

# Governmentality and ‘fearless speech’: framing the education of asylum seeker and refugee children in Australia

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This paper considers the educational provision for, and general treatment of, refugee and asylum seeker children in Australia, using a framework of governmentality. The paper describes the regimes of practices which govern refugees and asylum seekers in Australia, including mandatory detention and a complex set of visa categorisations, and considers their consequences for the educational provision for children. It addresses three questions: How is it possible that the rights of children have been rendered invisible in and by a democratic state? How are repressive and even violent practices normalised in a liberal state, so that ordinary citizens show so little concern about them? And what should our response be as educators and intellectuals? In conclusion, it explores Foucault’s notions of ethics and fearless speech (*parrhesia*) as a basis for an ethics of engagement in education.

## Introduction

I do not think that a society can exist without power relations, if by that one means the strategies by which individuals try to direct and control the conduct of others. The problem, then, is not to try to dissolve them in the utopia of completely transparent transaction but to acquire the rules of law, the management techniques, and also the morality, the *ethos*, the practice of the self, that will allow us to play these games of power with as little domination as possible. (Foucault, 2000, p. 298)

This article takes as its focus Australia’s treatment of refugee and asylum seeker children and, in particular, the education provided for them. As a signatory to the 1951 Convention Relating to the Status of Refugees, and the 1989 Convention on the Rights of the Child, Australia is bound to protect refugee and asylum seeker children against all forms of discrimination (including discrimination on the basis of their parents’ beliefs), and to accord them at least ‘the same treatment as is accorded to nationals with respect to elementary education’. However, Australia applies a strict

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regulatory framework to all who seek to enter the country and, since 1991, has had a policy of mandatory detention for all those who arrive ‘illegally’. The result is that children who arrive in Australia seeking asylum have been locked away in detention centres, usually with very little access to education. Although there have been intermittent expressions of public concern, including an Inquiry by the Human Rights and Equal Opportunities Commission (HREOC) in 2002–04, this regulatory framework has been maintained. Estimates are that between 1999 and 2003, 2184 children were held in detention. More than 90% of them were eventually found to have a legitimate claim to refugee status (Australian Clearing House for Youth Studies, 2004).

This situation raises a number of questions, which we address here. How is it possible that the rights of children have been rendered invisible in and by a democratic state? How are repressive and even violent practices normalised in a liberal state, so that ordinary citizens show so little concern about them? And what should our response be as educators and intellectuals?

In this article, we address these questions through the notion of governmentality as outlined by Foucault (1982, 1991, 1994) and further developed by Rose and Miller (1992), Rose (1999a, b) and Dean (1999, 2002). In the first part of the article, our concern is to set out the ‘regimes of practices’ that constitute and justify the treatment of refugee and asylum seeker children in Australia, so that these appear normal in a liberal democratic state. On the basis of this ‘re-problematisation’ (Foucault, 2002), we conclude the article by exploring Foucault’s notions of ethics and fearless speech (*parrhesia*) to suggest a basis on which intellectuals and educators might engage with these issues. Our intention in using a governmentality framework is both to engage with the substantive issue of education for refugee young people, and to reflect upon the limitations and possibilities of the framework itself.

## **Governmentality**

Foucault’s ideas on governmentality highlight both the practices by which modern governments exercise sovereignty over their populations, and the rationalities by which these practices appear ‘normal’. In an often-quoted phrase, Foucault refers to government as ‘the conduct of conduct’ (1982, pp. 220–221), or the power to act on the actions of others. Tracing different forms of rule in western history, Foucault (1991) looks at the emergence of ‘government’ as a particular mode of rule from the middle of the 16th century, and ‘governmentality’ from the 18th century onwards. Liberal constitutional governments in this period have as their focus the government of populations made up of individuals—the government of all and each—and they have particular governmental practices and particular rationalities and doctrines about how to govern.

Foucault’s work focuses not on the forms of the state and its institutions, but on the multiple practices by which an assemblage of institutions, authorities and agencies act to shape the actions of populations, and on the mentalities that normalise these. In looking at the modern state, Foucault develops the terms ‘biopower’ and ‘biopolitics’ to denote a specific form of governmental power which addresses the administration, control and regulation of human beings as members of populations: their ‘health,

sanitation, birthrate, longevity, race' (Foucault, 1997, p. 73). For Foucault, the economy, population and security are the central characteristics of the modern governmentalised state.

Foucault approached liberalism not as a normative political philosophy or doctrine, but rather as a form of thinking about how to govern, and the sets of practices accompanying this. Crucial to liberal governmentality is the notion that individuals are free, and at liberty to oppose the government in legitimate ways. At the same time and paradoxically, individuals also internalise the effects of power and regulate themselves towards ends that are congruent with the forms and effects of power deployed by the state (Miller & Rose, 1990, p. 2; Foucault, 1991, pp. 91–94). Though freedom, autonomy, the rule of law, rights and responsibilities are central notions in liberal discourse, this does not preclude authoritarian, illiberal and violent actions within the liberal state. As Mariana Valverde (1996) argues, modes of governance are, in practice, often contradictory, and illiberal moral regulation is sanctioned within liberal ethics itself. In her view, it is important not to underestimate 'the ability of quite despotic forms of rule, especially rule over the self, to coexist alongside highly refined liberal practices' (1996, p. 365). What distinguishes liberal from despotic regimes is the forms of rationality justifying illiberal action. Under liberalism, it is possible to imprison and even execute people, as long as 'proper' legal procedures are followed. Valverde points out that John Stuart Mill himself argues that the doctrine of liberty applies only to those 'human beings in the maturity of their faculties' (thus excluding children) and that 'Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement' (cited in Valverde, 1996, p. 360).

Building on these ideas, Dean notes that liberal governments have a long history of deeming that certain subjects should not have full rights, and should therefore be 'subjected to all sorts of disciplinary, biopolitical and even sovereign interventions' (1999, p. 134). There are those who are capable of the freedom and responsibilities of a citizen, and those who are not. Later, he argues further:

... governing liberally does not necessarily entail governing *through* freedom or even governing in a manner that respects individual liberty. It might mean, in ways quite compatible with a liberal rationality of government, overriding the exercise of specific freedoms in order to enforce obligations on members of the population. (Dean, 2002, p. 38, emphasis in original)

In the following section, we use the concepts outlined so far to explore the regimes of practices that govern refugees and asylum seekers and their education, with particular reference to Australia. Our purpose is to illustrate how repressive practices—such as detention of children—are normalised and rendered invisible under liberal governmentality in an international hegemony of nation states.

### **Governing refugees and asylum seekers**

The current codification of refugees as a category of people is set out in the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol,

established in the wake of the Second World War. Article 1A (2) of the Convention provides a specific but imprecise legal definition of the refugee, as a person who:

... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside of the country of his [sic] nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or, owing to such fear, is unwilling to return to it.

In 1951, the number of refugees was just over 2 million, mainly ‘displaced persons’ from the Second World War. However, from the mid-1980s, numbers of refugees and asylum seekers rose dramatically, reaching 17 million in 1990 and 22 million in 2000. At the start of 2004, there were 17 million ‘people of concern’ to the United Nations High Commission on Refugees—refugees, asylum seekers, returnees, and internally displaced people.

In part, this massive increase in numbers of refugees reflects the rapid and growing international mobility of populations under globalisation (Castles & Davidson, 2000, p. 54). Appadurai (1996) evocatively terms this a shifting ‘ethnoscape’ of moving people. However, while globalisation has brought accelerated flows of capital, goods and services across the borders of nation states, flows of people are more regulated. Borders may well be open to travellers and business people, but they are increasingly closed to people fleeing intolerable life circumstances as refugees and asylum seekers.

As Ahmed (1997) points out, political motives cannot always be separated from economic motives, or voluntary from forced migration. Flashpoints of conflict and identity struggles have generated refugees—Eastern Europe and Afghanistan being examples. More often, however, people have been seeking to move away from places of endemic social instability and violence. As Ahmed notes, the main body of migrants ‘emigrate/leave/escape a country because of economic hardship or ecological and human catastrophes’. He goes on:

Given the blatant economic inequalities and political and cultural tensions prevailing in most developing states, it is not surprising that some people want to migrate to the North. Sometimes, the political regime is unable to secure just and safe living conditions or even to provide the water and food needed for daily life. Many people want to leave a country because of poverty or unemployment. However, these life situations are not considered reasons for being granted admission into a country and a permit to stay and work. The ultimate decision to let aliens in is at the discretion of the states. (1989, p. 172)

As the distinction between ‘political refugee’ and ‘economic migrant’ has become difficult to discern, many destination countries of the north have tightened their border controls and increased police measures to stem movements of people. However, the prominence given to movements of people from poorer parts of the world to wealthier countries of the north masks the fact that the majority of displaced people, those of concern to the UNHCR, are in Asia (36%), followed by Africa (25%), Europe (25%), Latin America (8%), North America (5%) and Oceania (0.4%) (UNHCR, 2004).

In an international hegemony of sovereign nation-states, refugees are an anomalous category, in that they do not 'belong' anywhere. Stateless, homeless, non-citizens, they have no rights of protection in their places of origin—which they have left—or in the countries they hope to be received by. The long-standing practice in international relations is for human rights and citizenship to be territorially bound to the nation state (see Urry, 1998) and, as Hannah Arendt (1967) has pointed out, those without states are exceptionally vulnerable in that they have no 'rights to rights'. Much of the research on nation-building has confirmed that exclusionary processes which distinguish between 'us' and 'them', and the characterisation of 'others', are central to formulations of the nation, national identity and citizenship (Hall, 1997; Castles & Miller, 1998; Urry, 1998). Nation states have the right to control their borders, and those who seek refuge, or simply arrive and claim asylum, are increasingly facing deterrent measures from wealthier industrialised nations in Europe, as well as the USA and Australia. Australia's policies in regard to border control are well illustrated in the work of Jupp (1989), Viviani (1996), Castles *et al.* (1998), Mares (2001), McMaster (2001) and Maley *et al.* (2002).

Using the concept of governmentality, Robyn Lui frames the position of refugees as follows:

The subject of refugees is an effect of the division of the world's population into sovereign territorial states. Refugees become subjects of government through two tactics of subjectification: first, the universal acceptance of the national state form as *the* unit of political organization; and second, the value of citizenship as exclusive membership of a political community. The problem of refugees—the problem that requires intervention—is that they are outside the state-citizen order of things. (Lui, 2002, p. 3)

Once refugees and asylum seekers reach a country of asylum, they become subject to the rationalities, laws and regulations of its government. They are classified in population terms, and particular regimes of practices regulate their rights and shape their actions as a category of the population. This is clearly evident in Australia's practices—regulations and rationalities—in relation to refugees and asylum seekers, as we illustrate in the following section.

### **Australian policy: securing borders and governing subjects**

Australia's policy regime for refugees and migrants bears traces of its historical formation. First, there is the legacy of a British colonial settlement which conquered and dispossessed Indigenous people, and established social and political structures which excluded them. Hindess (cited in Larner & Walters, 2002) observes that imperialism was premised on a *telos* of civilization—the world's population was divided into different 'types' of peoples using civilization as a grid. As Indigenous people were classified as inferior races, the governmental implication was that they were incapable of exercising the responsibilities and freedoms associated with citizenship. Australia's Indigenous people were given the franchise as late as 1967 and on all major social indicators they remain a disadvantaged minority. Second, as a country of migration, Australia actively controlled immigration in favour of English speakers until after the

Second World War, when southern and eastern Europeans were allowed to settle. A 'White Australia' immigration policy was maintained until the 1970s. Fear of invasion, particularly from the Asian north, has a long legacy in Australian history. As Pettman points out, 'Exclusions [of Aboriginals and aliens] still inform Australian nationalism, for they underline boundaries around the nation, and between us and them, in ways that create the racialized Others ... This politics of difference long identified outsiders as not-white and not-British, whether those others were within the state or beyond it' (1992, p. 57). A similar finding is arrived at by Teo (2000) in his analysis of newspaper reporting on Vietnamese migrants. Various social technologies, such as 'racism in the news', reinforce and perpetuate the marginalisation of those deemed to be outsiders in Australian society.

From the 1970s until the early 1990s, successive governments introduced an official bi-partisan policy of multiculturalism. This policy sought to disrupt the racialised coding of Australian national identity, which up to then had officially been 'British to the bootstraps'. Multiculturalism was taken further by the Keating Labor government's attempts to 'Asianise' in the late 1980s and early 1990s, partly for economic benefit. Multicultural Australia was imagined as a node in an East-West trade circuit—an active player, mediator and facilitator of Euro-American business incursions into Asia. However, the Howard conservative government won the 1996 election on a pledge to make Australians 'relaxed and comfortable', and actively resurrected the nostalgia for a unitary, culturally homogeneous national identity. The right wing populist policies of Pauline Hanson's One Nation Party—commitment to preserving the nation's British heritage, zero immigration, and temporary residence rights for refugees—were rapidly assimilated into mainstream politics. The populist narrative of fear of invasion by the non-European world was easily rearticulated around asylum seekers, and particularly those arriving by boat.

Though immigration policies are no longer racially discriminatory, the Australian government insists on its sovereign right 'to decide who comes to Australia'. Australia maintains a strictly controlled approach to both immigration and refugee asylum. The primary principle of the system, as set out in the 1958 Migration Act, is that every 'non-citizen' who enters or stays in Australia must have a visa to do so (see Crock & Saul, 2002). There are two streams to the immigration programme, each with an allocated number of places: the migration stream, including family migrants, skilled migrants and special eligibility migrants; and the humanitarian stream, made up of refugees, special humanitarian, and onshore protection visas. Each category and subcategory is elaborated in immigration regulations. Provision is made for 12,000 refugees annually, though in recent years this quota has not always been filled.

Stemming from the visa principle, a second principle has emerged within Australia's refugee regime: mode of arrival in Australia (Hocking, 2002). All people who arrive by boat without visas are deemed to be 'unlawful non-citizens', and since 1994 they have immediately been placed under mandatory detention while their refugee status is assessed. According to the Department of Immigration and Multicultural and Ethnic Affairs (DIMIA) (2002b), in more than a third of cases this assessment process takes over a year. Asylum seekers are detained in six on-shore and two off-shore

Immigration Detention Centres. Those who are subsequently assessed to be genuine refugees are released into the community on temporary protection visas (TPVs) for three years, and must apply for visa renewal. Even though they are refugees by international criteria, they are not eligible for permanent protection or refugee status in Australia. By law, those who are deemed not to be genuine refugees are to be repatriated.

In contrast, those who arrive by air with valid visas (student, visitor, business, etc.) may apply for asylum within 45 days of arrival. In the interim, they are granted bridging visas and released into the community. If they are assessed to be genuine refugees, they are granted permanent protection visas (PPVs)—but are not granted full refugee status. Only people who apply for refugee status from outside Australia, or who are assessed as refugees by UNHCR before arriving, are given refugee status, with full residence rights and the right to apply for citizenship. Those who miss the 45-day rule are not eligible for protection status.

It is estimated that there are 50,000 people living in Australia without permission (Crock & Saul, 2002). Of these, the largest group are over-stayers on expired visas, most of whom are from the UK and USA. They are not aggressively pursued by the government in the way that those deemed to have arrived ‘unlawfully’ are.

With different visa categorisations come different entitlements, and different rights to social and economic participation. It is here that practices of exclusion divide populations and render illiberal moral regulations acceptable in a democratic state. Those who are classified as refugees or have permanent protection visas are entitled to assistance of various sorts funded by the Australian federal government: employment assistance, English language tuition, family reunion, travel rights, social security benefits, health care, accommodation and settlement assistance, and schooling for children, including fully funded English Second Language (ESL) support. In stark contrast, people granted TPVs (who are genuine refugees) are not eligible for employment assistance or English language tuition; they are not entitled to family reunion or travel rights; they are not eligible for accommodation and settlement assistance; and technically they are not entitled to funding for ESL at school (though this appears to have shifted in practice). Children on bridging visas have to apply for special ministerial permission for free schooling. At university level, people on TPVs and bridging visas are treated as foreigners and temporary residents, and thus must pay full fees as overseas students.

Within a governmentality analytical framework, what is immediately apparent is the operation of biopower as a particular form of governmental power over the administration, control and regulation of human beings as members of populations. The elaborate classification of refugees and asylum seekers and the attendant regulations and limitations on their rights illustrate the detailed operation of this form of government power. As we pointed out earlier, in referring to the work of Valverde (1996) and Dean (1999), these restrictions are viewed as legitimate and normal within the liberal state, so that ordinary citizens need have no concern for the violence and suffering inflicted on those deemed to be rightless and outside the moral order.

Within the practices of Australia's management of refugees and asylum seekers by visa categorisation, three major rationalities may be identified. First is the mentality of state security, with its regulations to control populations and population movement. Within this rationality, off-shore refugees are distinguished from on-shore asylum seekers, and those who arrive by boat are treated as threats to Australian security. Border protection and risk of invasion by outsiders provide the rationality for mandatory detention and the ordering of life chances by visa categories.

Second is the mentality of moral practice, whereby asylum seekers are portrayed as queue jumpers who bribe people smugglers and will go so far as to throw children overboard to put pressure on the Australian government. Such practices justify placing these people outside the moral order, justifying their exclusion from social and economic as well as political rights. With minimal access to settlement benefits, these people are relegated to the margins of society. As in Rose's (1999b) definition, they suffer abjection, and they 'are cast into a zone of shame, disgrace or debasement, rendered beyond the limits of the liveable, denied the warrant of tolerability, accorded purely a negative value' (1999b, p. 253). In this rationality, asylum seekers deserve their fate, and 'ordinary Australians' have no need to be concerned about their welfare. The fact that there are no functioning embassies and queues in war zones which asylum seekers are leaving, and that countries of first asylum such as Pakistan and Indonesia are overcrowded and under-resourced in terms of refugees (and are not signatories to the 1951 Refugee Convention), are points that are not considered in this rationality.

Third, asylum seekers are criminalised as 'unlawful non-citizens' who break Australian law by entering without a visa, and who thus warrant detention and the harsh and punitive treatment due to criminals. However, as Crock and Saul (2002) point out, there is nothing unlawful in asylum seekers arriving in another country to seek protection. Unpalatable though this may be to Australian residents, it is not illegal in terms of international conventions, and in fact, Australia is legally obliged to protect these people under international law until their refugee status is determined.

Taken together, these interrelated sets of practices justify state actions that would otherwise be viewed as violent in a liberal state. In this regard, it is useful to consider the analysis provided by Etienne Balibar's (2001) exploration of the themes of citizenship and civility in Europe. Civility, for Balibar, is what makes politics possible: 'the set of conditions within which politics as a collective participation in public affairs is possible or is not made absolutely impossible' (2001, p. 15). Building on Arendt's notion of 'stateless people' having no 'rights to rights', Balibar observes that European countries, in reaction to real and imaginary effects of globalisation, are fragmenting their own citizenships in their attempts to keep out 'foreigners'. At the same time as a post-national citizenship is being imagined and constructed in the form of 'European Citizenship', these countries are denying full citizenship rights to others. They are closing their borders in ways that segregate people and give 'unequal access to the means of existence'—similar practices to those in Australia. Balibar condemns this strongly as 'institutional violence' (2001, p. 16), and argues that these sorts of measures place civility at risk. He writes:



... the radically excluded, those who, being denied citizenship, are also automatically denied the material conditions of life and the recognition of their human dignity, do not provide only a theoretical criterion to evaluate historical institutions against the model of the ideal constitution. They also force us to address the reality of extreme violence in contemporary political societies—nay, in the heart of their everyday life ... . [This] is 'banal'; it permeates the functioning of social and political systems which claim or believe themselves to be 'democratic'. (2001, pp. 18–19)

It is against this backdrop that the imprisonment of children, sometimes for up to two years, without proper concern for their education or psychological wellbeing, is normalised in a liberal democratic state like Australia.

### **Education for refugees and asylum seekers**

Australia is a signatory to a number of international conventions which relate to the rights and treatment of refugees and asylum seekers and the education of their children. These include the Universal Declaration of Human Rights (1948), the Convention Relating to the Status of Refugees (1951) and its 1967 Protocol, and the Convention on the Rights of the Child (1989). Other United Nations guidelines, such as the United Nations Study on the Impact of Armed Conflict on Children (1996), the Revised Guidelines for Education Assistance to Refugees (1995) and Action to be Taken in an Emergency guidelines, stress the importance of education for children as a priority, and stipulate that schooling be provided for children of refugees, asylum seekers and those in camps.

However, international conventions are not legally binding on countries, particularly if the conventions are not incorporated into domestic law. Australia has not incorporated the Convention on the Rights of the Child, and does not have human rights legislation. Though Australian practices of detaining children and providing education which is not equal to that provided for its own citizens are in breach of international conventions, this has made little impact on government practices.

There is almost no published research on the education of refugee and asylum seeker children, and how they fare in the system once admitted to school in Australia (see Christie & Sidhu, 2002). The Australian education system has no overall policy framework for the education of refugees. Our initial investigations on refugee education in Brisbane suggest that the quality of settlement assistance makes an enormous difference to children and their families, as does whether or not the family is split up. The level, nature and quality of education prior to arrival in Australia, as well as English proficiency, are important factors. Traumatic experiences (in countries of origin, during flight, and also in camps and Australian detention centres) make a difference to students' interest in, and capacity for, learning. The insecurity of temporary status erodes the ability to plan for the future, and this appears to influence young people to seek work rather than to study. Race and religion affect experiences of discrimination; gender appears to make a difference (with girls apparently settling better into school than boys). We are currently carrying out further research on these themes.

What is clear from the different groups of refugee children that have arrived in Brisbane schools, either as approved refugees or TPV holders, is that they do not constitute the uniform group that government policies would have them be. Some have had good education in their countries of origin, while others have never been to school. Some require intensive psychological support; others do not. Given that schools as modernist structures are geared towards standardised treatment of stable and homogenised cohorts of students, the wide range of experiences of refugee children present a challenge to schools and teachers. And in neo-liberal funding regimes, such as that currently operating in Australia, resources are in short supply. ESL is a case in point, where our preliminary research in Brisbane suggests that schools are struggling to meet existing needs, let alone provide services to unfunded students. In some cases, refugee advocates may find themselves in competition with Indigenous, migrant and special education interests in a context of tight funding and minimalist policies for equity.

That said, preliminary investigations also show a number of impressive initiatives to assist the children of refugees and asylum seekers. These include trauma counselling, programmes which link families and schools, and a variety of youth programmes, usually provided by non-government organisations. Some of these jeopardise their federal government funding by including TPV young people in their activities. State governments have generally stretched their facilities to include TPV children in schools and ESL programs, in spite of lack of federal funding. A number of Catholic schools unofficially admit unfunded refugee children. At local government level, the Brisbane city council in particular is noted for its support of refugees. These examples provide evidence of resistance to dominant governmentality, and are an important point of analysis when considering alternatives.

Whatever difficulties refugees and asylum seekers in the community may experience, they are mild compared with the education and general living conditions of children in detention centres. Australia is the only signatory to the 1951 Refugee Convention that imposes indefinite mandatory detention on children. During the course of 2002, the Human Rights and Equal Opportunities Commission (HREOC) carried out a National Inquiry into Children Immigration Detention, published in 2004. The Report, as well as submissions and transcripts of public hearings, are available on a web site ([http://www.humanrights.gov.au/human\\_rights/children\\_detention/index.html](http://www.humanrights.gov.au/human_rights/children_detention/index.html)) as are a number of responses by DIMIA (<http://www.immi.gov.au/illegals/hreoc/index.htm>). The Report, submissions and transcripts make chilling reading.

Before looking at these, it is useful to provide a few comments on the Immigration Detention Centres (IDCs). While there are IDCs in the cities of Sydney (Villawood), Melbourne (Maribyrnong) and Perth, the most notorious IDCs (Woomera, Port Hedland and Curtin) are in remote, desert locations, isolated and bleak. The desert camps have high security fences and razor wire, and IDCs operate as prisons with locked spaces, guards and restricted movement of people. IDCs are administered on a tender basis by a private, for profit company (until 2003, this was Australasian Correctional Management (ACM), which also administered prisons). The private company is responsible for the general maintenance of asylum seekers, including their

health and education. The company is not accountable to the public, and there is no right of public access to IDCs.

Submissions to the HREOC Inquiry were made by a range of concerned individuals and groups, many of whom also spoke at public hearings. These include previous ACM employees (nurses, doctors, psychologists and teachers), organisations of health professionals (including the Australian Medical Association and the Royal Australian and New Zealand College of Psychiatry), legal associations, religious organisations and private individuals. Overwhelmingly, they present pictures of trauma and hopelessness in the face of cruel and inhumane treatment.

Many submissions point to intolerable conditions in IDCs: that they are prison-like, violent environments; that children witness and sometimes participate in acts of self-harming and suicide; that expressions of grief and trauma are commonplace and are distressing for children; that family relationships are often dysfunctional; that uncertainty and lengthy periods of detention lead to hopelessness and despair; that medical resources and treatment are often inadequate; that lack of recreational facilities and stimulation stunt the development of babies and children, cognitively, physically and emotionally; that practices in IDCs and actions by guards are often culturally inappropriate if not disrespectful; that food is poor and mealtimes insensitive to children's needs; and that at times of protest, teargas, water cannons and excessive violence are witnessed and even experienced by children (HREOC, 2002). Reporting on a visit to the IDCs, a parliamentary standing committee of the Commonwealth of Australia (2001) commented as follows:

most committee members were shocked by what they saw during their visits to the six centres ... the physical impact ... the double fences, [the] barbed wire. Inside the centres, the strongest memories some committee members retained were the despair and depression of some of the detainees, their inability to understand why they were being kept in detention in isolated places, in harsh physical conditions with nothing to do. (Quoted in Professional Alliance for the Health of Asylum Seekers and their Children, 2002, p. 18)

In mid-2003, the findings of a study of mental health of children in detention were presented as follows on national television:

Children in detention suffer a 'living nightmare': study

A living nightmare—that is how life for children inside detention is being described. The first systematic study of mental health inside detention has found a tenfold increase in psychiatric illness among children. Regular suicide attempts, violence between guards and detainees, verbal abuse, room searches and solitary confinement are just some of the traumas experienced by children. The study also records a shameful world first for Australia—the highest levels of mental illness among children ever recorded in modern medical literature. (ABC *Lateline*, 12 May 2003)

There are no submissions on the HREOC website that refute this picture, other than the submission made by DIMIA.

In terms of educational provision, submissions to HREOC point to generally inadequate schooling. Under ACM control, submissions state that there were no proper curriculum or assessment practices, no record-keeping, and constantly changing

classes. Class contact time was insufficient (some submissions estimate four hours a week) and teaching resources inadequate. The teacher to detainee ratio was estimated to be 1 to 300, with frequent turn-over of staff (on a six-weekly or six-monthly contract basis). Submissions note that staff wore ACM uniform, and detainees were referred to by number, discouraging personal relationships between teachers and students. There were claims of irregular attendance and demotivation, particularly on the part of adolescents. Addressing these issues, the South Australian Department of Education, Training and Employment (2002) made these overall comments: ‘... the reality for children in detention is different from the aims enunciated in the Convention [on the Rights of the Child]’s mission statement’, and ‘Clearly, services provided by the [South Australian education] department are not matched within the detention situation’.

During the HREOC Inquiry, DIMIA maintained an updated ‘Facts versus fiction’ section on its website to address comments made at the Inquiry. In response to submissions on education, DIMIA (2002a) states:

- The Department provides social and educational programs appropriate to the child’s age and abilities to all children in detention. In some detention facilities, some children attend local schools. For others, a school curriculum based program is provided and is conducted by appropriately qualified staff.
- Social and recreational activities are also organized. As well as televisions, videos and video games, centres have a variety of sporting equipment including volleyball and soccer nets and balls, cricket equipment and so on. The centres have playground equipment, toys and games available for children. Various excursions outside the centres are organized including trips to local tourist attractions, the movies, the beach, parks and swimming pools.

These impressions of normality are simply not borne out by other submissions. (However, we note that in 2003, ACM’s contract to administer IDCs was not renewed, and it is possible that educational provisions are different under GSM, the private company subsequently contracted to run the centres.)

### **Speaking back: fearless speech**

In this article, we have used a framework of governmentality to highlight the regulations and rationalities that govern refugees and asylum seekers in Australia, and the dividing practices which create a hierarchy of entitlements between them. The result of these regimes of practices is that inequalities percolate through fragmented visa categories to affect the lives and education of children. Already fleeing violence in the places they have left, these children often face violence, material and symbolic, in the place they have come to for asylum. Children arriving by boat, in particular, face the violence of incarceration and social exclusion. In exploring these issues through a framework of governmentality, we have shown how the logic of regulations and their accompanying mentalities normalise these illiberal and repressive practices within a liberal-democratic constitutional state. We turn now to questions of how educators might engage with these issues, using Foucault’s notions of ethics and fearless speech (*parrhesia*).

For Foucault, ethics is about the relationship of the self to the self, which may be explored through investigating the different ‘technologies of self’—actions which individuals perform to be or behave in desired ways. Foucault did not attempt to pinpoint a universal or timeless set of ethics (see O’Farrell, 1989). Instead, his project was to illustrate the different ethical systems that have prevailed in history, and how these have made up the human subject. So, for example, in Greek antiquity, ‘ethos’ was a way of being and behaving which required extensive work on the self to be ‘good, beautiful, honourable, estimable, memorable and exemplary’ (2000, p. 286). Activities such as ‘care of the self’ and ‘knowing the self’ would simultaneously enable appropriate relations with others. Thus, for the Greeks, ‘the good ruler is precisely the one who exercises his power as it ought to be exercised, that is, simultaneously exercising his power over himself. And it is the power over oneself that regulates one’s power over others’ (2000, p. 288). Foucault’s interest in the systems of rules applied to social conduct in ancient Greece should not be interpreted as an idealisation of Greek society which he acknowledged to be highly unequal. Rather, his interest in the Greeks lies in his interest in tracing the roots of the ‘critical tradition of the West’.

In antiquity, a significant example of an ethical ‘technology of the self’ was the practice of *parrhesia*. Literally translated, *parrhesia* means ‘fearless speech’ and Foucault understands this as knowing the truth and conveying it to others, at some risk to oneself. *Parrhesia* functions as a critique, and has a moral quality. It takes courage to speak the truth in the face of risks and danger: ‘The commitment involved in *parrhesia* is linked to a certain social situation, to a difference of status between the speaker and his audience ... and thus involves risk’ (2001, p. 13). In other words, *parrhesia* ‘... comes from below and is directed towards above’ (2001, p. 18). As Tully argues, *parrhesia* ‘is a civic responsibility or duty for both rulers and ruled. If citizens do not engage with governors by speaking frankly to them—by criticising them—then citizens have to bear “unwise” governors’ (2003, p. 3).

We suggest that engaging with the notion of *parrhesia* provides a useful starting point for educators in relation to refugees and asylum seekers. For although *parrhesia* strictly speaking belongs to the power relations of Greek antiquity, it suggests that ethical action against established power *per se* is a civic responsibility to be engaged with in western governmentalised states such as Australia as well.

Taking this further, we propose that Foucault’s injunctions on intellectual work are a useful point of departure for educators to exercise *parrhesia*:

The work of an intellectual is not to form the political will of others; it is, through the analyses he [sic] does in his own domains, to bring the assumptions and things taken for granted again into question, to shake habits, ways of acting and thinking, to dispel the familiarity of the accepted, to take the measure of rules and institutions and, starting from that re-problematization (where he plays his specific role as an intellectual) to take part in the formation of a political will (where he has his role to play as citizen). (Quoted in Gordon, 2002, p. xxxiv)

The re-problematisation which Foucault outlines as the specific domain of intellectual work has particular salience for those involved in the intellectual formation of others, both children and teachers. As Foucault notes, this is not about directing the political views of others, but about maintaining a stance of calling the familiar into question through vigorous analysis which interrogates silences, scrutinises invisibilities, and disturbs familiarities. This, we argue, is an important ethical action for educators to take in relation to the conditions of refugees and asylum seekers and their education.

In terms of fearless speech, Foucault's short statement on Vietnamese boatpeople in 1981, entitled 'Confronting Governments: Human Rights', sets out three principles to guide the action of citizens. The first, he suggests, is to recognise that there exists an international citizenship which has rights and duties, 'and that obliges one to speak out against every abuse of power, whoever its author, whoever its victims. After all, we are all members of the community of the governed, and thereby obliged to show mutual solidarity' (2002, p. 474). In this logic, the mutual solidarity of all governed people in an international order brings with it a responsibility to speak out on behalf of others against abuses of power—which may be understood as a form of *parrhesia*. This is not to be confused with attempting to form or influence the political will of others, including students. Rather, it is about nurturing Balibar's notion of civility—the conditions necessary for collective participation in public affairs. In terms of education, it is about recognising that civility is fragile and cannot be taken for granted, and that education for civility is an appropriate goal of schooling.

The second principle that Foucault outlines is that citizens should hold governments responsible for the human suffering caused by their actions or negligence: 'The suffering of men [sic] must never be a silent residue of policy. It grounds an absolute right to stand up and speak to those who hold power' (2002, p. 475). In other words, the ethics of civility requires recognising and speaking out against the suffering inflicted on others, be they members of the nation-state or not. Building on this, an ethical stance for educators would entail a willingness to recognise and engage with the suffering of all 'others', including refugees and asylum seekers. This does not mean justifying or condoning actions that cause human suffering and loss of life, but acknowledging that they are part of the complexities of human existence, and that they cannot ethically be ignored or rendered invisible.

The third principle Foucault proposes is to affirm the right of citizens to act, and to reject the assumption that only the government has the prerogative to take action: 'The will of individuals must make a place for itself in a reality of which governments have attempted to reserve a monopoly for themselves, that monopoly which we need to wrest from them little by little and day by day' (2002, p. 475). Here, as elsewhere, Foucault assumes that power relations necessarily imply the possibility of resistance, in contrast to relations of pure domination. Power relations are 'mobile, reversible and unstable', and have within them 'a certain degree of freedom on both sides' (2000, p. 292). This includes the freedom to reflect and act ethically—'for what is ethics, if not the practice of freedom?' (2000, p. 284). Ethical action, in this case, requires engagement to ensure as little domination as possible in the exercise of power.

Foucault sets out the complex relations of power, authority, and domination in ‘the pedagogical institution’ as follows:

I see nothing wrong in the practice of a person who, knowing more than others in a specific game of truth, tells those others what to do, teaches them, and transmits knowledge and techniques to them. The problem in such practices where power—which is not in itself a bad thing—must inevitably come into play is knowing how to avoid the kind of domination effects where a kid is subjected to the arbitrary and unnecessary authority of a teacher, or a student put under the thumb of a professor who abuses his [sic] authority. I believe this problem must be framed in terms of rules of law, rational techniques of government and ethos, practices of the self and of freedom. (2000, pp. 298–299)

The challenge is to engage in games of truth with as little domination as possible (as is indicated also by the quotation at the start of this article):

I believe this is, in fact, the hinge point of ethical concerns and the political struggle for respect of rights, of critical thought against abusive techniques of government and research in ethics that seeks to ground individual freedom. (p. 299)

This article is intended as a contribution to the intellectual work of calling into question the assumptions and practices of governments about refugees and asylum seekers and the education of their children. It is intended also to signal the possibility of an ethics of engagement in education, based on mutual solidarity, civility and care for the other, as well as a commitment to power relations with as much freedom and as little domination as possible.

In using a Foucauldian framework, we hope to have illustrated that notions such as governmentality, regimes of truth and the pervasiveness of power relations provide significant opportunities for intellectual engagement as well as individual and civic action. Thus we suggest that the determinism of power often associated with Foucault’s work is not the only possible reading of Foucault, or indeed, the most constructive.

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