RESEARCH ONLINE

University of Wollongong
Research Online

Faculty of Education - Papers (Archive)

Faculty of Social Sciences

2009

Young people, education and unlawful non-citizenship: Spectral sovereignty and governmentality in Australia

Mary Louise Rasmussen
Monash University

Valerie Harwood
University of Wollongong, vharwood@uow.edu.au

Publication Details

This article was originally published as Rasmussen, ML and Harwood, V, Young people, education and unlawful non-citizenship: spectral sovereignty and governmentality in Australia, Globalisation, Societies and Education, 7(1), 2009, 5-22. Copyright Taylor & Francis 2009. Original item available here

Research Online is the open access institutional repository for the University of Wollongong. For further information contact the UOW Library: research-pubs@uow.edu.au

RESEARCH ONLINE

Young people, education and unlawful non-citizenship: spectral sovereignty and governmentality in Australia

Mary Lou Rasmussen and Valerie Harwood

ABSTRACT

This paper considers Judith Butler's discussion of the intersections between governmentality and sovereign power in *Precarious life: the powers of mourning and violence*. We consider this interrelationship with a view to considering how this might enable us to expand our understanding of contemporary discourses governing young people within and outside Australia. In particular we focus on the production of groups of young people, such as those classified as 'illegal immigrants' who may be situated outside the frame of 'public good' or the 'private interest'. This enables for a theorisation of the lives of groups of young people who may 'have no definitive prospect for a re-entry into the political fabric of life, even as one's situation is highly, if not fatally, politicized'. It is questionable whether the Foucauldian notion of governmentality gives sufficient account of the lives of these young people whose conduct is effectively considered irrelevant by the State. As educators, it is arguable that we have an ethical imperative to encourage our students to care for themselves, and for others, especially those others whose lives have been 'fatally politicized'.

> MIGRATION ACT 1958 – SECT 14
> **Unlawful non-citizens**
> (1) A non-citizen in the migration zone who is not a lawful non-citizen is an unlawful non-citizen.
> (2) To avoid doubt, a non-citizen in the migration zone who, immediately before 1 September 1994, was an illegal entrant within the meaning of the Migration Act as in force then became, on that date, an unlawful non-citizen.

Introduction

The above unwieldy and somewhat perplexing definition of 'unlawful non-citizens' captures in an unintended way the complexity of this issue for the Australian government. The definition is also striking in the way that, upon reflection of recent contemporary events concerning citizenship, it captures the singularly sovereign-like behaviour of a government seeking to demarcate its borders, and by consequence, its citizens. In these events, allegedly unlawful citizens, both adults and children, have been removed to a remote island, or deported, or held under arrest without charge using the newly instituted practices, where, in response to 'terror' the rule of law is suspended.

In the face of these events, critique of the government by citizens becomes imperative. As has been argued by Foucault, it is crucial that 'the will of individuals must make a place for itself in a reality of which governments have attempted to reserve a monopoly for themselves' (Foucault 2000b, 475). Signifying an important contribution to his views on political engagement, Foucault emphasises the task of the 'private individual' for speaking up to the 'monopoly of government'. Pam Christie and Ravinder Sidhu in their recent paper on asylum-seeker and refugee children in Australia draw on Foucault to argue the import of 'fearless speech',[1] and of an 'ethics of engagement in education' (2006, 463). While Foucault speaks of the will of individuals in a general sense (most likely, 'adults'), the problem with which we are concerned in this paper is how young people[2] can 'speak up'. The differentiation here is necessary because the spaces in which young people can participate in speaking up do differ from those deemed adult. Furthermore, the

space in which they spend considerable time, the school, presents both opportunities and constraints for speaking up. Educators, then, need to grapple with this importance of 'fearless speech' in the contexts of the lives of young people and the educational institution. Significantly, we are proposing that if we are to grasp how young people may engage in the practice of 'speaking up' we must, in the light of our government's sovereign-like behaviour, reconsider understandings of governmentality.

This paper considers the issue of 'unlawful citizenship' and speaking up to the 'monopoly of governments' by critically examining governmentality in the light of Judith Butler's work on sovereign power (2004a). To accomplish this task the paper has two foci; the first is young people who have been detained and deported as 'unlawful non-citizens'; the second is how young people and educators within Australia have 'spoken up' on issues related to refugees and asylum seekers. In relation to the first focus, the paper considers Butler's discussion of the intersections between governmentality and sovereign power in *Precarious life: the powers of mourning and violence* (2004a). We examine this interrelationship with a view to considering how this might enable us to expand our understanding of contemporary practices that are rendering people 'un-lawful' within and outside Australia. Here we propose that it is questionable whether the Foucauldian notion of governmentality gives sufficient account of the lives of those young people whose conduct is effectively considered irrelevant by the state. We suggest that a nuanced appreciation of the exercise of sovereign power is required to better understand the fate of young people who may 'have no definitive prospect for a re-entry into the political fabric of life' (Butler 2004a, 68).

Building on this discussion, the second focus of this paper is on how young people and educators within Australia have responded to issues related to refugees and asylum seekers. Other researchers have argued that we have an ethical imperative to encourage our students to care for themselves, and for others (Christie and Sidhu 2006), especially those others whose lives have been 'fatally politicised' (Butler 2004a). Here we consider acts undertaken by Australian secondary students in response to the de-subjectivation of young people within the Australian context. We consider the tactics that these young people employed to 'speak up' and suggest how these might be analysed in the context of the contemporary exercise of sovereign power within Australia.

Importantly, we are not mandating that students be trained in how to respond to sovereign power, but rather it is our observation that students have taken it upon themselves to engage in struggles relating to what they see as the unfair exercise of sovereign power. We are investigating the tactics used in highlighting these issues in education contexts. On the question as to whether one should take these issues to school, we wonder who should decide such an issue. Surely schools, students, teachers and school communities will make those decisions regardless of our pronouncements?

Young people and the exercise of sovereign power

In order to contextualise our discussion of young people who have been detained and deported as 'unlawful non-citizens', we focus on two recent cases pertaining to the treatment of unlawful non-citizens by the Australian government. Both of these, we argue, are instances of sovereign action undertaken by the Australian government, that this is the exercise of official power that is not subject to public scrutiny or judicial review. In this respect these actions may extend contemporary renderings of Foucauldian notions of governmentality. Our goal here is to highlight how individual lives are affected by the exercise of sovereign power.

The first case focuses on the treatment of 43 West Papuans who arrived in the north of Australia via boat from Irian Jaya on January 18, 2006.[3] The West Papuans landed in a remote location off Cape York in north-eastern Australia after a five-day voyage in an outrigger canoe, with *seven children* amongst the 43 people who arrived by boat. These people were detained by the Australian authorities and held initially at Weipa on Cape York. However, although they had landed on Australian soil, they were not allowed to stay on the Australian mainland, but were moved by a Royal Airforce *Hercules* (ABC News Online 2006a) which took them on a 4000-kilometre journey from Weipa in north-eastern Australia to remote Christmas Island (a territory that has been excised from the Australian mainland for purposes of immigration law). Australian Greens Senator Kerry Nettle estimated that the transfer of the people to Christmas Island cost $700,000 (Chilout 2006). According to a young West Papuan man interviewed by Senator Nettle, 'When I got on the plane I was very scared … they did not tell us where we were going. I was terrified we were being taken back to Indonesia' (Nettle 2006b). There has been criticism of this 'transfer', as the people's claims could have been assessed on the mainland. The West Papuans included high profile pro-independence activists (some West Papuans are arguing that Irian Jaya should regain its independence from Indonesia), a point that has not been lost on the many critics of the federal government's forced transfer of these people off the Australian mainland. Indeed, as one news source states, 'the political nature of their flight from Indonesia was highlighted by a banner strung on their canoe that accused Indonesia of "genocide" in West Papua, a former Dutch colony that Indonesia took over in the 1960s' (SBS World News Headlines 2006). Forty-two of the asylum seekers were granted a temporary protection visa (TPV).[4] One man, David Wainggai, was denied a visa and ended up spending six months alone on Christmas Island.[5] Wainggai eventually won an appeal in August 2006 and, having been granted a visa, was able to enter Australia.

The detention of the seven young people, mentioned above, who were seeking asylum in Australia is one example of how these young people may fail to enter into the political fabric of Australian life. These young people were removed to Christmas Island and classified as 'unlawful non-citizens' because of the method (boat) by which they sought asylum in Australia.[6] They were held in detention in purpose-built centres while their claims for refugee status were adjudicated. In the current Australian political climate, in which there is strong bipartisan support on the question of immigration, people arriving illegally (without valid visas) by boat are subject to incarceration offshore or in remote locations within Australia. The names and faces of these individuals are often not revealed to the public and the access of journalists and lawyers is severely limited.

The second case we wish to highlight relates to Nak Assavatheptavee. At the time of his deportation Nak was 15 years old; he had spent half his life in Australia and he spoke no Thai. He was deported to Thailand after his father's[7] application for permanent residency was refused on character grounds. Some news reports highlighted the lack of consistency being exercised by the responsible minister (then Amanda Vanstone) in the use of her powers to deport people classified as unlawful noncitizens: One of the department's standard responses in immigration cases is that it cannot comment on individual cases for reasons of privacy. Yet …Vanstone went on radio on the same day as 15-year-old Nak Assavatheptavee and his father Charoon were arriving at Tullamarine airport to meet a deportation deadline. The minister said that Charoon Assavatheptavee had previously had a spouse visa cancelled on 'character grounds'. Despite that fact that he had entered Australia on a visitor's visa and passed all checks, she has declined to reveal these 'character grounds'. (Jackson 2005a) At the time

of his deportation Nak was a student of Darebin Secondary College (a public high school in inner Melbourne, Victoria). The decision split the Assavatheptavee family as Nak's sister Nat (21) and brother Nik (19) were allowed to remain in Australia. Nat Assavatheptavee also sent her four-year-old daughter Katie back to Thailand with Charoon, who has cared for the girl while Nat worked to support the family.

It is clear in both of the cases discussed above that young people's lives were severely affected by decisions made by Australian government ministers. All the West Papuans were deported from the Australian mainland via a Royal Air Force *Hercules* and reportedly feared for their lives because they thought they were being returned to Irian Jaya – the decision to deport these people to Christmas Island was not subject to review by a government department or the judiciary. Nak Assavatheptavee was also deported to Thailand on the decision of a federal government minister, a decision that was not subject to further appeal. The question must be asked, how does one account for and respond to the exercise of this type of sovereign power?

The state and governmentality

In the essay *Governmentality*, Foucault (2000a, 221) outlines three types of state. The 'state of justice' 'born in a territoriality of feudal type', an 'administrative state' that 'is no longer feudal territoriality' and that 'corresponds to a society of regulations and disciplines', and thirdly, the 'state of government'. Significantly, Foucault argues that the state of government is only possible *via* governmentality. As he maintains, 'the state can only be understood in its survival and its limits on the basis of the general tactics of governmentality' (2000a, 221). As Foucault points out, these are tactics that

can be characterized in terms of the way that they are directed toward the population. In turning to a consideration of governmentality, Foucault did not dismiss sovereignty as being surpassed (Harwood 2008). This point is emphasised by Stuart Elden, who depicts Foucault as 'propos[ing] a triangle of sovereignty-discipline-government' (2007, 30). Thus, in conceiving the 'state of government', it becomes clear how it is necessary to also take sovereignty into account. The question then can be framed, not are we now in a 'sovereign state', but rather in terms of the relationship of sovereignty to governmentality. We discuss this relationship in the next section by drawing on Butler's (2004a) discussion of 'spectral sovereignty'. But first we turn to outline the presence of sovereign power in contemporary contexts, a phenomenon that to us seems increasingly significant.

Nation states such as the US and Australia are invoking special measures literally 'outside the law' to detain and deport certain individuals; these measures are commonly substantiated in the name of fighting terror. In his paper 'Sovereignty, biopower and the state of exception', Wade Roberts argues that 'one could point to the invocation of "pre-emptive", or to speak more carefully "preventative" wars, as a strategy for combating global terrorism.' (2005, 38). Citing Walzer (2000), Roberts defines 'preventative war' as 'a war fought to maintain the balance, to stop what is thought to be an even distribution of power from shifting into a relation of dominance and inferiority' (2000, 76 cited in Roberts 2005, 38). The rationale for actions such as the Australian government's counter-terrorism legislation are quite clearly couched in notions of 'prevention' and justification of war based on preserving the notion of Australia's 'even distribution of power'. The argument made for the introduction of counter-terror legislation by John Howard, the former prime minister of Australia, is a case in point. John Howard made the following

statement in an interview with Laurie Oakes, conducted for Australian national television:

> The alternative is in an age where people can indiscriminately throw bombs in crowded areas and in a situation where we know there are people in this country who have trained with terrorist organisations, are we to deny ourselves the capacity if our security authorities tell us that – and tell the courts that somebody is planning a terrorist attack – are we to deny ourselves the capacity to take preventive action? I mean prevention is better than cure, and in this situation when a bomb goes off there's no cure. It's absolute. And prevention is the ultimate weapon. Prevention based on good intelligence is the best weapon against terrorism, and that's why we need these laws. (Oakes 2005)

Paraphrasing Walzer, the aim of the counter-terrorism legislation can thus be viewed as an attempt to 'stop what the Australian government sees as an even distribution of power from shifting' – and the ways in which it is 'stopped' is via the rubric of preventative war. 'Border control' forms a key part of this 'prevention'. This is unmistakably represented in the *National Counter-Terrorism Plan*, under the heading 'Border Control':

> The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)assists counter-terrorism efforts by ensuring that all non-citizens seeking visas, passage and entry to Australia are checked against the Movement Alert List (MAL) of known individuals or profiles of security concern. DIMIA manages the MAL and associated systems, and accesses MAL on behalf of ASIO and law enforcement agencies, to check terrorist profiles and assist counter-terrorism investigations. (Australian Government 2005, 3–4)

This emphasis on 'border control' effectively constitutes non-citizens as potential threats to the state and, by implication, to the preservation of democray: democracy is thus preserved (not undermined) by a strong border control. The concept of 'border
control' invokes a focus on territoriality. However, in a state of government as elucidated
by Foucault (2000a), governmentality is concerned with more than territory: it has population as its focus. The state of government:

> … is no longer essentially defined by its territoriality, by the surface it occupies, but by a mass: the mass of the population, with its volume, its density, with the territory that it covers, to be sure, but only in a sense as one of its components. And this state of government, which is grounded in its population and which refers and has resort to the instrumentality of economic knowledge, would correspond to a society controlled by apparatuses of security. (Foucault 2000a, 221)

This point is teased out in material from the recent publication of Foucault's 1978 lectures at the Collège de France, published in English as *Security, territory, population* (Foucault 2007a). In the lecture, on 11 January, Foucault 'schematically' states that 'sovereignty is exercised within the borders of a territory, discipline is exercised on the bodies of individuals, and security is exercised over a whole population' (Foucault 2007b, 48).[9] Yet at the same time as noting these 'schematic' distinctions, Foucault emphasises the 'multiplicities of subjects, or … the mulitiplicities of people', and points to how 'sovereignty and discipline, as well as security, can only be concerned with mulitiplicities' (Foucault 2007b, 49). For our argument in this paper, the point we want to emphasise from this only recently accessible material is the importance attached to conceptualising the

interrelationship between sovereignty and governmentality.[10] We suggest that a state of government characterised in terms of the instrumentality of economic knowledge and control by security apparatuses cannot adequately account for the power invoked by counter-terrorism laws and the forced deportation of the West Papuans or Nak Assavatheptavee and his father. Furthermore, if as we suggest, Foucauldian interpretations of governmentality have need to take account of sovereign power, what are the implications for our understandings of biopower and biopolitics? Paul Rabinow and Nikolas Rose (2006) have argued that in our contemporary world we are witnessing new forms of biopower (such as genomics) that demand of us to rethink (or at the very least, further) Foucault's work on governmentality. Here we can conceive of biopower as a concern with *making life* (Rabinow and Rose 2006) that is integral to the fabric of governmentality. In so doing, we are distancing ourselves from Giorgio Agamben's interpretations of biopower (and consequently, governmentality). Agamben, as Rabinow and Rose (2006) argue, couches biopower in terms of the power to make die. Indeed, Foucault (2003) characterises biopower as power over life, while sovereign power is the power to kill.

By understanding biopower as concerned with 'making live' (as opposed to 'making die'), governmentality can be understood in terms of myriad apparatuses and techniques concerned with the purpose of life. Thus we can begin to appreciate why governmentality is inadequate as a concept that can account for the power to 'make die'. Yet it is not a simple matter of a return to sovereign power, or of sudden moments of the rise and domination by a sovereign. It would seem that, albeit at odds, both governmentality and sovereign power are at work. Here we suggest that Butler's notion of spectral sovereignty offers a way to conceptualise the strategies of governmentality that support contemporary states such as Australia.

Spectral sovereignty

The book *Precarious life* (Butler 2004a) brings together a group of essays that consider questions of power, ethics, violence and mourning in a world that is irrevocably changed post-11 September 2001. In the chapter titled 'Indefinite detention' Butler reconsiders the operation of Foucauldian governmentality in order to consider what she sees a shift in the operation of sovereign power within and outside the United States, a shift that is apparent in former Australian Prime Minister John Howard's observation that 'We are living in a new world and this idea that you can have absolute perfection in fighting terrorism, which is a global threat, is unrealistic … It is always better to be safe than sorry' (Coorey, Skehan and Marriner 2007). These comments were uttered in relation to the case of Mohammed Haneef, an Indian man working as a doctor in Queensland, Australia who was detained while trying to depart Australia in July 2007, immediately after failed terrorist attacks in the United Kingdom. He was linked to the UK attacks via family and technology (it was alleged that a mobile phone sim card he once owned was used in the attacks, though this allegation was later withdrawn).

The government case against Haneef was not considered particularly strong: the presiding judge awarded him bail until his case could be tried, against the wishes of the Australian Federal Police and the Federal Parliament. The day Haneef received bail his visa was revoked on character grounds by Kevin Andrews, then Minister for Immigration and Citizenship, in order to ensure that he would remain in detention. This action saw the State effectively overruling the judiciary's decision that Haneef should be eligible for bail. Subsequently the government's case against Haneef was deemed too weak to proceed by the Commonwealth's

Solicitor General, but Haneef's visa was not reinstated and in July he left Australia and at time of writing is still unable to return. In endeavouring to account for the exercise of such power Butler suggests that it might be useful to 'consider the act of suspending the law as a performative one which brings a contemporary configuration of sovereignty into being, or, more precisely, reanimates a spectral sovereignty within the field of governmentality' (2004a, 61).

Within Australia, these suspensions of the law are increasingly taking the form of ministerial speech acts; acts which are performative insofar as they enable statements by ministers to instantaneously be enacted upon the bodies of individuals, without judicial or political scrutiny. It is apparent that speech is acting politically in new ways to directly 'inhabit and craft the embodied life of the subject' (Butler 1997, 142). Thus, in the context of the Haneef case, when the minister declared him to be of bad character, he instantaneously transformed Haneef from 'Queensland doctor' to 'person of bad character'. Consequently, Haneef was unable to remain in Australia. Importantly, this argument does not signal the end of governmentality but rather the coincidence of sovereignty and governmentality. Such an argument echoes the Derridean notion of the spectre. As Benjamin and Chang point out, 'for Derrida specters are both revenants, spirits that come back, and arrivants, spirits that are to come. The present is unsettled no less by the return of the past than by the imminence of the future' (Benjamin and Chang 2006, 151). This Derridean rendering of the spectre is an important reminder that differing configurations of power do not settle chronologically but are rather unstable; hence past enactments of sovereignty haunt the present and the future of Australian and international politics. It is also worth noting that, as these spectres are unstable and unsettled, it is possible to consider how one might consider speaking back to the exercise of 'spectral sovereignty'.

In the Australian context post-9/11, ministers, and the bureaucrats who act on their behalf arguably become sovereigns (i.e. the parliament is not dissolved or the rule of law suspended). Rather, a reversal occurs in which the parliament argues the necessity of suspending the rule of law in the national interest and 'the rule of law, in the act of being suspended, produces sovereignty *in its action and as its effect*. This inverse relation to law produces the 'unaccountability' of this operation of sovereign power as its illegitimacy' (Butler 2004a, 66, italics in original). The more decisions that the parliament decides must be made in secrecy, in order to preserve the national interest, the more this has the effect of making ministers and bureaucrats unaccountable, and thus 'beholden to nothing and to no one except the performative power of their own decisions … Their acts are clearly conditioned, but their acts are judgments that are nevertheless unconditional in the sense that they are final, not subject to review, and not subject to appeal' (Butler 2004a, 65). Such a system of government has resonances in the deprivation of rights of those classified as 'mentally ill' (Butler 2004a, 72). It is this rise of spectral sovereignty, explicit within the decisions relating to immigration discussed in this paper, which requires some kind of educational response. Before we consider how school communities in Australia have responded to such actions, we further consider the material ways in which young people's lives have been adversely influenced by the 'unaccountable' judgments of Australian ministers.

The case of the 43 West Papuan asylum seekers

The arrival of the West Papuan asylum seekers in 2005 posed a difficult set of circumstances for the Australian government, given that Indonesia is our nearest neighbour and a significant ally and trading partner. The former Australian Foreign Minister, Alexander Downer, publicly stated that the Australian government does not support the pro-independence activists, stating 'We fully support Indonesia's

territorial integrity. We fully support the province of West Papua remaining part of the Republic of Indonesia' (Taylor 2006). While the Australian government is keen to uphold Indonesia's territorial integrity, it is apparent that human rights violations have occurred in Irian Jaya, and the strength of such claims are borne out by the government's ultimate decision to grant the West Papuans temporary protection. In an interview with an Australian Broadcasting Commission (ABC)[11] journalist, Herman Wainggai, the leader of the West Papuan group, explained 'We are here because we are under pressure from Indonesia Government military. We are target from military of Indonesia to killing us' (Waters 2006).

Our principal concern here is how the government's actions affect the seven young people who were seeking asylum in this group from West Papua. The action of the state has the significant consequence of politicising those young people who have been (or will be) 'mandatorily detained'. One of the key issues is that these children are not recognised as refugees (unless they satisfy Department of Immigration investigations). Yet children recognised as refugees are protected as child refugees by the United Nations human rights treaty, the 1989 Convention on the Rights of the Child. Article 37 of this treaty includes the following statement:

> Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action. (United Nations 1989)

Importantly, the treaty emphasises that 'A child's right to protection, education, recreation, medical care and humanitarian consideration are also covered in this convention' (Phillips and Lorimer 2005). The seven West Papuan young people on Christmas Island were detained 'under guard' in community housing, on a remote island several thousand kilometres from any community support. Transferring minors to the 'excised' location effectively *excises* them from protection, education, recreation and medical care. These issues have been noted by Amnesty International: 'Recent investigations, such as the 2005 Palmer inquiry, highlighted the problems associated with remote detention including: the lack of access to medical and legal assistance, hardship in contacting family and friends and isolation from the Australian community' (Amnesty International 2006). Actions such as the *excision* of the young people clearly demarcates them as politicised. This is ever more salient when it occurs in the shadow of the recent (2004) *National Inquiry into Children in Immigration Detention Report – A Last Resort?* The report makes the unwavering statement that:

> the Commission found Australia's immigration detention policy has failed to protect the mental health of children, failed to provide adequate health care and education and failed to protect unaccompanied children and those with disabilities. (Human Rights and Equal Opportunity Commission 2004)

With these actions there is little doubt that these young people, who were removed from the Australian mainland to await the outcome of their claims to asylum, are subject to the exercise of power that Butler terms spectral sovereignty. There are several Commonwealth laws that pertain to children in detention.[12] The transfer of the West Papuans to Christmas Island stands in contrast to the debate in 2005 over changes to the mandatory detention policy, where the prime minister: agreed to soften the government's detention policy, whilst still retaining the principle of mandatory detention. On 17 June [2005] he announced a number of changes to both the law and the handling of matters relating to people in immigration detention. This includes an amendment to the Migration Act 1958 which states that a child should only be detained as

a measure of last resort. The objective of these changes was to ensure that all families with children could be placed in the community, under community detention arrangements. (Phillips and Lorimer 2005)

The forced removal of the West Papuan young people from the Australian mainland would appear to directly contravene the government's own principle of mandatory detention. It would appear that in the case of the West Papuan asylum seekers the Australian government breached its own undertakings in relation to the detention of minors. It appears that national and international laws relating to refugees may also have been breached in the removal of the West Papuans to Christmas Island.[13] To our minds such actions are a clear illustration of the notion of spectral sovereignty at work. For Butler this new configuration of power – spectral sovereignty – requires a new theoretical framework or, at least, a revision of the models for thinking power that we already have at our disposal (2004a, 92). In the context of this paper, this new configuration of power has prompted us to consider how young people are adversely influenced by its exercise, and also the tactics they have used in responding to spectral sovereignty. Consequently, we now turn to an analysis of curriculum resources and diverse extra-curricular activities that directly respond to these new configurations of power, which adversely influence many young people's lives.

The case of the suspected illegal entry vessel (SIEV) X

While the young West Papuans were not fatally politicised, other young people striving to reach Australian shores have paid the ultimate price, a price which some link indirectly to Australia's border protection policy. One such example is the case of the SIEV X. In October 2001 the SIEV X sank in international waters on its way to Australia. Approximately 353 people drowned, the majority of them women and children. These are young people who have no prospect for a re-entry into the political fabric of life as their lives were fatally politicised (Butler 2004a, 68). In a book related to this incident, Australian authors David Marr and Marianne Wilkinson write:

> Australia did not kill those who drowned on the SIEV X but their deaths can't be left out of the reckoning entirely. Canberra's response to that missing boat is a measure of what happened here since the *Tampa*.[14] When those in peril on the sea are asylum seekers, Australia hesitated to rescue. Not refused, hesitated. (2003, 43–4)

In responding to the tragic sinking of the SIEV X members of the Australian community have devised several responses. Two of these are briefly outlined below. A national memorial to the people who drowned when the SIEV X sank is one way in which schools and community groups have responded to the death of these young asylum seekers. The process of designing the memorial was through the auspices of the SIEV X National Memorial Young People's Art Collaboration. Participants were given the following brief:

> The Young People's Art Collaboration was devised as a way to tell the story of the Siev X more widely, and to eventually build a national memorial that would be a 'landmark of conscience' which young Australians could feel part of. The memorial is to be built on the shores of Lake Burley Griffin in Canberra during 2005. Young people are invited to contribute design ideas for a memorial to the people of the Siev X which will be a symbol of hope and healing and a place where Australians can come to remember and reflect. (Siev X National Memorial Project 2004, 2)

This approach is of interest in this paper insofar as it asks young people to

consider how judgments governing class, race/ethnicity, gender and social location have certain effects; while it is important to understand these effects, it is also important to know that these effects are open to rearticulation. These projects call on young people to articulate their own understandings of the SIEV X. In an essay entitled 'The question of social transformation', Judith Butler invites readers to imagine a social context in which lives that are considered spectacles, or somehow less than other lives, might acquire value. She goes on to note, 'The thought of a possible life is only an indulgence for those who already know themselves to be possible. For those who are still looking to become possible, possibility is a necessity' (2004b, 219). The ongoing significance of the question of whose lives are possible is clearly germane to the development of the SIEV X Memorial. Mitchell Donaldson, a high school student from the Australian state of Queensland, discussed his idea for such memorial, an excerpt of which is included below:

> I have designed this memorial to make people think about the mistakes we made when the boat people needed help. It's designed to be partly on the land and partly in the water to represent how close the people were to safety. There are 353 bars, which is the number of people who died and they are in the shape of a boat. The bars also represent that the people were trapped and the low bars on the side show that they could have been saved if we'd had helped them. On the land side of the boat there are a few hands reaching out. The shape of the boat is cut into the land and is filled with water. The memorial will be made of 353 metal bars sunk into the ground at different heights. The bars on the land will be surrounded by stones and the hands would be made out of wood. The memorial would be about 5 or 6 metres long.

Following a nationwide exhibition of students' designs for the memorial, Donaldson's design was adapted by students, artists, teachers and landscape architects for the construction of a temporary memorial. Elements from the designs of other student artists were also incorporated into the final idea. Literally hundreds of schools, churches and community groups worked together to develop the memorial, which was initially granted permission for a one-day installation on the shores of Lake Burley Griffin in the national capital Canberra.[15]

The second educational response to the SIEV X we briefly want to highlight is 'The sinking of the SIEV X: A case study for secondary schools', which was compiled by the SIEV X Secondary Schools Case Study Committee. The History Teachers' Association in New South Wales[16] has endorsed the case study and it can be purchased online via the association's website. The case study was characterized by the former Howard government as a 'bizarre mix of unfounded allegations and rumour presented as fact' (Guest 2006):

> [the former Federal Education Minister] Ms Bishop says she has nothing against children being taught facts in history classes but she does have concerns about the plan to use the study in schools. 'A tragic accident should not be used to push a political agenda and students need to be given the facts, and not unsubstantiated rumour, in order to form their own judgements and form their own opinions about this matter.' However, the then Opposition Immigration spokesman, Tony Burke, endorsed the plan to teach children about the SIEV X disaster. 'SIEV X is part of Australian history,' Mr Burke said. 'It's part of our experience for the simple reason that the people on that vessel were on their way to Australia hoping to become Australians and I don't think we should pick and choose which parts of our history are appropriate for children to know about.' (ABC News Online 2006b)

The comments above reflect, in part, the fatal politicisation of the lives and deaths

of the young people who drowned on the SIEV X. Both the memorial and the case study are examples of how students and teachers have sought to develop an educational and social context 'in which lives that are considered spectacles, or somehow less than other lives, might acquire value' (Butler 2004b, 219). In the following section we consider another example of how young people and educators in the Australian context are responding to these new configurations of power:

Nak's back!

> NAK IS BACK WHERE HE BELONGS
> Thanks to a concerted effort by the school community, Nak Assavatheptavee started his VCE studies on day 1 of term 1 [2006] …The focus is now on gaining the permanentresidency for Nak his brother and sister have already received. The following quote from Alice Walker sums up our efforts. 'The most common way people give up their power is by thinking they don't have any'. (Thornbury High School News, Feburary 10, 2006. See http://www.thornburyhs.vic.edu.au/pdf/newsletter/NEWS%2010th%20February, %20 2006.pdf)

The 'Get Nak Back' campaign was supported by teachers, students and members of the Darebin community. According to school principal Peter Egeberg: The whole school community decided to throw its weight behind Nak, becoming active in writing letters to politicians and the press, organising protest rallies and raising money to bring him back from Thailand … The students soon realised the broader community was interested in the work they were doing and this helped them gain a sense that they could really achieve worthwhile things. (Cited in Sheridan 2007, 4) Students at the school developed a video entitled *Saving Nak*,[17] which was placed on a national website in order to raise awareness about Nak's situation. The video was compered by Anita Samardzija, the school captain, who took a leadership role in the campaign to save Nak. Samardzija and her parents came to Australia in 1996 as refugees from Croatia. In 2007 she was made Young Citizen of the year by the Northcote Council for her efforts in lobbying against Nak's removal. Principal Egeberg was also recognised by peers for his work on the campaign to 'Get Nak Back' receiving a commendation at the 2007 Australian Government Awards for Quality Schooling. The accolades received by members of the school community (due to their support of Nak) may be considered a part of the broader tactics exercised by Nak's supporters in response to what many considered an unjust act of deportation. The video, developed by students at the school, includes a soundtrack featuring the school band (of which Nak was a member), and interviews with Nak and his classmates.

There is also footage of the peaceful protests staged by school students outside the Department of Immigration, and at Melbourne's Tullamarine airport on the day of the Nak's deportation. These protests depicted Nak as everyone's 'mate'; the students' use of this most Australian mode of address was taken up in news reports related to Nak's deportation (Jackson 2005b). Students also mobilised the Australian flag in press conferences and raised Nak above their heads with the flag behind him. The video also recorded the students chanting 'Aussie, Aussie, Aussie: Oi, Oi, Oi', a chant normally reserved for jingoistic sporting events, as well as gatherings asserting more conservative claims relating to Australian nationalism. The efforts to assert Nak's identity as an authentic Aussie kid were also echoed by the principal, who declared that Nak was 'more Aussie than many of the other students at the school' (Jackson 2004). Principal Egeberg also wrote to all parents of Year 11 and 12 students at the school[18] advising his support for

students wishing to attend public protests relating to Nak's deportation. Nak's fellow student Kim Nguyen compiled a press kit about Nak, while student delegations lobbied the local mayor and local political representatives.

Student views on Nak's situation could be considered an example of what Foucault (1980) termed 'subjugated disqualified knowledges', knowledges that are buried or below a level of acknowledgement. From a Foucauldian genealogical perspective, such disqualified knowledges are valuable since they portray distinction from dominant knowledges. As such, these knowledges help to reveal the discontinuities and contingences in the construction of knowledge. While Foucault draws attention to these knowledges being hidden by dominant knowledges, in this case the young people's views were aired publicly, gaining much media attention. As such, they were far from 'hidden' and in this respect, did not exactly fit Foucault's own depictions. For example Harwood (2003) has termed the knowledges of young people diagnosed as mentally disordered, for whom it is virtually impossible to 'speak up', as subjugated and disqualified. She has argued that the subjugated disqualified knowledges of young people can, precisely because of their degree of subjugation, cast a different light on the science of diagnosis, and draw attention to the relationships of power involved in psychiatric intervention with young people. What then, can be made of the young people who responded to Nak? Do their views help us to investigate the construction of the dominant knowledge?

Rather than pursue answers to the above question, what is striking is the problem of posed by the incongruity of subjugated disqualified knowledges that were so publicly heard. This might suggest different forms of subjugation and disqualification that can occur under a form of spectral sovereignty that is tied to governmentality. For example, it is instructive to consider the array of tactics in which students and staff at the school engaged in their very public effort to raise awareness about Nak's situation. The sophisticated tactics used (lobbying, press kits, staged shots for the media, letterwriting, online petitions, public protest, a music video, public rallies and fundraisers) underscore how a school community might respond to the somewhat arbitrary exercise of ministerial power. However, at one level the 'flag-waving' associated with the campaign might be cause for concern insofar as it arguably reinscribes some of the values (nationalism, mateship) that are also invoked in government rhetoric justifying the current treatment of asylum seekers. Thus, the effort to argue the exceptionalism of Nak's case may provide cold comfort to other young people who are detained while seeking asylum in Australia.

Politically charged opposition by young people is often dismissed as ill-informed or as motivated merely by youthful exuberance. Taking cues from this notion of subjugated disqualified knowledges, we, as educationalists, should *not* dismiss the significance of young people's activism. We need to critically examine the tactics young people use in responding to the exercise of spectral sovereignty. However, such examinations might be suspicious of seemingly successful public 'one off' demonstrations of dissent. Foucault's reading of subjugated disqualified knowledges therefore requires a reading that is sensitive to the circumstances of spectral sovereignty. This is not to deny the value of subjugated and disqualified knowledges in drawing attention to the making of dominant forms of knowledge. This last point is significant. There is great value in listening to and providing opportunities for the voicing of subjugated disqualified knowledges, for without these it becomes all the more difficult to see the spectre of the sovereign behind the mirrors of governing. Support for Nak's situation, while ultimately unsuccessful in reversing the minister's decision, did garner attention in the local, state and

national press. In summary, the case of Nak[19] does provide a significant precedent for those who might ask themselves 'What is an appropriate educational response when a young person who undergoes a very public act of desubjectivisation?' or, 'What tactics might schools adopt when a minister acts to deport a young Australian resident?'

Conclusion

In this paper we have contended that it is worthwhile to consider simultaneously the tactics used in these two case studies in relation to the young asylum seekers from West Papua. For instance, the tactics utilised in support of Nak focused on his entitlement[18] to remain within Australia because he had, effectively, already become Australian.

However, we wonder about the utility of such arguments when considering the lives of the young people from West Papua, who are rendered unfamiliar via the government's removal of them from the Australian mainland. As David Manne notes below, the situation in Australia remains discretionary:

> By the end of 2005 … most of the key aspects of one of the toughest and most comprehensive anti-asylum seeker systems in the Western world remained in place [in Australia]. Key features continued to be: mandatory, indefinite, non-reviewable detention; Temporary Protection Visas; the Pacific Solution; naval repulsion of asylum seekers arriving by boat; and 'excision' of Australian territory to preclude people seeking asylum in Australia at all. While the reforms ended or limited the agony and uncertainty for many subjected to the system, the new detention regime left the ultimate power of release into the community entirely to the discretion of the Minister, with still no other legislative limits placed on the government's ability to indefinitely detain innocent people…. there was a new law, which set out the fundamental human rights principle that 'children shall only be detained as a measure of last resort'; but the law has no enforceability for the children it is meant to protect from abuse [as it is] not mandated or enforceable by law under any circumstances, including external political interference. (2006)

By examining performances that are non-normative it is possible to determine what kinds of bodies will be considered real and true, and which kind will not (Butler 2004b, 214). The ways in which the performances of bureaucrats and ministers are interpreted and received in schools in relation to young refugees and asylum seekers has consequences for who might be understood as authentic (and therefore worthy) or spectacle (and therefore less than human): So, even as governmental tactics give rise to this sovereignty, sovereignty comes to operate on the very field of governmentality … [and] 'Managing' a population is thus not only a process through which regulatory power produces a set of subjects. It is also the process of their de-subjectivation'. (Butler 2004a, 98) For us this prompts a new reading of the governmentality-sovereignty relationship whereby Foucauldian subjectivation operates via biopower in a manner contemporaneous with Butler's'de-subjectivation' via spectral sovereignty. This spectral sovereign form of 'de-subjectivation' contrasts sharply with a Foucauldian 'de-subjectivation' tied to biopower. This is because the latter is not occurring via the sovereign, that is, via the right to kill. In the Foucauldian biopower reading the emphasis is on the work one does on oneself at the behest of governmentality and its biopower. De subjectivation in this Foucauldian schema involves the subject, and is suggestive of the possibility of de-desubjectivation.

By stark contrast, when under the influence of spectral sovereignty there is little one can do to combat a process that, for example, at the whim of the spectral

sovereign removes one from a place of refuge. For this very reason 'spectral sovereign desubjectivation' is an important augmentation to Foucault's work on the subject and the political. It could also be a corrective to a Foucauldian-inspired interpretation that makes the serious mistake of literal emphasis on the 'technologies of the self'. In assuming that all that is required is to 'care for oneself' there is an obfuscation of the material realities of the power of spectral sovereignty. There is a further lesson to take heed of in these performances, that is, what Brian Singer and Lorna Weir have characterised as the 'symbolic dimension of sovereignty'. Singer and Weir have critiqued 'Foucauldians' for not paying enough attention to sovereignty, and suggest 'governance must be considered not just in its difference to but also in its articulation with sovereignty, with all that this might imply' (2006, 459).

In this paper we have attempted to take this attention one step further through the concept of spectral sovereignty, a reconceptualisation of power which we contend both captures the symbolic histories of the sovereign embedded in forms of government, and also the very workings of power that operate 'outside the law' under the ruse of governance. Appreciating the relationship between sovereign power and governmentality is vital to the task of 'speaking up' against the 'monopoly of governance'. As one might develop strategies to speak up in a sphere characterised by governmental practices, so too one needs strategies to speak up where spectral sovereignty looms large.

Speaking up against the exercise of spectral sovereignty is likely to be a very different experience to speaking up to governmentality, with varying consequences and risks. In education, if young people are to speak up it may be advisable to engage with them in conversations about the different tactics they might use in relationship to differing forms of power. In this paper we have investigated several ways in which schools and young people in Australia have responded to processes of regulatory power, as well as to young people's de-subjectivation. We argue the value of continuing to contemplate the dehumanising effects of sovereign powers in the construction of curriculum and in the performance of extra-curricular activities, though we also suggest some caution against the temptation to ground claims for human rights exclusively on the basis of an individual's familiarity with or proximity to, Australia.

Notes

1. Fearless speech' or *parrhesia* is discussed by Foucault (2001) and has been drawn on in education as a means to theorise the practice of speaking up (see Harwood 2004, 2005, 2008).
2. The young people we are referring to here are students in secondary and primary school settings in Australia, as well as children and teens who are subject to deportation or processing as refugees.
3. Irian Jaya is an Indonesian island province just to the north of Australia. The province comprises half the island of New Guinea, the other half being the nation-state Papua New Guinea. The asylum seekers are part of a movement seeking independence from Indonesia.
4. The TPV regime, introduced in 1999, means that 'unauthorised arrivals' found to be refugees are able to access only a three-year temporary visa in the first instance. Those still wanting protection after three years are able to apply for a further protection visa. Since September 2001, people who have been granted a TPV and who make a further protection visa application are not able to access a permanent protection visa (PPV) if, since leaving their home country, they have resided for at least seven days in a country where they could have sought and obtained effective protection. However, they can receive a further TPV if there is a continuing need for protection. See http://www.immi.gov.au/media/fact-sheets/68tpu-further.htm

5. The reason for denying the visa application was that David Wainggai was thought to have the right to live in Japan. This proved not to be the case and he was subsequently granted a TPV.
6. By way of contrast, people arriving in Australia by air, with valid visas, may seek asylum within 45 days of arrival. This allows them the opportunity to seek legal and/or familial support, which can be crucial to the success of the application process.
7. The family arrived on Charoon Assavatheptavee's visitor's visa in 1997; this visa was later converted to a bridging visa after Charoon married an Australian woman (the marriage ended in divorce). As his father's bid to remain in Australia permanently was unsuccessful, Nak had to return to Thailand (Jackson 2005a).
8. In line with the Howard government policy opposing multiculturalism, this department was renamed the Department of Immigration and Citizenship in 2007.
9. This lecture was published in *Political Geography* 26, no. 1, and is an excerpt from *Security, territory, population* (Foucault 2007a).
10. We agree with Elden (2007) that the publication of these lectures in English will prompt reconsiderations of Foucault's work on governmentality. The Foucauldian concept of governmentality has been heralded by some as a means to conceptualise contemporary government (see for example Rose 1989; Dean 1999), and is drawn on in studies in education (see for example, Burchell, Gordon and Miller 1991; Meadmore and Symes 1996). Christie and Sidhu (2006) have also drawn closely on this concept to advance their argument for 'fearless speech' and an 'ethics of engagement in education'. Our work in this paper is an effort to take up the challenge of reconsidering governmentality in relation to the issue of sovereign power and the issue of unlawful non-citizenship in Australia.
11. The ABC is the Australian national broadcaster and it is fully funded by the Australian government.
12. These include: Section 6 of the Immigration (Guardianship of Children) Act 1946, Immigration (Guardianship of Children) Regulations 2001, Migration Act 1958, Migration Regulations 1994, Family Law Act 1975, and Migration Amendment (Duration of Detention) Act 2003.
13. ABC's NewsOnLine cites the International Commission of Jurists (ICJ) as arguing that 'it is against the Australian refugee conventions for the Papuan asylum seekers to be held in detention centres' (ABC News Online 2006a). The article quotes a spokesperson for the ICJ, John Dowd as saying that 'the 43 people came directly from a nearby country, with no detours and should be treated differently from other boat arrivals'.
14. The Tampa crisis occurred in August 2001 when a Norwegian ship rescued more than 400 Afghan refugees in international waters and the ship was refused entry into Australian waters by the Australian government. During the crisis the former Australian Prime Minister John Howard attempted to introduce the Border Protection Bill, which in essence would have authorised 'reasonable force' to remove vessels from Australian territorial waters.
15. For more details regarding the development of the SIEV X memorial see http://sievxmemorial. com/.
16. New South Wales is the most populous Australian state; its capital is Sydney.
17. Available at: http://www.abc.net.au/videolives/txt/s1483661.rt
18. Year 11 and 12 students are aged 15–18.
19. While the school was unsuccessful in intervening against Nak's deportation, the following the year the school community raised sufficient funds (over $12,000) in order to allow Nak to return as an international student. In a letter published on the school website Nak writes: It is really difficult to express in words all that I feel in returning to Australia. Being able to come home means so much to me and it was only possible because of the incredibly generous help and support of so many people, such as you. Until this happened to me, I had no idea that people could be so generous and could care so deeply for someone they didn't really know. All that has happened to me has changed my life so much and has made me a different person. Thank you for all your help and support and organization that I could not have done myself … Yours sincerely, Nak Assavatheptavee

References

ABC News Online. 2006a. *Papuans should be treated as refugees, law group says.* January19. http://www.abc.net.au/news/newsitems/200602/s1562640.htm (accessed January 20, 2009)

———. 2006b. *Minister concerned at school's SIEV X case study.* October 19. http://

www.abc.net.au/news/stories/2006/10/19/1768811.htm (accessed January 20, 2009)
Agamben, G. 1998. *Homo Sacer: sovereign power and bare life.* Stanford, CA: Stanford University Press.
Amnesty International. 2006. *Papuans seek asylum.* www.amnesty.org.au/news_features news/refugee/australia_papuans_seek_asylum (accessed January 20, 2009)
Australian Government. 2005. *National Counter-Terrorism Plan, Second Edition* Commonwealth of Australia.
Benjamin, R., and H. Chang. 2006. Jacques Derrida, the last European. *Substance Issue* 110 35, no. 2: 140–71.
Burchell, G., C. Gordon, and P. Miller, eds. 1991. *The Foucault effect: studies in governmentality.* Chicago, IL: University of Chicago Press.
Butler, J. 1997. *Excitable speech: A politics of the performative.* New York: Routledge.
———. 2004a. *Precarious life: the powers of mourning and violence.* New York: Verso.
———. 2004b. *Undoing gender.* New York: Routledge.
Chilout. 2006. *Chilout: children out of detention.* http://www.chilout.org
Coorey, P., C. Skehan, and C. Marriner. 2007. He may still be a terrorist says PM. *The Sydney Morning Herald,* January 31. http://www.smh.com.au/articles/2007/07/30/1185647827040. html (accessed January 20, 2009)
Christie, P., and Sidhu, R. 2006. Governmentality and 'fearless speech': framing the education of asylum seeker and refugee children in Australia. *Oxford Review of Education* 32, no. 4: 449–465.
Dean, M. 1999. *Governmentality: power and rule in modern society.* London: Sage.
Department of Immigration and Multicultural Affairs (DMIA). 2005. *Immigration Detention.* http://www.immi.gov.au/detention/index.htm (accessed January 20, 2009)
Elden, S. 2007. Rethinking governmentality. *Political geography* 26, no. 1: 29–33.
Foucault, M. 1980. Two lectures. In *Power/knowledge: selected interviews and other writings 1972–1977,* ed. C. Gordon, 78–108. Sussex: Harvester Press.
———. 2000a. Governmentality. In *Power. The essential works of Michel Foucault,* vol. III, ed. J.D. Faubion, 201–2. New York: The New Press.
———. 2000b. Confronting governments: human rights. In *Power. The essential works of Michel Foucault,* vol. III, ed. J.D. Faubion, 474–5. New York: The New Press.
———. 2001. *Michel Foucault – fearless speech.* Los Angeles: Semiotext(e).
———. 2003. *Society must be defended: lectures at the Collège de France 1975-76.* New York: Picador.
———. 2007a. *Security, territory, population: lectures at the Collège de France 1977–78.* ed. Michel Senellart, general eds François Ewald and Alessandro Fontana, trans Graham Burchell. New York: Palgrave Macmillan.
———. 2007b. Spaces of security: the example of the town. Lecture of the 11th January 1978. *Political geography* 26, no. 1: 48–56.
Guest, A. 2006. 'Siev X' sinking incident to enter classrooms, *World Today.* 19 October. http:/ /www.abc.net.au/worldtoday/content/2006/s1769130.htm (accessed January 20, 2009)
Harwood, V. 2003. Subjugation and disqualification: critiquing the discourses of psychopathological behaviour used in education. *Melbourne Studies in Education* 44, no. 1: 45–61.
———. 2004. Telling truths: wounded truths and the activity of truth telling. *Discourse: Studies in the Cultural Politics of Education* 25, no. 2: 467–76.
———. 2005. In good conscience. *Curriculum Perspectives* 25, no. 3: 62–64.
———. 2008. Theorizing biopedagogies. In *Biopolitics and the obesity epidemic: governing bodies,* ed. J. Wright and J. Harwood, 15–30. New York: Routledge.
Human Rights and Equal Opportunity Commission. 2004. *National Inquiry into Children in Immigration Detention.*

Jackson, A. 2004. School rallies to save Nak, 15, from deportation. *The Age.* October 20. http://www.theage.com.au/articles/2004/10/19/1097951695476.html?from=storylhs (accessed January 20, 2009)
———. 2005a. Mixed messages from a minister short on pity. *The Age.* March 4. http://www.theage.com.au/news/Opinion/Mixed-messages-from-a-minister-short-on-pity/2005/03/03/1109700606119.html%20 (accessed January 20, 2009)
———. 2005b. Let our mate stay, say students. *The Age.* February 22. http://www.theage.com.au/news/Immigration/Let-our-mate-stay-say-students/2005/02/21/1108834729164.html (accessed January 20, 2009)
Jesuit Refugee Service. 2003. *Refugees in Australia.* http://www.jrs.org.au/refugees_au.php (accessed January 20, 2009)
———. 2006. *43 West Papuans test Australian asylum law.* 30 January. http://www.jrs.org.au/news.php?item=154 (accessed January 20, 2009)
Marr, D. and M. Wilkinson. 2003. *Dark victory.* Sydney: Allen and Unwin.
Manne, D. 2006. Speech, Castan Centre for Human Rights Law: 'Boatloads of Extinguishment?'
Forum on the proposed offshore processing of 'Boat People', 5 May. Refugee and Immigration Legal Centre Incorporated. http://www.manningclark.org.au/html Paper-Manne_David-Boatloads_of_Extinguishment.html (accessed January 15, 2009).
Meadmore, M., and C. Symes, C. 1996. Of uniform appearance: a symbol of school discipline and governmentality. *Discourse: studies in the cultural politics of education* 17, no. 2: 209–25.
Nettle, K. 2006c. *Immigration Senate Inquiry reveals deeply flawed system.* 2 March. http://greens.org.au/mediacentre/mediareleases/senatornettle/020306c (accessed January 20, 2009)
———. 2006b. West Papuans need our help. *GreenMail, Newsletter of The Greens, NSW.* March, pp. 1, 12.
Phillips, J., and C. Lorimer. 2005. *Children in detention.* E-Brief, Parliamentary Library of Australia. November 23. http://www.aph.gov.au/Library/intguide/SP/Childrendetention. htm (accessed January 20, 2009)
Oakes, L. 2005. Interview: John Howard. *Sunday,* Ninemsn. October 30. http://sunday ninemsn.com.au/sunday/political_transcripts/article_1901.asp
Rabinow, P., and N. Rose. 2006. Biopower today. *BioSocieties* 1: 195–217.
Roberts, W. 2005. Sovereignty, biopower and the State of Exception: Agamben, Butler and indefinite detention. *Journal for the Arts, Sciences, and Technology* 3, no. 1: 33–40.
Rose, N. (1989). *Governing the Soul, the Shaping of the Private Self.* London: Routledge.
SBS World News Headlines. 2006. *Papuans' move sparks protest.* January 20. http://www9. sbs.com.au/theworldnews/region.php?id=126934&region=7 (accessed January 20, 2009)
Sheridan, D. 2007. Awards recognise dedication and innovation. *Education Times* 15, no. 6, May 3, p. 4.
Siev X National Memorial Project. 2004. Siev X National Memorial Young People's Art Collaboration. www.sievxmemorial.com (accessed January 20, 2009)
Singer, B., C.J., and L. Weir. 2006. Politics and sovereign power: considerations on Foucault *European Journal of Social Theory* 9, no. 4: 443–65.
Taylor, R. (2006, February 27). *Indon protest on Papua Asylum bids.* Retrieved 14 March 2006, from http://www.news.com.au/story/0,10117,18286827-29277,00.html (accessed January 20, 2009)
United Nations. 1989. Convention on the Rights of the Child. General Assembly Resolution 44/25 of 20 November 1989. Geneva, Switzerland: Office of the United Nations High Commissioner for Human Rights.
Walzer, M. 2000. *Just and unjust wars,* 3rd ed. New York: Basic Books.
Waters, J. 2006. PM – Papuans seek asylum after fleeing persecution. ABC Online. January 31. http://www.abc.net.au/pm/content/2006/s1559314.html (accessed January 20,

2009)