

Who is the “Student”? A Critical Analysis of Neoliberal Education Reform Legislation

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Résumé de l'article

Les réformes néolibérales de l'éducation ont balayé le monde, sapant l'éducation en tant que bien public et diminuant ses contributions à la vie démocratique. À l'aide de perspectives poststructurelles, cet article propose une analyse critique du discours d'un projet de loi proposé par la province du Manitoba, au Canada, en ce qui concerne la construction de l'« étudiant ». En utilisant les conceptualisations de la gouvernementalité et de l'ontologie historique du sujet de Foucault, nous interrogeons le projet de loi 64 proposé par le gouvernement afin de révéler comment la politique fonctionne pour constituer des sujets particuliers. Notre analyse révèle que le projet de loi 64 construit l'étudiant — à travers ses rapports au savoir, aux autres et à soi — comme un objet homogène, et comme valorisé pour ses apports économiques, marginalisant ainsi d'autres manières d'être. En révélant les effets oppressifs des discours néolibéraux sur la subjectivité des étudiants, cet article vise à informer les éducateurs, les chercheurs en éducation et les décideurs politiques dans la poursuite de politiques et de systèmes éducatifs plus équitables.



Who Is the “Student”? A Critical Analysis of Neo-Liberal Education Reform Legislation

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Abstract

Neo-liberal reforms in education have been sweeping the globe, undermining education as a public good, and diminishing its contributions to democratic life. Using post-structural perspectives, this article provides a critical discourse analysis of a proposed legislative bill in the province of Manitoba, Canada, as it relates to the construction of the “student.” Using Foucault’s conceptualizations of governmentality and historical ontology of the subject, we interrogate the government’s proposed Bill 64 in order to reveal how policy works to constitute particular subjects. Our analysis reveals that Bill 64 constructs the student—through its relations to knowledge, others, and the self—as objectified and homogenous, and as being valued for economic contributions, thereby marginalizing other ways of being. By revealing the oppressive effects of neo-liberal discourses on students’

subjectivities, this article aims to inform educators, education researchers, and policy makers in the pursuit of more equitable educational policies and systems.

Keywords: neo-liberalism, policy, construction of students, post-structuralism, public education

Résumé

Les réformes néolibérales de l'éducation ont balayé le monde, sapant l'éducation en tant que bien public et diminuant ses contributions à la vie démocratique. À l'aide de perspectives poststructurelles, cet article propose une analyse critique du discours d'un projet de loi proposé par la province du Manitoba, au Canada, en ce qui concerne la construction de l'« étudiant ». En utilisant les conceptualisations de la gouvernementalité et de l'ontologie historique du sujet de Foucault, nous interrogeons le projet de loi 64 proposé par le gouvernement afin de révéler comment la politique fonctionne pour constituer des sujets particuliers. Notre analyse révèle que le projet de loi 64 construit l'étudiant — à travers ses rapports au savoir, aux autres et à soi — comme un objet homogène, et comme valorisé pour ses apports économiques, marginalisant ainsi d'autres manières d'être. En révélant les effets oppressifs des discours néolibéraux sur la subjectivité des étudiants, cet article vise à informer les éducateurs, les chercheurs en éducation et les décideurs politiques dans la poursuite de politiques et de systèmes éducatifs plus équitables.

Mots-clés : néolibéralisme, politiques, construction de l'étudiant, poststructuralisme, éducation publique

Introduction

The “unstoppable flood” (Ball, 2003, p. 215) of neo-liberal education reform, facilitated by global actors such as the World Bank and the Organization for Economic Co-operation and Development (OECD), is manifesting in a tidal wave of policies implemented by politicians of all stripes and deluging all corners of the world (Ball, 2003; Blackmore, 2019). Neo-liberalism is an assemblage of social and political policies oriented around market principles; a phenomenon whereby industry is deregulated, the role of government is reduced, public services are privatized, taxation is minimized, and humans are commodified (Blackmore, 2019; Brown, 2015). In regards to education, neo-liberal reform efforts first defund and then seek to privatize the system while reconceiving of education, curriculum, knowledge, and teachers as valuable only to the extent that they enhance and contribute to capital generation, rather than as contributors to the public good (Brown, 2015). In this article we share a critical discourse analysis of an aggressive education reform that was proposed by the provincial government of Manitoba, Canada, namely, *Bill 64: The Education Modernization Act*. Our study asked: Who is the “student,” how are they constructed, and what do these constructs tell us about how education and its purpose is conceived? The purpose of this examination is to illustrate the ways in which the proposed legislations work to maintain structures of inequity and undermine the purposes of a just education system. Moreover, this analysis will illustrate the ways in which neo-liberal reforms are pervasive, normative, and exist in other neo-liberal reform efforts across Canada (and indeed globally). This article seeks to inform educators, education researchers, and policy makers in the pursuit of more equitable educational policies and systems.

Context

Since the mid-1980s, neo-liberal reform efforts have manifested in Canadian policies, legislation, and mandates—a discourse of economic austerity that has slowly been eroding the welfare state (McBride & McNutt, 2007). These “policies promised to promote economic growth and efficiency through competition, tax reductions, deregulation, trade liberalization, incentives to the private sector and reductions in the role of government in public expenditures” (Carpenter et al., 2012, p. 147). The ways in which these policies

have manifested have varied across the country, and even in Manitoba—which has been typically considered politically “centrist” (Frankel, 2012)—the province has actively enlisted neo-liberal reforms. These decades-long policy reforms, enacted by both left- and right-leaning governments, have manifested in tax incentives for resource extraction, privatization of Crown (i.e., publicly owned) corporations, cuts to personal and corporate taxes, reductions in public sector jobs, and restrictions in wage increases (Camfield, 2018; Jeannotte, 2010). These reforms effectively normalize discourse of austerity, subsequently constituting such reforms as inevitable and technical approaches to policy. In doing so, these discursive moves position both the policy reforms and the state as politically neutral (Evans & Fanelli, 2018). However, policies are always political projects of objectification and self-regulation (Ball, 2012; Giroux, 2015). In other words, policy can act, as Foucault (1975/1995) explains, as a technology of power over the body, both constituting and regulating the subject.

In Manitoba, the Progressive Conservative (PC) government, elected in 2016 (and re-elected in 2019), initiated an education review in 2019. The education review followed other neo-liberal and conservative reforms that have emerged across the country, often proposed as a response to a manufactured crisis in education. The crisis usually follows some variation of the narratives that convey panic over low (often international) test scores, substandard teaching, and/or the high cost of the education system itself (Berliner & Biddle, 1996; Hursh, 2015; Shaker & Froese-Germain, 2008). As per the playbook, the Minister of Education decried the current education system and its failings (Manitoba Education, 2019), called for an education review, and swiftly appointed the education review commissioners (most of whom were from industry, not education, sectors). After public consultations, the commissioners provided their report to the government in the spring of 2020 (the release of which was delayed because of the COVID-19 pandemic). The government’s response to the commissioners’ report was a strategy titled, *Better Education Starts Today* (which the government called by its acronym, *BEST*). The *BEST* report was accompanied shortly after by legislation, *Bill 64: The Education Modernization Act*, which was an ambitious and sweeping piece of legislation represented in 327 pages (in its bilingual version). The scope of the bill aimed to reform nearly all aspects of education in the province, including governance structures, policies, and procedures; curriculum; taxation and funding structures; financial administration; teacher collective bargaining; and independent and home-schooling arrangements.

The public concern about Bill 64 was swift and widespread, with critiques from the Manitoba Teachers' Society, Manitoba School Boards Association, Manitoba Association of Parent Councils, urban and rural municipalities, school boards, First Nations, the Canadian Centre for Policy Alternatives, researchers, and citizens. Alarms were raised about the proposed restructuring of the education system, which included the abolition of local school boards and their locally elected school trustees, as well as the creation of an appointed (thereby not elected) Provincial Authority Board. There were also concerns about the lack of democratic and local decision making; centralized and partisan control over programming, finances, and teachers; the undermining of teacher unions and of local, collective bargaining; the obfuscation of colonialism and structural racism; and more. An impressive and creative array of yard signs opposing the bill spread across lawns and boulevards like dandelions in July.

Although the PC government eventually walked back the bill, the government's reform efforts persist, only now using more palatable language and less public (and more subversive) approaches. Our analysis is focused on Bill 64, as it was a legislative document that would have reformed policies and practices of the education system for decades—but moreover, because it reveals the underpinning ideals and intentions which remain central to the current government's educational ideals and aims, and indeed, are reflective of similar educational reforms across the country. Although our purpose of this analysis is to illustrate the neo-liberal ideologies that underpin Bill 64, the greater intention is to use this analysis as a cautionary account, to demonstrate the ways in which the neo-liberal educational reforms are permeating political, social, educational and ideological narratives across the country and around the globe. By revealing the discourses pervasive in this proposed legislation, we can see how these discourses become normative and appear, perhaps in seemingly benign ways, in other educational reform efforts.

Our aim is to critically attend to the discursive moves that represent and reify the construct of the student in order to understand how these are naturalized and to what end. In other words, what do the discourses of students used in this legislation tell us about the "taken-for-granted" assumptions of education and its purpose(s)? More specifically, what do the discourses of students reveal about particular ideals of children and childhood and how they operate within these documents? How do these discourses work to reify particular identities and subjectivities of children? What do these discourses reveal about the assumptions being made about education and its purpose? In what ways are they reflective

of neo-liberal logics? Critically considering these discourses will help to reveal and better understand how neo-liberal ideologies are manifesting and being mobilized as “regimes of truth” in other education policy reforms across Canada and worldwide.

Theoretical Perspectives

This study draws on post-structural theories which reject the linearity of progress, “Truth” as objective and universal, and the subject as fixed and knowable. Instead, knowledge is seen in relation to power (Foucault, 1976/1990) and identities are understood as socially constructed and discursively constituted. From this perspective, Foucault’s articulation of governmentality is a useful theoretical concept in that it allows for a consideration of political structures, but also theorizes how people are governed or directed. For Foucault, governmentality is a means through which to theorize the link between governance of the self and governance of the state; or, in other words, the art of government (Foucault, 1978/1991; Peters, 2009). Foucault argued that the government enlists a wide range of techniques to make subjects governable, and governmentality helps to conceptualize the art (or practice) of government alongside the rationality of (or way of thinking about) government. The overall purpose of Foucault’s analysis and critical engagement with how subjects are governed, is in the service of the overall consideration of “not being governed quite so much” (Foucault, 1978/2007).

In order to critically consider how subjects were governed—and to consider how subjects might not be governed so much—one must attend to the movement and production of power, discourses, and subjectification. Foucault (1976/1990) argued that power was produced and transmitted through discourse. Discourse does not simply refer to signs or a group of signs, but rather to:

practices that systematically form the objects of which they speak. Of course, discourses are composed of signs; but what they do is more than use these signs to designate things. It is this *more* that renders them irreducible to the language (*langue*) and to speech. It is the “more” that we must reveal and describe. (Foucault, 1972, p. 49)

In this sense, discourse is an iterative process that constructs knowledge, normalizes, and homogenizes bodies and subjectivities, and thus, becomes a technique of control and

discipline (Foucault, 1975/1995). In other words, discourses regulate thoughts and behaviours, normalizing particular ways of thinking, so that to be outside of the discourse that is rendered *normal*, means to be considered *abnormal* and deviant. In this way, discourse becomes regulatory. Thus, dominant discourses act as disciplinary knowledge, producing unequal power relations.

Disciplinary knowledge defines normalization (and consequently, the problematization) of certain kinds of behaviours (thinking, talking, and acting). People become the object of knowledge, subjectified into particular ways of being. Subjectification is this process of constructing human subjectivity, normalizing particular ways of being while diminishing others. The subject, therefore, is determined by the power structures and constituted through discourses (Foucault, 1982). Similar to other French philosophers and post-structural thinkers, there is a rejection of the humanist idea of a free and rational subject; rather that the subject is constituted via discourses. Butler (1997) describes this subjection as “a kind of power that not only unilaterally acts on a given individual as a form of domination, but also activates or forms the subject” (p. 84). Thus, power appears as something produced by subjection (Foucault, 1976/1990).

In the case of children and/as students (as subjects), Dahlberg et al. (2007) agree that there is no “centred, autonomous, unified, stable subject, an ‘essential’ human nature, independent of context, struggling to be realized and described” (p. 23). This means that for the construction of the student, like other categories of identity, these identities are considered provisional, contingent, and subjected by/through discourses—rather than fixed and universal. Postmodern, post-structural, and critical theories, which inform reconceptualist theories of curriculum and of childhood, aim to acknowledge and disrupt the hegemony of patriarchy, colonialism, and capitalism. In doing so, they provoke considerations of the ways in which certain subjects are regulated, surveilled, and dominated by particular groups and through social and political discourses (Butler, 1997; Cannella, 1999; Curry & Cannella, 2013; Heydon & Iannacci, 2009). For children, this means that they are often already considered as lesser-than or inferior to adults.

By drawing on governmentality as a distinct type of rule and form of government power, we can consider the interrelated concepts of discourse, knowledge, power, and subjectification within a particular social and historic context. This helps us to consider the discourses of policy and how these subjectify particular student subjects, as well as how students are constructed in relation to knowledge, to others, and to themselves.

Mode of Inquiry: Critical Discourse Analysis

Critique is a mode of calling into question the legitimatization of the normalized public and government discourses (Butler, 2012). Critique is a method of engagement that strives to question what might seem naturalized. Critique is both a mode of acting and behaving, but also an obligation (Butler, 2012). The purpose and power of such post-structuralist critique “is precisely in its opening up of possibilities for undermining the inevitability of particular oppressive forms of subjection” (Davies, 2000, p. 180). In other words, by examining the discourses in Bill 64 that relate to the construct of the student, we can expose the ways in which the Bill aims to regulate and oppress the subject, and how these discourses are reflective of neo-liberal ideals of homogeneity, competition, productivity, and accountability that are pervading education, not only in Manitoba, but nationally and internationally (Ball, 2003; Blackmore, 2019).

Through post-structural epistemologies and theoretical lenses, this critical analysis of the proposed bill focused on the construction of the student. As Dahlberg et al. (2007) observe, “the language we use shapes and directs our way of looking at and understanding the world, and the way we name different phenomena and objects becomes a form of convention” (p. 31). Therefore, in our analysis we attended to the discursive practices in Bill 64, specifically examining how these discourses construct the “student.” We attend to the ways in which the student is described through specific terms, inferences, and omissions in the legislation to analyze the assumptions being made about the student and the ways in which the discourses of the student work to regulate the subject. By explicating these discursive moves, we will see the ways in which the student is subjectified; that is, both being controlled and being constituted (Foucault, 1982).

By being constituted, we mean that to consider the social movements and effects of discourses and how these reflect and constitute particular subjects (Butler, 1997; Davies & Gannon, 2005). Being able to critically consider these discourses reveals understandings of students that become normalized and taken-for-granted, explicating the regulatory power of discourses, normalizing particular ways of “being” a student (Foucault, 1976/1990). In focusing on the discourses—that is, the ways in which language, concepts, and structures subjectify the student—we can critically examine the normalized assumptions that regulate and constitute dominant discourses of students.

Using a critical discourse analysis as a methodology acknowledges the centrality of power, its effects, outcomes, and impacts (Rogers, 2011). Critical discourse analysis

is a means through which to critically consider the discourse in question, to analyze the effects of power of such discourse, and to deconstruct and destabilize the assumed meanings. Because meanings are always enmeshed in social, historical, political, and ideological contexts, meanings are contingent, with some meanings being privileged over others, inextricably linked to power and privilege (Rogers, 2011). Using critical discourse analysis to analyze policy at the legislative level helps us to see the ways in which the discourses construct the student in particular ways, but it is also useful in considering how these discourses might be prevalent in other education policy reforms. Therefore, this analysis highlights the ways in which discourses within Bill 64 construct particular narratives while marginalizing or oppressing other realities and subjectivities (Foucault, 1976/1990), and in doing so, also illustrates the ways in which this lens might be usefully applied to other policy artefacts and contexts.

Our analysis involved two stages. First, we read the entire bill numerous times, looking for and documenting the terms used to refer directly to students (e.g., “individual” and “child”); the inferences being made about the student when referred to indirectly (e.g., the expectations of the student); as well as the omissions, what was not being said, or what seemed to be avoided (e.g., children’s rights). In the second stage of the analysis, we considered the ways in which these terms, inferences, and omissions acted as discursive practices—or how these discourses made particular assumptions about students. We found Foucault’s (1984/2007) historical ontology of the self to be a useful conceptual frame for critically considering how subjects are constituted. Specifically, Foucault argues that “we have three axes whose specificity and whose interconnections have to be analyzed: the axis of knowledge, the axis of power, and the axis of ethics” (p. 117). These axes inform questions of critique and are systematized as: “How are we constituted as subjects of our own knowledge? How are we constituted as subjects who exercise or submit to power relations? How are we constituted as moral subjects of our own actions?” (p. 117). An engagement of such questions will help to frame the ways in which the educational, political, and ethical aspects of policy are socially and historically situated (Foucault, 1982). In this context, we used these guiding questions to consider how subjects (students) are constituted through the discourses of policy as subjects in relation to *knowledge* (curriculum), *others* (teachers, principals, administrators), and *self* (as moral subjects in the world).

Discourses of the “Student”

In conducting a critical discourse analysis of the proposed legislation, examining the terms, inferences, and omissions in relation to the “student,” we argue that Bill 64 is an illustrative example of the ways in which neo-liberal education reforms are embedded within and through particular constructions of the student, normalizing neo-liberal ideals through processes of governmentality. What our analysis revealed is that through the particular discourses we examined (the specific terms, inferences, and omissions of Bill 64), the student is constructed in simplistic and objectified ways that obscure the complexity, diversity, and agency of children (Cannella, 1997; Dahlberg, et al., 2007). In considering the discourse of the student in relation to knowledge (curriculum), others (teachers, school leaders, and parents), and themselves, we will illustrate the ways in which such discourses are not only reflective of neo-liberal ideals of education, but constitute the subject in ways that produce and exacerbate existing inequities and oppressions.

The Student in Relation to Knowledge

In order to consider the student in relation to knowledge, we consider the inferences being made about the student in regard to educational purpose and its relationship to curriculum. In other words, examining the ways in which the curriculum is described can help us to understand inferences (assumptions) being made about the student. For example, Bill 64 proposed to establish the Provincial Education Authority, which would be an appointed (not elected) body whose three-point mandate was to: (a) “deliver... educational programming,” (b) “assess and report on the effectiveness of educational programming and student achievement of learning outcomes,” and (c) “provide services to support the efficient administration and operation of the public school system” (Legislative Assembly of Manitoba, 2021, p. 48). This approach to curriculum—deliver, assess, and report—constructs curriculum as a universal, fixed, and instrumentalist object. This language of instrumentalism is pervasive throughout the bill. For example, “achieving learning outcomes” is referenced dozens of times, constructing curriculum as comprised of uncontested and objective knowledge, and teaching as a simplistic transmission of that knowledge. This construction of curriculum is reminiscent of the Tyler model of the 1940s, whereby curriculum was conceived as a linear and static object. Curriculum

conceptualized in this way acts as a normalizing text that privileges the dominant group (Apple, 1992), whereas more current (and yet, decades old) reconceptualized and post-structural understandings of curriculum consider curriculum as socially constructed, fractured, and contingent (e.g., Cherryholmes, 1994; Pinar, 2004). If the curriculum is predetermined, fixed, and universal, requiring a transactive structure, then the student is assumed to be a passive recipient of that curricular knowledge.

In addition to the language used to describe the curriculum (e.g., educational programming), another way that the epistemological assumptions of Bill 64 become apparent is through the omission of particular language, terms, and references. For example, there are no references in the entire bill to anti-racism, reconciliation, decolonization, children's rights, rights of Indigenous peoples, equity, or social justice. Rather, the epistemological orientation of Bill 64 appears to reflect modernism in that there is a refusal or an "inability to comprehend and accommodate human diversity, complexity and contingency" (Dahlberg et al., 2007, p. 22). In so doing, the construction of the student within the bill is a return to (or the maintenance of) the Enlightenment project of modernity, in which humans were constructed as universal objects and void of social, political, and cultural contexts and influences.

Bill 64 also seeks to regulate the student through compliance and control mechanisms such as behaviour management policies. Within the bill, there is an expansive list of student management policies, all intended to control the student, including: policies on student promotion (i.e., passing and failing policies), students at-risk, student discipline and behaviour, and student suspension and expulsion. Whereas suspension and expulsion of students is identified at least 12 and 16 times, respectively, throughout the bill (not including in headings), the issue of students' rights is mentioned once, and in that instance, it was in the preamble to the bill in a statement indicating that the student has a right to attend school. However, because of the persistent references that threaten discipline, suspension, and expulsion of students throughout the bill, the right to attend school is largely obfuscated, contingent, and in a constant state of being revoked.

Through these discourses, we can see the ways in which Bill 64 seeks knowledge of and surveillance over the student. As Foucault (1975/1995) explains, these two mechanisms enliven a disciplinary power and fabricate a particular kind of student; in this case, one who achieves outcomes and complies with directives. This disciplinary power subjectifies the student; both regulating the student and constituting a particular identity.

The student who does not achieve the stated outcomes becomes an unsuccessful or non-student, recognizable only through deficiencies, stigmatization, and/or pathologization; while students who are non-compliant become known as truant, deviant, and/or at-risk.

These examples of the ways in which the curriculum is conceived in Bill 64 allow us to consider how the subject (i.e., the student) is constituted in relation to knowledge (Foucault, 1984/2007). As a normalizing text, the curriculum reflects the knowledge of the dominant group, thereby centring and privileging the dominant group (Apple & King, 1977; Delpit, 2006) and in doing so, evidencing ontologies and epistemologies that construct a universal student—one of the dominant culture—and simultaneously, those who are “not student.” According to Foucault (1982), this is a mode of objectivizing of the student, a “dividing practice” that determines who does and does not count as a student. Moreover, the student’s relationship to the curriculum is intended to enlist compliance and control by privileging narrow understandings of knowledge (as fixed), teaching (as knowledge transfer), and educational purpose (as knowledge acquisition). As such, the student in Bill 64 is an objectified student who passively receives knowledge, who lacks one’s own knowledge, and who lacks power and agency in constructing and scrutinizing knowledge. The implication is that students (and their achievement of learning outcomes) are in need of tracking and reporting (not just to parents), constituting an oppressive form of surveillance and subsequent regulation (Foucault, 1975/1995).

The Student in Relation to Others

In considering how the student is constituted in relation to others, we consider who exercises power and in what ways. Because schooling in Bill 64 is constructed as something done to students (not *with* or *for* students), the student’s relations with others is constructed as being submissive to the other. For example, throughout Bill 64 there are numerous directives requiring that the student’s “learning outcomes” be “reported,” “analyzed,” “monitored,” and “evaluated.” Those actors who are in relation to the student in the proposed bill (including the Minister of Education and Department of Education, the Provincial Education Authority, the Director of Education, principals, and teachers) are charged with the responsibility of ensuring that students’ learning outcomes are achieved. For example, the Provincial Education Authority must “report annually on the assessment results of the education programs and student achievement of learning outcomes” (Legis-

lative Assembly of Manitoba, 2021, p. 6) and the Director of Education must “implement the process for monitoring and evaluating program effectiveness and student achievement of learning outcomes” (Legislative Assembly of Manitoba, 2021, p. 6). The overriding concern is focused on students’ achievement of learning outcomes and how these outcomes will be met, documented, and reported. Thus, the student’s relation to others is constituted via student performance, which is closely monitored and surveilled.

The bill does not include a statement, reference, or expression of the value of student participation in or agency over their education, as per, for example, the Convention of the Rights of the Child (UNICEF, n.d.). Although the preamble of Bill 64 states that “Parents and students are *encouraged to be* active partners in the student’s education” (Legislative Assembly of Manitoba, 2021, p. 3, emphasis added), there are no indications after that statement of students being given any active role with others in regard to their education. The bill plainly states—reminiscent of what you might see posted in a school hallway in the 1950s—that students will attend “punctually and ready to learn” (Legislative Assembly of Manitoba, 2021, pp. 37–38) and that they will behave, comply, and contribute to the school community, although there is no mention of what that contribution might look like. In this way, the student’s possible relations to school personnel are reduced to attendance and compliance, while the student’s contributions—which could be a productive space for relations with others—seem perfunctory and in the name of maintaining order.

The teacher would seem like an obvious and important person with whom the student should be in relation. Yet, the teacher’s role is “to provide competent instruction and encourage positive learning environments aimed at helping students achieve learning outcomes” (Legislative Assembly of Manitoba, 2021, p. 98). Although it is hopeful to see the reference to “encourage positive learning environments”—which may refer to opportunities for students to engage with each other and with the teacher—this phrase is immediately tempered by the instrumentalizing of that environment in the name of achieving learning outcomes. Aside from this minimized and technocratic role of the teacher, the duties of the teachers are described as follows:

Every teacher must (a) teach diligently...; (b) monitor effectiveness of teaching strategies by analysing student achievement of learning outcomes; (c) acknowledge and reasonably accommodate differences in learning styles; (d) review regularly with students their learning

expectations and progress; (e) communicate regularly with parents of students; (f) prepare and provide...reports on the progress and achievement of learning outcomes...; (g) keep a record of attendance;...(i) maintain order and discipline at the school. (Legislative Assembly of Manitoba, 2021, p. 98)

The opportunity—and necessity—for the student–teacher relations is constituted by technocratic and administrative duties of the teacher, articulating a power dynamic in which the teacher acts upon the student (as subject) (Foucault, 1982).

The teacher–student relation reflects the ways in which the bill constructs the students without agency and as being acted upon. This power relation between the teacher and the student is similar to the other relations between educational actors and students. For example, while the student is not given the opportunity to meaningfully participate in their education, the parent has a right “to be regularly informed about their child’s attendance, behaviour, and academic achievement” (Legislative Assembly of Manitoba, 2021, p. 8). Meanwhile, the principal, school community councils, provincial advisory council, regional director, and Provincial Education Authority are to be informed of students’ “achievement and learning outcomes” so that these outcomes can be documented, monitored, analyzed, evaluated, and shared. In other words, all achievement data on students are collected, reported up the chain, and monitored by largely non-elected and government-appointed officials, most of whom are not required to be educators or educational experts. In this structure, the student is reduced to a static entity, void of agency or participation in their own education, or a right to privacy. The relationship between the student and others in this dynamic is that of a one-way, power-over relationship whereby the student is objectified and monitored by others. As Foucault (1982) explains, discourses maintain a differentiated power imbalance of the teacher (and other state actors) over the student and, moreover, these power relations (re)produce particular objectives—that is, the focus on student achievement of outcomes, which are pursued and maintained through this power structure.

From these examples, we can see how the power relations are governmentalized, “that is to say, elaborated, rationalized, and centralized in the form of, or under the auspices of, state institutions” (Foucault, 1982). Through the differentiated power structure and accompanying surveillance, the focus on student achievement of outcomes is maintained, and when education is configured around accountability measures, the relationship between the school and students becomes focused on the ends themselves (i.e.,

outcomes) rather than the means (i.e., education) (Biesta, 2010). This configuration of schooling is reflective of the larger neo-liberal narrative and its emphasis on the futurity of “success” that is measured in economic production (Brown, 2015). Through the pervasive and extensive discourse of student achievement and the educational actors’ roles in accountability, the student–teacher relation is framed through the production of outcomes, achievement, productivity, and, implicitly, economic returns. These discourses reinforce neo-liberal narratives of capitalism and globalization, individualism, competition, and performativity (Ball, 2003), and “[configure] human beings exhaustively as market actors” (Brown, 2015, p. 31). In this construction of schooling, students are valued simply in terms of economic productivity.

The Student in Relation to Themselves (as a Moral Agent in the World)

Foucault (1984/2007) describes one of the axes of ethics by asking, “how are we constituted as moral subjects of our own actions?” (p. 117). In considering how the subject is constituted in relation to itself, as moral subject of its own actions, we consider the constitution of the subject and the ways in which the self can convey its own identity (Foucault, 1988, p. 25). In addition to being objectified implicitly through an apolitical and inert curriculum, the student is explicitly objectified in the ways in which the bill excludes the student from being an active participant in their own education. Because students are constructed as homogenous and objectified, there is no space for consideration of student alterity; or of identities reflective of the particularity of actual students—those who present with differing races, languages, ethnicities, gender identities, and so on. The homogenized conception of the student strips the student of particularities of identity and undermines the potential for the student’s agency in the world.

For example, the document dictates that student difference and diversity needs to be “accommodated”—evidencing how adjustments are to be made insofar as and so that they more closely align with the norm, rather than adjusting the norms to be more inclusive of what is currently unrecognized as “normal.” There is no mention of the diversity of the students who attend schools in Manitoba; the multitude of languages that students come to school speaking (urban school divisions, for example, have families speaking over 40 different languages); that students vary in race, culture, ethnicity, religion, and family structure; that they might be newcomers or refugees; or that they might be one of 11,000 children in care. There is no mention of varying socio-economic factors, equity

gaps, or childhood poverty, or that school would be a place where students, with all of their differences, would be a central focus—indeed an organizing principle—of a reformed education system.

In fact, *diversity* is rarely mentioned and only tangentially in the bill—for example, in the preamble of the bill, as something that needs to be respected within the learning environment. It is also noted in the section requiring the Authority Board to develop a “respect for human diversity” policy, which is a requirement of the Manitoba Human Rights code (Legislative Assembly of Manitoba, 2021, p. 120). However, the diversity policy to be developed is required to include only two things: first, that teachers and staff receive training about bullying, subsequently constructing diversity as a problem that results in bullying—which is a grossly narrow assumption that considers student misbehaviour as bullying in the first place (Janzen & Schwartz, 2018). The second requirement is that schools are to “accommodate the establishment of student groups” (p. 121) that promote equity, such as gay-straight alliances. In this requirement, there is an othering of varying sexual orientations and gender identities, left up to kids to advocate for, establish, and seek inclusion themselves, rather than meaningfully including human diversity of sexual orientation and gender identities in curriculum and through policy more broadly.

The representation of Indigenous (First Nations, Métis, Inuit) students in the bill is also problematic. For example, “reconciliation” is noted in the preamble, but then does not appear in any of the remaining 300 pages of legislation. The Truth and Reconciliation Commission of Canada’s (2015) Calls to Action (#62 and #63) urge provincial governments and ministers of education to work with Indigenous peoples to create curriculum and resources about residential schools, treaties, and Indigenous peoples’ historic and contemporary contributions to Canada—all of which is absent in the bill. Problematically, reconciliation is described as the way to “ensure the success of Indigenous students” (Legislative Assembly of Manitoba, 2021, p. 17), positioning Indigenous students as having a problem of success, rather than a lack of equal and equitable access and opportunity caused by ongoing colonialism and systemic racism (Battiste, 2009). Moreover, the bill’s conceptualization of success, one dictated by individualism and market rationales, stands in stark contrast with Indigenous belief systems (Friesen, 2000; Stonechild, 2016).

These examples reflect the absence of attention to equity, diversity, inclusion, and reconciliation, and instead demonstrate the bill’s centring of White, Euro-centric, colonial, able-bodied, patriarchal, and neo-liberal values. By constructing discourses of success and acceptance of diversity, the government is able to exert power over subjects in more

pervasive and subtle ways. That is, even statements that may be read as the welcoming of diversity (e.g., “ensuring every student’s success”) in fact, function to disguise the monolithic, unilateral, and sovereign exercise of control that serves to perpetuate the dominant group’s views and privileges while inhibiting students’ alterity (Todd, 2003). As Todd (2003) explains, it is the *quality of relations* that will be decisive in the pursuit of ethical education. Because “otherness is precisely that which defies our own sameness and exists in a relation of exteriority to the self” (p. 15), a responsible approach to education requires being susceptible to the Other. Conversely, the universal view of education and of learning (i.e., achieving learning outcomes), values only one form of success and constructs an objectified student subject—a passive recipient and reproducer of those outcomes.

These examples illustrate how Bill 64 constructs an assumed homogeneity of students, and in so doing, students can be efficiently sorted into those who conform to the universal ideal—those who are “normal”—and those who deviate from the norm—the *abnormal* (Heydon & Iannacci, 2009; Thomas & Loxley, 2007). The moral subject is unaddressed; an object of the desires and directions of others, rather than a subject in its own right (Biesta, 2017). It is through knowing itself in its own right, Foucault (1988) argues, that the subject can embark on political action. As Foucault argued, one must know oneself in order to be willing to renounce anything. In other words, if the student cannot know itself, when the relation to oneself is undermined, then so too is just political action (Foucault, 1988, p. 25).

The “Student”: A Neo-Liberal Subject

In analyzing Bill 64, we can see the ways in which the three axes of knowledge, power, and ethics are interconnected and work to control the subject (Foucault, 1984). Through examining the “student” in relation with knowledge (curriculum), with others (teachers, administrators, and bureaucrats), and with the self, we can see the ways in which the student subject is constituted as necessarily homogenous and compliant. By enlisting mechanisms of surveillance, control, and standardization, Bill 64 forecloses spaces for students to be and become in relation to knowledge, to others, and to themselves. The student’s relationship to knowledge—as illustrated through the student’s relationship with curriculum—reveals the ways in which the legislators understand curriculum, teaching, and learning as a technocratic, means-end approach, reflective of neo-liberal values

of individualism, production, and productivity. The student's relation with others is constructed through power relations where teachers and administrators are charged with monitoring and controlling their subjects. The ways in which student diversity is ignored suggests a homogeneity of identities, marginalizing instead of centring difference, and subsequently undermining the subject's ability to "know thyself" (Foucault, 1988). It is through these "technologies of domination of others and those of the self" (Foucault, 1988, p. 19) that we can see the movements—and effects—of governmentality.

As our analysis demonstrates, current educational reforms are reflective of neo-liberal ideals and, as such, construct students as universal and fixed subjects on the verge of disobedience, requiring surveillance and control. This kind of surveillance reinforces compliance to a pre-established norm, and in determining who is conforming to that norm, it also identifies who is not conforming—or who is *abnormal*. In doing so, it reinforces and magnifies the inequities of already-marginalized students, those who are dispossessed of and erased from the education system meant to serve them. Via these discursive mechanisms, Bill 64 operates as a frame of power, constituting particular subjects and particular ways of being—making some lives more worthy, more recognizable, than others (Butler, 2010).

And herein lies the importance of this critical analysis: the construct of the student within/through legislation (which manifests in policies, practices, curriculum, and other discourses) subjectifies the student in particular ways; illustrating the ways in which social, political, and ethical discourses constitute—and qualify—particular ways of being while discounting others (Butler, 2010; Foucault, 1975/1995). Moreover, as the purpose of governmentality—that is, to manage economic concerns through political practice—we can see the ways in which current educational reform policy is reflective of a neo-liberal economic rationality, including (among other things) a reduction in state provisions and the conversion of human beings into market actors. We assert that Bill 64 constitutes the student in ways that are reflective of neo-liberal rationality, in that the student is constructed as objectified, homogenous, and as valued only through its productivity and future profitability. Within the larger political landscape of educational reform, where the provincial government has also made consistent efforts to privatize, outsource, and defund education (Frankel, 2012), we can see the greater effects of governmentality reflective of a neo-liberal rationality, and how these effects manifest materially and similarly to reforms taking place in other Canadian provinces (Winton, 2022).

Conclusion: Imagining Education's Possibilities Beyond Neo-Liberal Rationality

We have critically considered the ways in which policy discourses constitute the student, revealing underlying neo-liberal ideals manifesting in education and social policy, and mobilized through mechanisms of governmentality. However, it is also important to consider how education might be conceptualized differently, to reorient the conversation back the importance of education as a greater social good. In doing so, we might turn to the work of Gert Biesta (2009, 2010, 2017), whose contributions not only corroborate the current critique but also help us imagine the possible (and necessary) existence of different educational aims in a way that is not detrimental to students' subjectivities. As Bill 64 illustrates, and as Biesta (2009, 2017) emphasizes, we live in an era of education measurement, whereby outcomes, success, effectiveness, and failure of schools and individual students are all dictated by standards created by global economic and political forces. In his words, "learning appears to be put in the service of a global capitalist economy that is in need of a flexible, adaptable, and adjustable workforce" (Biesta, 2017, p. 30). Biesta (2009) argues that, alternatively, questions of education's purpose need to account for qualification, socialization, and subjectification. According to Biesta, *qualification* is to provide students with particular knowledge, skills, and dispositions; *socialization* is to prepare the young for how to be with others in our particular communities and society; and *subjectification* is to learn how students become subjects in their own right, in relation to knowledge, and through relationships with others.

For Biesta (2017), to question the purpose(s) of education is to ponder, "what it is that should be learned, and more importantly, what something should be learned *for*" (p. 29). In this light, Bill 64 reflects a narrow view of educational purpose, one that is largely instrumental; and where the ends (what is the learning for?) are reflective of neo-liberal values of individualism, production, and productivity. Subsequently, the construct of the student is that of a homogenous entity, where differences are problematized and marginalized, and concerns of equity, inclusion, and reconciliation are obfuscated. The moral subject in Bill 64 is unaddressed; an object of the desires and directions of others rather than a subject in its own right (Biesta, 2017).

By critically questioning the technologies of governmentality, we have aimed to critically consider policy in relation to the individual and society, and to consider both

the effects and the stakes of such governing (Foucault, 1978/2007). A critical examination of Bill 64 helps us to see this exercise of power; the ways in which neo-liberal ideals underpin current educational reform agendas, the effects these have on how the “student” is conceptualized, and how the purpose of education is being (re)framed. In Bill 64, education’s purpose is primarily focused on individual achievement and competition, the commodifying of the student, and the reorganization of the priorities of education around neo-liberal ideals of managerialism. The stakes of these types of reforms—Bill 64 and others that are creeping across the country—are public education itself. We need to renew conversations about the purpose of education. These questions of purpose need to, as Biesta (2017) argues, not simply insert students into the existing order, but consider ways to cultivate the subject to exist as autonomous in one’s thoughts and actions, and within a system that is responsive to one’s alterity.

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