to the failure of earlier policies of policing and institutional placement. The Victorian Neglected and Criminal Children’s Act (1864) established barrack-style institutions for both categories of children but the Industrial Schools quickly filled with poor children (Jaggs, 1986). They also failed to promote the ‘family principle’ of providing a ‘patriarchal, homely, and affectionate’ environment (Victoria, 1872).

Policing reformed the practice of identifying the ‘habitual criminal’, through improved detection such as photography and finger-printing, but also through the tracking of parents and children that also reformed the methods of parents maintenance payments. An important relay from the 1890s was the children’s depot (a clearing house for the neglected and offending child) used to observe children before they were relocated. After the depot, it was ‘habit’, ‘habitual’, or alternatively what we could describe as ‘habitus’ that came under the gaze of the agencies and was its object of knowledge. I argue (McCallum, 2007) that this ‘coercive normalisation’ with the children’s courts from the early 1900s, and their auxiliary in the children’s court clinics in Victoria after 1947, extended that gaze through linkages between courts and police, and charity workers and probation officers, and the newly found psychological expertise, expanding the number of families and children under various kinds of supervision. However, the carving out of each element of this domain of the ‘conduct of conduct’ was accompanied by the threat of prison (ibid: 118).

There are already plenty studies which show evidence of a pattern of relations that seem to correspond to the notion of ‘conduct of conduct’ explored by Foucault in his Security, Territory, Population lectures (2007), in which he takes philosophical advantage of the two meanings of the concept of conduct:

Conduct is the activity of conducting (conduire), of conduction (la conduction) if you like, but it is equally the way in which one conducts oneself (se conduit), lets oneself be
conducted (se laisse conduire) and finally, in which one behaves (se comporter) under the influence of a conduct as the action of conducting or of conduction (conduction) (ibid: 193).

Although Foucault has attracted most attention in these parts of his lectures to the rise of studies of governmentality, it is also clear that his immediate move to ‘revolts of conduct’ and the concept of counter-conduct provides a rich source of enquiry into power relations that previously was less valued (Davidson, 2011:25). To govern an individual or group is ‘to act on the possibilities of action of other individuals’, or ‘to structure the possible fields of actions of others’, which presupposes that power acts on a certain field of possibilities. Foucault’s work on power and freedom is highly suggestive about how we go about theorising the governing ‘…of children, or souls, of communities, of families, of the sick’, of anything, and has to do with necessary relations between the how power works and the practice of freedom: ‘(p)ower is exercised only over free subjects and only insofar as they are “free”’ (Foucault, 1994: 341-2). It is not so much a face-to-face confrontation of power and freedom but a much more complicated interplay, in that freedom may well appear as the condition for the exercise of power. Where there is no freedom there is no relationship of power. So, for example, slavery is not a power relationship but a physical relationship of constraint.

Over such a broad historical canvas, it is not possible to provide detailed evidence here of the minutiae of relations of power that are invested in the family/child/government nexus. However, one such historical example of the specificity of powers relations examined as conduct of conduct, and of the necessary relations between power and freedom, is provided in early 20th century attempts in Australia to govern the habitual criminal through indeterminate sentencing, a system which in turn devolved as a method for assessing child criminality. Modelled on the provisions of the UK Prison Act (1898) and the Prevention of Crime Act (1908), this began as a program for adult prisoners heralded in the Royal Commission into Victoria Police in 1906, as an economical method of keeping trace of the habitual criminal. Locating these offenders was an inefficient use of police resources, dependent on photographic and physical measures of offenders stored in the central police files. The Chief Commissioner of Police laid out a classificatory system whereby it was possible to recognize the habitual criminal in quantifiable terms: ‘on his third conviction, you would have fair evidence that he is going to live a life of crime’ (Victoria, 1906; para 1253). It offered a program of reform in which the criminal came to know, keep trace, and act on his own habit: ‘so a man knowing the system as he would from having it put before him while in gaol, and knowing that he was determining his own fate, would naturally get out of the more serious class, and go down to the other’ (Victoria, 1906: para. 1253). The chief of prisons lauded the economy of indeterminate sentencing as it had the effect of ‘creating the desire on the part of those who may be affected by its provisions to go beyond it reach’ (Victoria, 1906b). Adult prisoners given an indeterminate sentence were held at the Governor’s pleasure, while children could be detained until the age of 18, at which point they could be transferred to an adult prison.
Children and ‘counter-conduct’

But what of ‘counter-conduct’, a theoretical variant of the concept of resistance? Foucault describes counter-conduct as ‘struggle against the procedures implemented for conducting others’, and a term quite different from ‘misconduct’ or the actions of a ‘dissident’ (Foucault, 2007). Counter-conduct enters power relations as a relation of force, in any social configuration, pattern of behaviour, bodily gesture, a certain attitude, a way of life (Davidson, 2011: 29). Based on analysis of anti-pastoral communities in the Middle Ages, Foucault draws out both political and ethical components of counter-conduct – resistance to the need for a shepherd in organised religion, and also ‘a whole new attitude’, way of doing things and attitude’ ‘a whole new way of relating to ... civil life’. Davidson emphasises Foucault’s remarks on what makes homosexuality, for some at least, so disturbing – the homosexual ‘way of life’ being much more than just a sexual act, that puts into play ‘relations in the absence of codes or established lines of conduct’, ‘affective intensities’, ‘forms that change’ (ibid: 33).

A demonstration of the case for counter-conduct caught in specific power relations might be found in Carrington’s (1993) ground-breaking study of the social processes that criminalise children, particularly girls and Aborigines, once these children enter the welfare and justice systems. According to Carrington (1993:111), most conduct that ends up in the Children’s Court is in vital respects no different from that observed outside the legal system. They are behaviours routinely managed by teachers and parents without recourse to the law: truanting, parental defiance, shop-lifting, sexual promiscuity, fare evasion and ‘offensive behaviour’. But in the specific context of the welfare and justice systems, a complex web of governmental technologies ostensibly to save children from ‘bad families’ produced what Carrington called a ‘delinquency manufacturing process’ (ibid:1). Court proceedings shift quickly from considering the nature of the offence to the nature of the child. Even in the small number of contested cases, judgments about what to do with the child slide between strictly legal considerations and the ‘manner, character and family’ of the child. Conduct, or more specifically counter-conduct - ‘a pattern of behaviour, bodily gesture, a certain attitude, a way of life’ - rather than events described in law, are drawn into relations of force and enjoined in struggle.

Thus, girls appearing in court on welfare matters were more likely to receive a custodial sentence than those appearing on criminal offences. Sentencing was based on the logic of ‘preventative intervention’ rather than judicial logic. ‘Deficit discourses’ were utilized in the identification of pre-delinquency, and such a classification seemed to be sufficient to justify the committal of welfare cases to institutions. ‘Deficiencies’ were held to be located in the individual children or their families, so that children and families were held responsible for school failure. Cultural differences and marginality were criminalized, and family poverty translated into family pathology. Because
pathologies are calculated in these discourses as ‘deviations from the specificity of the norm’, they have an intense criminalizing effect on social marginality. Reports presented to the Court show the use of a range of deficit discourses – moral, psychological, social – in coming to an assessment about individual girls studied in the survey. They then had practical effects on the way children were chosen, placed and punished by juvenile justice and child welfare authorities alike (ibid:127).

Similarly, in child protection in the UK, Parton (1991) shows that in the ‘grey areas’ outside of the gaze of the court, where the work is done on sifting out children and families at ‘high risk’, disciplinary mechanisms became central and defined the day-to-day practice of child services. High risk is a description of the ‘habit’, ‘habitual’ and ‘habitus’ of children under the newly implemented risk management strategies. Parton’s study deals with a politics of these knowledges and the problem of the professional groups surrounding them in the UK at the height of the New Right agenda in the late 1970s and 1980s, where the notion of dangerousness became the yardstick for allocating scarce government resources (ibid:203). From this period, rather than being simply one of a range of children’s services, child protection became the main priority of social work. In Australia, it was during this period that medicine relinquished its grip on specialist knowledge of family life, passing the baton to professional social work. Child protection in the UK became embroiled in these politics, and policy shifted towards establishing a clear demarcation between a care system and a voluntary system of children’s services for children in need. This policy direction was adopted later in Australia, with new legislation from 2005 introduced in both Victoria and New South Wales (Victorian Department of Human Services, 2002; New South Wales, 2008).

The spaces described in Carrington’s and Parton’s research could be seen as elements of a genealogy of a space in the late 19th century called the ‘children’s depot’. The spaces allow a gaze onto the child that was to determine the ‘disposal’ of the child - industrial school or reformatory school, ‘boarding out’ (out of home care) or residential care, or prison (juvenile justice facility). The object of knowledge was ‘habits and mode of living’ which for the purposes of this paper I have chosen to adopt the term conduct: ‘dispositions, attributes, capacities, habit, bearing, comportment, manners, gesture’ (McFall, Du Gay and Carter, 2008).

Conclusion

In the space of a century of attempts to govern families and children, population became an important object of knowledge. Science entered the room of governing, and was required to provide an impartial assessment of children broadly on a scale of ‘normality’. One interpretation of these historical events is to take seriously the challenges to social work and its knowledge of populations as instances of counter-conduct – as a refusal of the ways in which conduct of individuals and populations would be governed. This interpretation would need to also take seriously evidence of the governing actions of science itself as the determinant of normal life, normal growing up, and also a corollary, the
functioning of science in legal determinations of normal families. Such an interpretation adds weight to arguments about the critical role of bio-politics, as distinct from sovereign power and civil rights, in furthering or limiting children and their families’ participation in decisions about their upbringing.

References


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