

Volume 28

Re-Imagining Child Welfare Systems in Canada (Part I)

Article 5

2018

Anti-Black Racism, Bio-Power, and Governmentality: Deconstructing the Suffering of Black Families Involved with Child Welfare

Doret Phillips

Gordon Pon

School of Social Work, Ryerson University

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/jlsp>



Part of the [Law Commons](#)



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License](#).

Citation Information

Phillips, Doret and Pon, Gordon. "Anti-Black Racism, Bio-Power, and Governmentality: Deconstructing the Suffering of Black Families Involved with Child Welfare." *Journal of Law and Social Policy* 28. (2018): 81-100.

<http://digitalcommons.osgoode.yorku.ca/jlsp/vol28/iss1/5>

This Article is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Journal of Law and Social Policy by an authorized editor of Osgoode Digital Commons.

Anti-Black Racism, Bio-Power, and Governmentality: Deconstructing the Suffering of Black Families Involved with Child Welfare

DORET PHILLIPS AND GORDON PON*

L'article porte sur la manière dont le colonialisme, le racisme anti-Noirs et la suprématie blanche sont représentés dans le système de protection de l'enfance de l'Ontario lorsqu'on examine les récits de souffrances subies par des familles noires concernées en la matière. Nous abordons la manière dont ces expériences incarnent les concepts foucauldien de biopouvoir et de gouvernementalité. Il est primordial de comprendre l'incarnation de ces concepts pour déconstruire la manière dont le racisme anti-Noirs, le colonialisme et la suprématie blanche se manifestent dans les politiques et les pratiques quotidiennes de protection de l'enfance. Pour expliquer ces pratiques, nous abordons trois facteurs interdépendants: 1) la montée historique de l'État providence, 2) le racisme anti-Noirs et 3) le biopouvoir et la gouvernementalité.

This article focuses on how colonialism, anti-Black racism and white supremacy are embodied by Ontario's child welfare system in relation to narratives of suffering experienced by Black families involved with this sector. We discuss how these experiences are an embodiment of the Foucauldian concepts of bio-power and governmentality. Understanding this embodiment is crucial for deconstructing how anti-Black racism, colonialism, and white supremacy are manifested in the day-to-day policies and practices of child welfare. To explicate these policies and practices we discuss three inter-related factors: 1) the historical rise of the welfare state, 2) anti-Black racism, and 3) bio-power and governmentality.

CHILDREN FROM MARGINALIZED COMMUNITIES continue to be over-represented in the child welfare system. The 2011 National Household Survey (NHS) reveals that almost half of all the children (14,200) under the age of 14 in foster care in Canada are Aboriginal.¹ While Aboriginal children make up only 7% of all children in Canada, they represent 48% of all children in foster care.² Presently, there are three times as many Aboriginal children in care as compared to the figure at the height of the Indian Residential Schools.³

Black children are also over-represented in the child welfare system.⁴ Child welfare agencies in Ontario are mandated to protect children under the *Child and Family Services Act*

* Gordon Pon, Ph.D., is an Associate Professor in the School of Social Work, Ryerson University, Toronto, Ontario, Canada. Doret Phillips, MSW, RSW, is a Social Worker who practices from a critical feminist and anti-racist framework. She has extensive work experience in child welfare, anti-violence against women sector, and counselling parents and children.

¹ Statistics Canada, *Living Arrangements of Aboriginal children Aged 14 and Under*, by Annie Turner, Catalogue No 75-006-X (Ottawa: Statistics Canada, 13 April 2016).

² *Ibid.*

³ Deena Mandell et al, "Indigenous Child Welfare", in Gary Cameron, Nick Coady & Gerald R Adams, eds, *Moving Towards Positive Systems of Welfare* (Waterloo, Ont: Wilfrid Laurier Press, 2007) 115.

⁴ African Canadian Legal Clinic, "Canada's Forgotten Children: Written Submissions to the Committee on the Rights of the Child on the Third and Fourth Reports of Canada" (Toronto: ACLC, 2012); Ontario Association of

(CFSA).⁵ In 2013, the 46 child welfare agencies in Ontario received \$1.46 billion in funding from the Ontario government.⁶ A report by Toronto Children's Aid Society indicated that 41% of the children in the care of their agency were Black, while Black children made up only 8% of the city's population.⁷ The report stated that the majority of the children in care were of Jamaican heritage.⁸ Peel Children's Aid Society reports that 22% of the children in the care of their agency are Black, with another 19% reporting mixed race heritage.⁹ Black people represent 9% of the Peel Region population.¹⁰ As well, Black children are kept in care longer in comparison to other groups.¹¹

For many, the over-representation of Black and Aboriginal children in care is attributed to systemic and structural oppressions of colonialism and racism.¹² Pon, Gosine & Phillips

Children's Aid Societies, "One Vision, One Voice: Changing the Ontario Child Welfare System to Better Serve African Canadians. Practice Framework: Part 1: Research Report" (2016), online: <<https://perma.cc/FBF6-GRSX>>; Gordon Pon, Kevin Gosine & Doret Phillips, "Immediate Response: Addressing Anti-Native and Anti-Black Racism in Child Welfare" (2011) 3&4 Intl J Child, Youth & Family Studies, 385; Gordon Pon et al, "Who's Protecting Whom?: The Convergence of Child Welfare and Policing of Black Families", in Donna Baines, ed, *Doing Anti-oppressive Practice*, 3d (Halifax, NS: Fernwood Press, 2017) 70 [Pon et al, "Who's Protecting Whom?"].

⁵ *Child and Family Services Act*, RSO 1990, c.11 [*Child and Family Services Act*]. The *Child and Family Services Act* will be repealed April 30, 2018, on which day most of the provisions of the *Child, Youth and Family Services Act*, 2017, S.O. 2017, c. 14, Sched. 1 will come into force. See: *Supporting Children, Youth and Families Act*, 2017, S.O. 2017, c. 14 - Bill 89. For more about the legislative changes, see Ministry of Children and Youth Services, Report on the 2015 Review of the *Child and Family Services Act*. (2015), online: <<https://perma.cc/269C-45GD>>; Ministry of Children and Youth Services Government of Ontario, "Ontario strengthens legislation for child, youth and family services", online: <<https://perma.cc/4VLN-CWB4>>.

⁶ Toronto Star, "Editor's Note", Editorial, *Toronto Star* (11 December 2014), A32.

⁷ Children's Aid Society of Toronto, *Addressing Disproportionality, Disparity and Discrimination in Child Welfare: Data on Services Provided to Black African Caribbean Canadian Families and Children* (Toronto, Ont: Children's Aid Society of Toronto, 2015), online: <<https://perma.cc/C8NB-4SQA>>; Sandro Contenta, Laurie Monsebraaten, & Jim Rankin, "Why are so many black children in foster and group homes?", *Toronto Star* (11 December 2014), A1, A33.

⁸ Sandro Contenta, Laurie Monsebraaten, & Jim Rankin, "Why are so many black children in foster and group homes?", *Toronto Star* (11 December 2014), A1, A33.

⁹ Peel Children's Aid Society, "Diversity, Equity, and Inclusiveness at Peel CAS" (2016), online: <<https://perma.cc/EM72-EMZ6>>.

¹⁰ Social Planning Council of Peel & Turner Consulting Group, "The Black Community in Peel" (Peel Region: SPCP & TCG, 2015), online: <<https://perma.cc/N9NV-Z775>>.

¹¹ Sandro Contenta, Laurie Monsebraaten, & Jim Rankin, "Black Kids Stay Longest in Care, CAS Study Shows", *Toronto Star* (26 August 2015), A1, A14.

¹² Cindy, Ivan Brown & Marlyn Bennett, "Reconciliation: Rebuilding the Canadian Child Welfare System to Better Serve Aboriginal Children and Youth" in Ivan Brown et al, eds, *Putting a Human Face on Child Welfare: Voices From the Prairies* (Ottawa, Ont: Centre of Excellence for Child Welfare, 2007) 59; Jennifer Clarke, "The Challenges of Child Welfare Involvement for Afro-Caribbean Canadian Families in Toronto" (2011) 33:2 Children & Youth Services Rev 274; Jennifer Clarke, "Beyond Child Protection: Afro-Caribbean Service Users of Child Welfare" (2012) 23:3 J Progressive Human Services 223; Gary C Dumbrill, "Child Welfare: AOP's Nemesis?" in Wes Shera, ed, *Emerging Perspectives on Anti-oppressive Practice* (Toronto, Ont: Canadian Scholars Press, 2003) 101; Sohki Aski Esquao & Susan Strega, "An Introduction: Anti-racist and Anti-oppressive Child Welfare", in Sohki Aski Esquao & Susan Strega, eds, *Walking This Path Together: Anti-racist and Anti-oppressive Child Welfare Practice*, 2d (Halifax, NS: Fernwood Press, 2015) 1; Laura Landertinger, "Settler Colonialism and Carceral Control of Indigenous Mothers and Their Children: Child Welfare and the Prison System", in Joanne Minaker & Bryan Hogeveen, eds, *Criminalizing Mothers, Criminalizing Mothering* (Bradford, ON: Demeter, 2015) 59; Patricia Monture-Angus, "A Vicious Circle: Child Welfare and the First Nations" (1989) 3 Can J Welfare L 1; Patricia Monture-Angus, *Thunder in My Soul* (Halifax, NS: Fernwood Press, 1993); Gordon Pon, Kevin Gosine, & Doret Phillips, "Immediate Response: Addressing Anti-Native and Anti-Black Racism in Child Welfare" (2011) 3&4 Intl J Child, Youth & Family Studies, 385; Nyron Sookraj, Doret Phillips, & Gordon Pon, "Breaking Barriers: Obstacles

contend that the child welfare system must be located and interrogated within the wider context of white supremacy, colonialism and anti-Black racism that has underpinned the formation of the post-war welfare state.¹³ This view, however, is contested by others who assert that there is no compelling evidence that race significantly impacts child welfare decision-making.¹⁴

A 2016 Ontario Association of Children's Aid Societies (OACAS) report titled "One Vision, One Voice" highlighted that anti-Black racism is a cause of the over-representation of Black children in care of child welfare authorities.¹⁵ This report was based on a series of public consultations held in several cities across Ontario, which were facilitated by the OACAS. In this article, we focus on how anti-Black racism and white supremacy are embodied or manifested in tangible or visible forms in the child welfare system. Given the often heart-wrenching narratives of suffering experienced by Black children and families involved with child welfare services, we ask the following two guiding questions: 1) how are colonialism, anti-Black racism and white supremacy embodied by the child welfare system? And, 2) how can the extreme suffering experienced by many Black families involved with the child welfare system be understood? This schema of embodiment is necessary to deconstruct how anti-Black racism, colonialism, and white supremacy are manifested in the day-to-day policies and practices of child welfare.

To explicate this embodiment, we will discuss three inter-related factors: 1) the historical rise of the welfare state, 2) anti-Black racism, and 3) bio-power and governmentality. These three factors not only proffer insights into how white supremacy, anti-Black racism, and colonialism are embodied in child welfare, but also an interrogation into how well-intentioned social workers can be implicated in a Black family's intense suffering. We conclude the article by examining narratives of suffering experienced by Black families involved with child welfare to show how bio-power and governmentality are embodied in these encounters.

Reflecting on the suffering experienced by Black mothers and fathers involved with the child welfare system, we elucidate how these experiences are a form of social suffering. Rylko-Bauer & Farmer define social suffering as the collective experiences of structural violence and the resulting pain it inflicts among classes of people.¹⁶ This structural violence stems from social structures such as patriarchy, slavery, colonialism, neo-liberalism, poverty, and discrimination based on race, gender, sexual orientation, and migrant/refugee status, etc. Rylko-Bauer et al. argue that social suffering "captures the lived experience of distress and injustice" while revealing how the pain, humiliation, loss, grief, anger, sadness, fear, and despair people experience are often inextricably linked to larger socio-political, economic, cultural, and

to the Use of Family Group Conferencing" in Samantha Wehbi & Henry Parada, eds, *Re-imagining Anti-Oppression in Practice and Research* (Halifax, NS: Fernwood Press, 2017) 61.

¹³ Gordon Pon, Kevin Gosine, & Doret Phillips, "Immediate Response: Addressing Anti-Native and Anti-Black Racism in Child Welfare" (2011) 3&4 Intl J Child, Youth & Family Studies, 385 [Pon, Gosine, & Phillips, "Immediate Response"].

¹⁴ RP Barth et al, *Children of Color in the Child Welfare System: Toward Explaining Their Disproportionate Involvement in Comparison to Their Numbers in the General Population* (2001) [unpublished, archived at University of North Carolina School of Social Work, Jordan Institute for Families]; Elizabeth Bartholet, "The Racial Disproportionality Movement in Child Welfare: False Facts and Dangerous Directions" (2009) 51 Ariz L Rev 871, online <<https://perma.cc/WD9V-BMF8>>; Elizabeth Bartholet et al, "Race and Child Welfare" (2011) Harvard Law School Working Paper Public L & Leg Theory No 11-27, online:<<https://perma.cc/DWY7-TFDF>>.

¹⁵ Ontario Association of Children's Aid Societies, "One Vision, One Voice: Changing the Ontario Child Welfare System to Better Serve African Canadians. Practice Framework: Part 1: Research Report" (2016), online: <<https://perma.cc/BBF6-GRSX>> [OACAS].

¹⁶ Barbara Rylko-Bauer & Paul Farmer, "Structural Violence, Poverty and Social Suffering" (2017) Oxford Handbook Social Science of Poverty, DOI: <10.1093/oxfordhb/9780199914050.013.4>.

historical forces.¹⁷ Kleinman, Das, and Lock understand social suffering as resulting from the impact that political, economic, social, and institutional power have on people and how these social forces configure responses to systemic social problems.¹⁸ Echoing the feminist clarion call that the personal is political, Darby notes that social suffering is a social experience whereby personal challenges of a psychological or medical nature are closely linked to larger structural factors.¹⁹ Social suffering challenges dominant discourses within social, health, and policy realms that tend to locate social problems as attributable to individual and/or family deficits.²⁰ This understanding of social suffering, we assert, is important for deconstructing the emotional and psychological impact that child welfare encounters have on Black families.

Anti-Black racism is a form of structural violence. Anti-Black racism refers to a virulent form of racism that is directed against Black people and their resistance to such oppressions.²¹ Anti-Black racism is rooted in slavery, which existed in Canada for three centuries.²² White supremacy is another form of structural violence. According to Thobani, white supremacy refers to the policies and practices in Canadian settler society, which exalts white people as patriotic national subjects, while devaluing racial “Others” as threats to the security and prosperity of the nation.²³ The concept of white supremacy is rooted in the history of modernity and European colonialism.²⁴

I. THE EMERGENCE OF THE WELFARE STATE AND ITS IMPACT ON BLACK FAMILIES

In this section, we discuss the rise of the welfare system and its impact on Black families. To understand the suffering experienced by many Black families involved with Children’s Aid Societies (CAS) requires comprehending how the child welfare system in Ontario is a central component of the colonial project. Michael Hart defines colonialism as “a worldview and processes that embrace dominion, self-righteousness and greed, and affects all levels of Indigenous peoples’ lives... including their spiritual practices, emotional well-being, physical health and knowledge.”²⁵ Coulthard purports the following:

a colonial relationship can be defined as one characterized by domination; that is, it is a relationship where power—in this case, interrelated discursive and non-discursive

¹⁷ *Ibid* at 2.

¹⁸ Arthur Kleinman, Veena Das & Margaret M Lock, eds, *Social Suffering* (Berkeley, Cal: University of California Press, 1997).

¹⁹ Phillip Darby, “Security, Spatiality, and Social Suffering” (2006) 31 *Alternatives* 453.

²⁰ Rylko-Bauer, *supra* note 15.

²¹ Lorna Akua Benjamin, *The Black/Jamaican Criminal: The Making of Ideology* (PHD Dissertation, University of Toronto, 2003) [unpublished]; Martha Kuwee Kumsa et al, “The Contours of Anti-Black Racism: Engaging Anti-oppression From Embodied Spaces” (2014) 1:1 *J Critical Anti-Oppressive Social Inquiry* 2; Pon et al, “Who’s Protecting Whom?”, *supra* note 4.

²² Afua Cooper, *The Hanging of Angelique* (Toronto, Ont: HarperCollins, 2006).

²³ Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada*. (Toronto, Ont: University of Toronto Press, 2007).

²⁴ Sherene Razack, “How is White Supremacy Embodied? Sexualized Racial Violence at Abu Ghraib” (2005) 17:2 *Can J Women & L* 341 [Razack, “Sexualized Racial Violence”].

²⁵ Michael Anthony Hart, “Anti-colonial Indigenous Social Work”, in Raven Sinclair, Michael Anthony Hart & Gord Bruyere, eds, *Wícihitowin: Aboriginal Social Work in Canada* (Halifax, NS: Fernwood Press, 2009) 25 at 26-27.

facets of economic, gendered, racial, and state power—has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the dispossession of Indigenous peoples of their land and self-determining authority.²⁶

Colonialism was a central feature of the modern period beginning in the 1400s.²⁷ During modernity, the concept of race was drawn upon to legitimize the exploitation, domination, and annihilation of non-Western people, while simultaneously constructing the white race as superior to all others.²⁸

According to Foucault, during modernity, “racism took shape” to include “a whole politics of settlement (peuplement), family, marriage, education, social hiercharization, and property, accompanied by a long series of permanent interventions at the level of the body, conduct, health, and everyday life” and to justify “the mythical concern with protecting the purity of blood and ensuring the triumph of the race.”²⁹ The sway of scientific racism during the Enlightenment period, dovetailed with white settler nationalism in the creation of state control over sexuality in the form of anti-miscegenation laws in Canada and the United States of America (US).³⁰ While modern nation-building projects created an incessant demand for cheap labour, which were routinely fulfilled by racialized immigrants, the presence of non-whites fuelled fears of inter-racial sexuality.³¹ Anti-miscegenation laws, moreover, were aimed at curtailing the fertility of racialized women, who were socially constructed as licentious, hypersexualized, and primitive.³²

The racism that underpinned anti-miscegenation laws operated to police desire, marriages, and families through what Foucault called bio-power, which refers to the operations of power on individual bodies in order to “optimize its capabilities, efficiency, usefulness, and docility”.³³ The rise of bio-power, in this way, is inseparable from the exigencies of white supremacy and settler colonialism that constituted the emergence of the welfare state. Correspondingly, the contemporary child protection system, which is a component of the welfare state, has its roots in a bio-power, or what Foucault refers to as a disciplinary power that measures, monitors, surveilles, polices, and punishes racialized others, who constituted threats to the white race.

²⁶ Jennifer S Simpson, Carl E James & Johnny Mack, “Multiculturalism, Colonialism, and Racialization: Conceptual Starting Points” (2011) 33 *Rev Education, Pedagogy, & Cultural Studies* 285 at 293.

²⁷ David Theo Goldberg, *Racist Culture* (Cambridge, Mass: Blackwell Press, 1993).

²⁸ Michael Banton, “The Classification of Races in Europe and North America: 1700-1850” in Tania Das Gupta et al, eds, *Race and Racialization: Essential Readings* (Toronto, Ont: Canadian Scholars’ Press, 2007) 15; George J Sefa Dei, *Antiracism Education: Theory and Practice* (Halifax, NS: Fernwood Press, 1996); George J Sefa Dei, *Racists Beware: Uncovering Racial Politics in Contemporary Society* (New York, NY: Sense, 2008); Paul Gilroy, *The Black Atlantic* (Cambridge, Mass: Harvard University Press, 1993); Goldberg, *supra* note 27.

²⁹ Paul Rabinow, ed, *The Foucault Reader* (New York, NY: Vintage Books, 2010) at 270-271.

³⁰ Enakshi Dua, “Exclusion Through Inclusion: Female Asian Migration in the Making of Canada as a White Settler Nation” (2007) 14:4 *Gender, Place, & Culture* 445.

³¹ *Ibid.*

³² Sander L Gilman, “Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late Nineteenth century Art, Medicine, and Literature” in Henry Louis Gates Jr, ed, “Race”, *Writing and Difference* (Chicago, Ill: University of Chicago Press, 1986) 223; Thobani, *supra* note 23).

³³ Adrienne S Chambon, Allan Irving & Laura Epstein, eds, *Reading Foucault for Social Work* (New York, NY: Columbia University Press, 1999) at 270.

As we have noted elsewhere, Thobani traces how the historical rise of the Keynesian Welfare State in Canada was inseparable from white supremacy and settler colonialism.³⁴ Recall, white supremacy relates to the exaltation of white people as national subjects, while devaluing racial Others.³⁵ Thobani highlights how the expanding welfare state provided social entitlements to white Canadian families, while excluding racialized immigrant and Aboriginal families.³⁶ This exclusion from entitlements was secured through the legal grounds of citizenship and immigration. She further notes that the welfare state served to venerate white middle class nuclear heteronormative families as exalted national subjects and honourable Canadians, who deserved the benefits of the state. Conversely, racialized immigrant and Aboriginal families were socially constructed as unworthy and undeserving of these social entitlements. Discourses which constructed racialized immigrant families, particularly men as hyperpatriarchal, backwards, pre-modern, and abusive, also fuelled the discourses of the threatening Other.³⁷ These dominant discourses ignored how sponsorship laws consigned women to circumstances in which they had minimal or no access to social services, thus making them vulnerable to gender-based abuse. Without access to state-sponsored supports, women often had to remain in abusive relationships.³⁸

What does this history of the welfare state mean for the profession of social work? Badwall contends that the historical foundation of the profession of social work cannot be extricated from colonialism.³⁹ In essence, social workers were enlisted subjects who participated in imperial practices that solidified a “racially structured settler society”.⁴⁰ This violence against Aboriginal and immigrant communities, however, is erased from dominant histories of the profession of social work.⁴¹ Contributing to this erasure are nation building discourses of the superior morality, virtues, and civility of white women social workers, which cannot be analyzed separately from the genesis of social work. This entanglement between nation building imperatives and the burgeoning profession of social work continues to influence the profession. Along these lines, discourses of social workers as virtuous and civil, were always linked to race, as this identity became synonymous with white women as morally superior subjects, who were ostensibly ‘helping’ the Aboriginal and racialized “Other”.⁴² Razack contends that the script of “white women as saviour of less fortunate women...” is a centuries old colonial formula.⁴³ As follows, the social work profession is constitutive of whiteness.⁴⁴

According to Frankenberg (1993) whiteness refers to the following: 1) a location of structural advantage, 2) a standpoint from which white people look at themselves and others, and 3) a set of cultural practices that are usually unmarked and unnamed.⁴⁵ In his examination of the

³⁴ Pon, Gosine, & Phillips, “Immediate Response”, *supra* note 13; Thobani, *supra* note 23.

³⁵ *Ibid.*

³⁶ Thobani, *supra* note 23.

³⁷ Razack, “Sexualized Racial Violence”, *supra* note 24.

³⁸ *Ibid.*

³⁹ Harjeet Kaur Badwall, “Colonial Encounters: Racialized Social Workers Negotiating Professional Scripts of Whiteness” (2014) 3 *Intersectionalities: Global J Social Work Analysis, Research, Polity, & Practice* 1.

⁴⁰ *Ibid* at 4.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Sherene Razack, *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms* (Toronto, Ont: University of Toronto Press, 1998) at 5.

⁴⁴ Badwall, *supra* note 39.

⁴⁵ Ruth Frankenberg, *White Women, Race Matters: The Social Construction of Whiteness* (Minneapolis, Minn: University of Minnesota Press, 1993) at 1.

visual representation of whiteness, Dyer notes that white women become idealized as a response to the 1857 Indian mutiny and 1865 Jamaican revolt.⁴⁶ After these rebellions and post-slavery in the US, white women were portrayed in cinema as angelic and virtuous. More broadly on a societal level, whiteness symbolized goodness, virtue, beauty, transcendence, purity, and chastity.⁴⁷

For Thobani, the growing post-war welfare state propelled white women's economic advancement as the beneficiaries of nascent social programs and through employment opportunities made available to them in the flourishing public sector.⁴⁸ The entry of white women from the private sphere into public sector employment not only provided the means by which they could enter the paid workforce but also opened pathways for these women to forge new claims as exalted national subjects, who embodied the nation-state's values of compassion, benevolence, and care.⁴⁹

These career and life opportunities in the nascent welfare system, which includes child welfare, cultivated for white women bonds of nationalistic kinship that "deepened the meaning of 'belonging' to the national community", and a national community that was committed to safeguarding the nation from the threat posed by the underserving racial Other.⁵⁰ Currently, the majority of the child welfare workforce in Canada is comprised of white women. For example, in 2008, 82 per cent of the workforce were white, 86 per cent were female, and mostly between 26-34 years old.⁵¹

However, as noted by Pon, Gosine, and Phillips, racialized individuals can also make claims to exalted subjectivity in their capacities as child welfare workers.⁵² For this reason, Black families can also experience suffering in their encounters with racialized child welfare workers. There is often the assumption that ethno-racial matching between service user and human service provider augments effective and culturally responsive service delivery.⁵³ Ethno-racial matching, however, offers no guarantee of better outcomes for service users.⁵⁴ As Heron reminds us, individuals are active subjects who "take up or identify with particular subject positions structured through relations of power and made available through different discourses".⁵⁵ She points out, subjectivity is "unavoidably multiple and contradictory".⁵⁶ The notion of subjectivity thus embraces how the complex and contradictory nature of people's desires and identifications are always implicated within discourses.⁵⁷ Coates poignantly captures this dynamic in the following: "I am black, and have been plundered and have lost my body. But perhaps I too had

⁴⁶ Richard Dyer, *White* (New York, NY: Routledge, 1997).

⁴⁷ *Ibid.*

⁴⁸ Thobani, *supra* note 23.

⁴⁹ *Ibid.*

⁵⁰ Thobani, *supra* note 23 at 118.

⁵¹ Kristen Lwin et al, "A Profile of Child Welfare Workers in Canada in 2008" (Toronto, Ont: Canadian Child Welfare Research, 2015), online: <<https://perma.cc/SQ7V-RHY4>>.

⁵² Pon, Gosine, & Phillips, "Immediate Response", *supra* note 13.

⁵³ Robin Perry & Gordon E Limb, "Ethnic/Racial Matching of Clients and Social Workers in Public Child Welfare" (2004) 26 *Children & Youth Services Rev* 965; Gerard L Russell et al, "The Effects of Therapist-Client Ethnic Match in the Assessment of Mental Health Functioning" (1996) 27:5 *J Cross-Cultural Psychology* 598.

⁵⁴ Stanley Sue et al, "Community Mental Health Services for Ethnic Minority Groups: A Test of the Cultural Responsiveness Hypothesis" (1991) 59:4 *J Consulting & Clinical Psychology* 533.

⁵⁵ Barbara Heron, "Self-reflection in Critical Social Work Practice: Subjectivity and the Possibilities of Resistance" (2005) 6 *Reflective Practice* 341 at 347.

⁵⁶ *Ibid* at 347.

⁵⁷ *Ibid.*

the capacity for plunder, maybe I would take another human's body to confirm myself in a community. Perhaps I already had."⁵⁸ Coates articulates the profoundly deep-seated human desire among individuals for identity, belongingness, and affirmation. To this end, racialized child welfare workers may, in their desires for belonging within the national imaginary, replicate hegemonic discourses, which are experienced as oppressive by Black families.

Numerous scholars have highlighted the very complex, contradictory, ambivalent, and insider-outsider nature of the subjectivities of racialized social workers.⁵⁹ Morrel describes his experience as a Black child welfare worker as being characterized by struggles in which some were "very painful and unpleasant; some left deep emotional scars as...[he] navigated between the many layers of power structures within the institution, the legal system, and other subsystems that impact human lives."⁶⁰ The struggles experienced by Morrel are echoed by other racialized social workers. For example, Badwall asserts that racialized social workers who name and speak out against racism disrupt the hegemonic liberal ideals of the profession as being one of benevolence.⁶¹ Moreover, she argues, such a stance on the part of racialized workers places them outside of the notions of a good, empathetic, and client centred helper. Badwall contends that the attainment of the moral subject and "good worker" status requires the erasure of race.⁶² She explains that this subject positioning is rooted in the history of colonialism, which shaped the much lauded notion of white bourgeois femininity as one who helped the less fortunate and 'underdeveloped'. Indeed, she reminds us that historically "helping professions such as social work are built upon the professionalization of white femininity."⁶³ Highlighting the ongoing dynamism of the colonial project, scripts of whiteness in social work remain active and function by universalizing the liberal ideals of love, nurturance and care, such that any discussion of racism upends and unsettles these liberalist imaginaries.⁶⁴ Scripts of whiteness encompass performances that validate and reproduce the hierarchization of white norms and practices.

Similarly, Smith notes that racialized social workers face a profound struggle of surviving their workplaces while balancing their affinities to their identified communities.⁶⁵ At the same time, many of these communities continue to deal with systemic injustices and inequities. For example, in her research on the most recent changes in the operations and practices of Ontario child welfare, Smith found that racialized workers are vulnerable to losing their jobs if they speak out against oppression. She offers the case of a social worker named Rita:

Rita, a black woman who refers to herself as a survivor of male partner abuse, expressed concerns about her own capacity to speak out under the new conditions imposed through "teamwork" with other professionals...[S]he worried about how long she would be able to remain at her agency if "playing the game" required her ongoing silence and complicity. Rita felt betrayed by her managers and shared that,

⁵⁸ Ta-Nehisi Coates, *Between the World and Me* (New York, NY: Spiegel & Grau, 2015) at 60.

⁵⁹ Paul Morrel, "Power and Status Contradictions", in Deena Mandell, ed, *Revisiting the Use of Self: Questioning Professional Identities* (Toronto, Ont: Canadian Scholars' Press, 2007) 71.

⁶⁰ *Ibid* at 85.

⁶¹ Badwall, *supra* note 39.

⁶² *Ibid*.

⁶³ *Ibid* at 6.

⁶⁴ Badwall, *supra* note 39.

⁶⁵ Kristin Smith, "Ontario's Child Welfare Transformation and Primary Health Care Renewal: The Allure of Change" in Samantha Wehbi & Henry Parada, eds, *Re-imagining Anti-oppression Social Work: Practice* (Toronto, Ont: Canadian Scholars' Press, 2017) 31.

on one occasion, when she openly criticized a police officer for not following a policy related to domestic violence, she came close to losing her job...⁶⁶

Rita's experience highlights what Badwall refers to as the demand that racialized workers adhere to the script of whiteness that reproduces white bourgeois femininity.⁶⁷ In other words, by challenging police practice Rita is disrupting a maintenance of the script of whiteness. In doing so, Rita strays from white bourgeois femininity because, as Badwall notes, the "good social worker" must "participate in scripts of whiteness by performing liberal normativity".⁶⁸ The liberal norm, in this encounter, requires an adherence to the view of the institution of policing as universally helpful and protective; despite the number of studies that contradict this view by pointing out the systemic racism at all levels of policing, and how these discriminations continue to negatively influence police relations with Black citizenry.⁶⁹

Smith further notes the experience of Marie, an Afro-Caribbean child welfare worker who critiqued being tagged as a "trouble-maker" because she raised concerns about systemic racism in police services.⁷⁰ Marie explained that she was admonished by senior managers for publicly critiquing what was considered a "partner organization".⁷¹ Evident in Marie's experience is the highly contradictory, complex, and precarious subjectivity of racialized social workers who have the courage to call out racism. As indicated by Badwall, individuals often enter the profession of social work with desires to advance social justice.⁷² However, for racialized social workers the pursuit of social justice, especially anti-racism, is obstructed by whiteness and bourgeois femininity, which chooses not to engage with issues of racism. For this reason, as Badwall observes, racialized social workers often continue to grapple with how social work's "re-inscription of innocence and whiteness complicates how [they]...understand their role and effectiveness as workers," because speaking out against racism is fraught with precarities.⁷³

The precariousness of the subject positioning of racialized child welfare workers can result in professional conformity. The impact of such is that Black families may in their encounters with racialized child welfare workers experience scripts of whiteness and the reproduction of oppression even when their worker hails from the family's identified community. Acknowledgement of the colonial influence, which impacted the rise of the welfare state, offers a profound understanding of the negative experiences of many Black families involved with the child welfare system, no matter the racial background of workers. The exalted subject, in this instance the child welfare worker, requires the racial Other to constitute their superior status in the nation building project. The embodiment of this exalted subjectivity is manifested in the day-to-day child welfare policies and practices that are experienced by Black

⁶⁶ *Ibid* at 41.

⁶⁷ Badwall, *supra* note 39.

⁶⁸ *Ibid* at 6.

⁶⁹ Wesley Crichlow, "Weaponization and Prisonization of Toronto's Black Male Youth" (2014) 3:3 *Intl J Crime, Justice & Social Democracy* 113; Angela J Davis, ed, *Policing the Black Man* (New York, NY: Pantheon Books, 2017); Ontario Human Rights Commission, "Under Suspicion: Research and Consultation on Racial Profiling in Ontario" (Toronto: OHRC, 2017); Carol Tator & Frances Henry, *Racial Profiling in Canada: Challenging the Myth of a Few Bad Apples* (Toronto, Ont: University of Toronto Press, 2006); Scot Wortley & Akwasi Owusu-Bempah, "The Usual Suspects: Police Stop and Search Practices in Canada" (2011) 21:4 *Policing & Society* 395.

⁷⁰ Smith, *supra* note 65 at 42.

⁷¹ *Ibid* at 42.

⁷² Badwall, *supra* note 39.

⁷³ *Ibid* at 7.

families as oppressive, dehumanizing, demeaning, unsupportive, and harsh. The entrenchment of the welfare state in discourses of benevolence, care and tolerance serves to obscure the negative impact that child welfare policies and practices have on Black families. Thus, understanding the embodiment of white supremacy and anti-Black racism in child welfare requires a foundational understanding of the genesis of Canada as a welfare state.

II. ANTI-BLACK RACISM AND SLAVERY

The evolution of the welfare state is reliant upon a contradistinction between the “proper” Canadian and the racial and Aboriginal Other. The processes of marginalization that socially construct the racial Other, however, drew upon centuries old Manicheanism. Manicheanism, according to Dyer, is “a doctrine based on the ideas of the Persian philosopher Manes, which saw the world as polarised between forces of absolute good and evil, symbolised in the oppositions of light and darkness, black and white”.⁷⁴ Deliovsky and Kitossa inform that Manicheanism involves the mapping of values and moral codes onto physical bodies such that whiteness becomes equated with innocence, benevolence, and purity. Simultaneously, Black bodies are equated with a Blackness that signifies evil, sinfulness, dangerousness, and criminality. They further point out that “the historical centrality and uniqueness of anti-blackness legitimated, and continues to legitimate, a high tolerance for brutality and indifference toward African-descended people’s suffering.”⁷⁵

Manicheanism, which Deliovsky and Kitossa date back to biblical times, is evident as well in modernity and the European quest for empire building.⁷⁶ In modernity, the tropes of the “Dark Continent,” replete with demonic and dangerous savages characterize the European imaginary.⁷⁷ Central to modernity is the discourse of the brave, hyper-masculine, European adventurer, who risks life and limb to bring light to the dark continent and its savagery, whilst contributing to imperial expansion. Thus, the fear of Blackness is central to the constitution of the modern European identity. As Brantlinger recalls, “the melodrama of Africa called for intervention by a higher moral power, and the Victorians increasingly saw themselves...as the highest moral power among nations.”⁷⁸ It follows then that Manicheanism proved central to the rationalization of European colonial projects.

Commenting on how colonial discourses became embedded in everyday life, McClintock states that in the nineteenth century “the poetics of contagion justified a politics of exclusion and gave social sanction to the middle class fixation with boundary sanitation, in particular the sanitation of sexual boundaries.”⁷⁹ This obsession with sexual purity converged with discourses of racial purity and operated by controlling women’s sexuality. As McClintock writes: “Increasingly vigilant efforts to control women’s bodies, especially in the face of feminist resistance, were suffused with acute anxiety about the desecration of sexual boundaries and the

⁷⁴ Dyer, *supra* note 46 at 225.

⁷⁵ Katerina Deliovsky & Tamari Kitossa, “Beyond Black and White: When Going Beyond May Take Us Out of Bounds” (2013) 44:2 J Black Studies 151 at 168.

⁷⁶ *Ibid.*

⁷⁷ Patrick Brantlinger, “Victorians and Africans: The Genealogy of the Myth of the Dark Continent” in Henry Louis Gates Jr, ed, *Race, Writing and Difference* (Chicago, Ill: University of Chicago Press, 1986) 185.

⁷⁸ *Ibid* at 197.

⁷⁹ Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Conquest* (New York, NY: Routledge, 1995) at 47.

consequences that racial contamination had for white male control of progeny, property and power.”⁸⁰ The quest for racial purity was buttressed by the rise of scientific racism in the Enlightenment period.⁸¹ Scientific racism, the Manichean binarism, coupled with the legacy of slavery, has left its mark of implicit bias where Blacks continue to be regarded as a danger to society.

Contemporarily, Manicheanism is projected and transposed onto Black bodies as conscious and unconscious fear. Angela Davis argues that “Fear has always been an integral component of racism. The ideological reproduction of a fear of black people, whether economically or sexually grounded, is rapidly gravitating toward and being grounded in a fear of crime.”⁸² Scholars have noted in societies such as the US and Canada, that Black boys and men are often feared, deemed dangerous and ascribed criminality.⁸³ Fanon captures well how the fear of Black men extends to even children as articulated in his book titled, *Black Skin, White Mask*: “‘Maman, look, a Negro; I am scared!’ Scared! Scared! Now they were beginning to be scared of me”.⁸⁴

Child welfare is not immune from this fear of Blackness. The fear of Blackness, we argue, is implicated in its day-to-day practices. For example, in the “One Vision, One Voice” report, African-Canadian teachers and administrators shared their belief that many teachers over-report Black families to CAS because of teachers’ biases, lack of cultural understanding and a “fear of African Canadian students, and in some cases fear of African Canadian parents.”⁸⁵ Similarly, a youth shared the following about child welfare staff: “I feel like staff are scared of us black kids, so they try to get rid of us quickly. They don’t try to understand us.”⁸⁶ This fear of Black youth reveals the persistence of Manicheanism and anti-Black racism that continues in the new millennium to plague the socio-political body.

Recall, anti-Black racism refers to a pernicious form of racism that Black people are subjected to and their resistance to such oppressions.⁸⁷ The roots of anti-Black racism are slavery and Manicheanism. As noted by Cooper, slavery existed in Canada for three centuries.⁸⁸ The constant erasure of Canada’s history of slavery is what George Elliot Clarke calls “public lying, falsified history, and self-destructive blindness.”⁸⁹ Citing, James Walker, he further advances that “because colonial Canada held African slaves, its society fostered anti-Black racism—Negrophobia that persists in Canada today. Furthermore, because slavery was all about extracting free—and hard—labour from understandably recalcitrant persons, it sanctioned torture, even in Canada.”⁹⁰ Indeed, the slavery in Canada included whippings, hangings, fatal

⁸⁰ *Ibid* at 47.

⁸¹ Banton, *supra* note 28; Gilman, *supra* note 32; Gustav Jahoda, “Towards Scientific Racism”, in Tania Das Gupta et al, eds, *Race and Racialization: Essential Readings* (Toronto, Ont: Canadian Scholars’ Press, 2007) 24.

⁸² Angela Y Davis, “Race and Criminalization: Black Americans and the Punishment Industry” in Joy James, ed, *The Angela Y Davis Reader* (Malden, Mass: Blackwell, 1998) 61 at 65.

⁸³ Bryan Stevenson, “A Presumption of Guilt: The Legacy of America’s History of Racial Injustice” in Angela J Davis, ed, *Policing the Black Man* (New York, NY: Pantheon Books, 2017) 3.

⁸⁴ Frantz Fanon, *Black Skin, White Mask* (New York, NY: Grove Press, 2008) at 91.

⁸⁵ OACAS, *supra* note 14 at 61.

⁸⁶ *Ibid* at 67.

⁸⁷ Benjamin, *supra* note 21; Kumsa et al, *supra* note 21; Pon et al, “Who’s Protecting Whom?”, *supra* note 4.

⁸⁸ Cooper, *supra* note 22.

⁸⁹ George Elliot Clarke, “Foreword” in Afua Cooper (ed), *The Hanging of Angelique* (Toronto, Ont: HarperCollins, 2006) xi at xiii [G Clarke].

⁹⁰ *Ibid* at xvi.

beatings, and torture.⁹¹ Clarke notes that “the records of Canadian slavery are every bit as vicious” as American slavery.⁹²

The viciousness of slavery also included the rape of Black women slaves. Paradoxically, the fear of Black bodies coexisted with a desire on the part of the exalted subject for the racial Other. Scholars such as Angela Davis and bell hooks have argued that rape was an elemental form of terrorism that the slave master deployed against Black women slaves.⁹³ Davis highlights how the history of Black motherhood reveals the tremendous sacrifices these women made to ensure their children’s best interests. For example, in order to protect their children, Black women slaves often sacrificed themselves to racial and sexual violence. Often, they were forced to pay with their bodies for “foods, diminished severity of treatment, [and] safety of her children.”⁹⁴ The rape and terrorism implicated in slavery reveals the viciousness of anti-Black racism and the valiant lengths Black mothers undertook to resist assaults upon their motherhood and their children. This history of Black mother’s resistance debunks the historical discourse of the Black mother as non-caring, neglectful, non-protective, and non-nurturing of their children. The anti-Black racism which is embodied by the master/rapist reveals how white supremacy is, as Razack articulates, implicated in violence – a racial violence that is incomprehensible outside of its interlocking nature with sexual and gender oppression.⁹⁵

Likewise, Dorothy Roberts contends that the child welfare system in the US shares commonalities with slavery.⁹⁶ As an example, she argues that the humiliation of Black mothers is a shared method used by slave masters and the child welfare system to demonstrate power and control.⁹⁷ The humiliation and discipline of slave women were particularly extreme when they resisted maltreatment. Like slave women, Black mothers involved with the child welfare system are often criminalized when they resisted racial oppression:

... African Canadian mothers, when advocating for themselves and their children, are often seen as “angry Black women” and their voices are not heard, or worse, are criminalized. Further, some indicated that stereotypes and assumptions about African Canadian men mean that fathers are also treated unfairly or are ignored altogether.⁹⁸

In both times of slavery and contemporary child welfare practices, Black resistance continues to be viewed negatively and subject to harsh reprisals for both Black men and women.

Anti-Black racism, Manicheanism, and the fear of Blackness provide an understanding of the negative experiences of many Black families involved with the child welfare system. This system is influenced by centuries of Manicheanism, which reduces Black families to being dangerous and criminal. This discourse has propelled and legitimated indifference and tolerance for Black suffering.⁹⁹ It is paramount that we develop an understanding of and responses to the suffering of Black families involved with the child welfare system; this necessitates theorizing

⁹¹ Cooper, *supra* note 22.

⁹² G Clarke, *supra* note 89 at xvi.

⁹³ Angela Y Davis, *Women, Race and Class* (New York, NY: Vintage Books, 1983); bell hooks, *Ain’t I a Woman: Black Women and Feminism* (Boston, Mass: South End Press, 1981) [hooks, “Black Women and Feminism”].

⁹⁴ hooks, “Black Women and Feminism”, *supra* note 93 at 27.

⁹⁵ Razack, “Sexualized Racial Violence”, *supra* note 24.

⁹⁶ Dorothy Roberts, *Shattered Bonds: The Color of Child Welfare* (New York, NY: Civitas Books, 2002).

⁹⁷ *Ibid.*

⁹⁸ OACAS, *supra* note 14 at 70.

⁹⁹ Deliofsky & Kitossa, *supra* note 75.

and responding to anti-Black racism and the embodiment of the fear of Blackness. As will be evidenced later in this article, this fear of Blackness is personified in the day-to-day practices of child welfare and detected by Black parents, children and youth.

III. BIO-POWER AND GOVERNMENTALITY

Michel Foucault's concept of bio-power is particularly helpful for understanding child welfare operations including how the harsh treatment of Black families is inseparable from modernity. Recall, bio-power refers to the operations of power on individual bodies in order to "optimize its capabilities, efficiency, usefulness, and docility".¹⁰⁰ Carrington provides an illustration of bio-power as a two-pronged approach.¹⁰¹ She argues that the first approach is manifested through a disciplining of the body. This disciplinary process involves assessing, and correcting perceived deviations from the norm in order to restore normalcy and compliance. The second approach is a form of power or government that intervenes at a larger level to manage populations or the social body.¹⁰² For Carrington, "bio-power concerns itself with administration of life not death, and the distribution of the population across space and territory, and the health, prosperity and future of the social body".¹⁰³ Examples of bio-power in child welfare are evidenced in the practice of a parent being mandated to attend anger management or a parenting course; the assessing of their risk to the child; or observing a parent/child access visit through a one-way mirror. These forms of bio-power impose upon Black families, who are involved with child welfare, middle class child rearing practices, which are hegemonically viewed as normal and appropriate.

Structurally, bio-power operates to manage the "biological processes of populations" such as "births, deaths, and probabilities of life."¹⁰⁴ For instance, this structural level of bio-power is evidenced in the systemic practice of disproportionately utilizing the court system to mediate child welfare matters involving racialized families. Structural bio-power is also evidenced in many child welfare agencies whereby there is a segregation of Black workers at frontline levels while the majority of managers remain white. An added example of structural bio-power is referred to as the "child welfare to prison pipeline" in which many Black youth who "age out" of the child welfare system often find themselves entrenched with the criminal justice system, homeless, and poor.¹⁰⁵ These forms of bio-power demonstrate how child welfare is intricately linked to the legal and criminal justice systems.

We find that another helpful concept for analyzing child welfare policies and practices is Foucault's notion of governmentality.¹⁰⁶ With governmentality, Foucault eschews the narrow

¹⁰⁰ Chambon, Irving & Epstein, *supra* note 33 at 270.

¹⁰¹ Kerry Carrington, "Punitiveness and the Criminalization of the Other: State Wards, Unlawful Non-citizens and Indigenous Youth" (2011) 1:1 *Somatechnics* 30.

¹⁰² *Ibid.*

¹⁰³ *Ibid* at 31.

¹⁰⁴ Chambon, Irving & Epstein, *supra* note 33 at 270.

¹⁰⁵ Jennifer Clarke, "The Challenges of Child Welfare Involvement for Afro-Caribbean Canadian Families in Toronto" (2011) 33:2 *Children & Youth Services Rev* 274; Jennifer Clarke, "Beyond Child Protection: Afro-Caribbean Service Users of Child Welfare" (2012) 23:3 *J Progressive Human Services* 223; National Bar Association Presidential Showcase Panel, "The Child Welfare to Prison Pipeline: Profiling Black Families, Black Parents and Black Children", Legislative Comment on Adoption and Safe Families Act of 1997 (2014), online: <<https://perma.cc/QFG9-TSER>>; Pon et al, "Who's Protecting Whom?", *supra* note 4.

¹⁰⁶ Michel Foucault, "On Governmentality" in Graham Burchell, Colin Gordon & Peter Miller, eds, *The Foucault Effect* (Chicago, Ill: University Of Chicago, 1991) 208.

view of government as macro-level political interventions or state power. Instead, Foucault focuses on how everyday legislative, social, economic, political, and cultural practices and policies exert control over the actions of individuals. He describes governmentality as an “ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics, that allow the exercise of this ... complex form of power which has as its target population...apparatuses of security”¹⁰⁷ In essence, governmentality refers to all the tactics, strategies, and methods made available for governing or regulating a population.

Governmentality operates in tandem with bio-power to ensure reproduction of the taken-for-granted, seemingly harmless, ways in which we co-exist, regulate ourselves, adapt, live, and organize society. An apt illustration of governmentality in child welfare is evidenced in the infamous “sixties scoop”.¹⁰⁸ This denotes the practice that began in the 1950s, which involved high numbers of Aboriginal children being removed by child welfare authorities from their parents/communities and placed into non-Aboriginal settings. The “sixties scoop” reveals governmentality and its tactics, strategies, and methods utilized by the state. These tactics were required to persuade the general population that the systemic apprehensions of Aboriginal children were not only legal but also a moral imperative to save and protect Aboriginal children from their ostensibly impaired, dysfunctional, dangerous, and backward caregivers.¹⁰⁹ Swift has written about this denigration of mothers involved in the child welfare system in her book titled manufacturing ‘Bad Mothers’.¹¹⁰ To this end, the governmentality of the child welfare system relies on a tactical understanding of the exalted subject’s desire to view oneself as kind, caring, and benevolent, and participating in broader national discourses of protecting Aboriginal life.

The hegemonic view of the child welfare system as being predominantly concerned with the preservation of life and the promotion of a ‘healthy’ and ‘prosperous’ society renders those families caught up within this system to be pathological. The containment of these pathologies thus requires a systematic intervention or governmentality that aims to ensure that deficient families can acquire the necessary self-regulation and self-adjustments to promote and protect life. The paramountcy of the promotion and protection of life requires state laws such as Ontario’s *Child and Family Services Act*.¹¹¹ Such laws function as safeguards to ensuring population health, particularly of children and youth. Legislated bio-power in child welfare means that failure on the part of parents to self-regulate and self-adjust in accordance with such laws, places them in conflict with juridical and societal norms, which can result in the removal of their children.

This removal or exercise of bio-power is thus legitimized by the law of the land as stipulated in legislation such as Ontario’s *Child and Family Services Act*.¹¹² This state intervention is societally accepted as necessary and warranted due to the moral failings of parents. This dovetails with a governmentality that filters into the everyday world of parenting; a world in which dominant discourses of proper motherhood requires that mothers maintain self-

¹⁰⁷ Chambon, Irving & Epstein, *supra* note 33 at 275.

¹⁰⁸ Sohki Aski Esquao & Susan Strega, “An Introduction: Anti-racist and Anti-oppressive Child Welfare”, in Sohki Aski Esquao & Susan Strega, eds, *Walking This Path Together: Anti-racist and Anti-oppressive Child Welfare Practice*, 2d (Halifax, NS: Fernwood Press, 2015) 1.

¹⁰⁹ *Ibid.*

¹¹⁰ Karen J Swift, *Manufacturing ‘Bad Mothers’: A Critical Perspective on Child Neglect* (Toronto, Ont: University of Toronto Press, 1995).

¹¹¹ *Child and Family Services Act*, *supra* note 5.

¹¹² *Ibid.*

sufficiency, be comprised of a nuclear family, and reproduce at the appropriate age and time.¹¹³ Parental failure to uphold the requisites to promote life and health of children is thus viewed as morally reprehensible; this moral failing can activate the scope of child welfare and law enforcement agencies, without regard for larger structural factors such as poverty, racism, ableism, heterosexism, and colonialism that impacts families.

Bio-power, we argue, in the child welfare system is also manifested through a fear of Blackness. This fear of Blackness or Manicheanism operates dialectically to reveal a governmentality which involves tactics and methods that pathologize, marginalize, and even humiliate Black parents and their families on one hand, and on the other, constitutes child welfare workers/managers as compassionate, innocent, courageous, and exalted national subjects.¹¹⁴ Recall, the youth cited earlier who stated, “I feel like staff are scared of us black kids, so they try to get rid of us quickly. They don’t try to understand us.”¹¹⁵ The bio-power implicated in the fear of Blackness is highlighted in instances when child welfare workers solicit the accompaniment of police officers on home visits to Black families. While recognizing that aspects of child welfare work entails working with uncertainties, particularly when home visitations are conducted alone while in the community, we do assert that much of the police accompaniment is due to worker’s internalizations of broader societal stereotypes of Black people as dangerous, criminal, volatile, and unstable.¹¹⁶ By soliciting the police on such visits the worker is operationalizing individual and state power on Black bodies in hopes of effecting docility, respect, and compliance. This, Foucault would argue, is bio-power. Moreover, the use of law enforcement agencies by child welfare workers highlights how the exercise of bio-power to protect both child(ren) and worker is legitimized by the police presence. Consequently, the need for police reifies the notion of the precarity of encounters with Blackness.

This legitimization of bio-power is buttressed by Ontario’s *Child and Family Services Act* and the Child Protection Standards in Ontario (CPSO).¹¹⁷ Section 40(8) of the CFSA states that a “child protection worker acting under this section may call for the assistance of a peace officer”.¹¹⁸ The Child Protection Standards in Ontario, which were created by the Ontario Ministry of Children and Youth Services, provides principles intended to guide child welfare services throughout the stages of intervention. The CPSO includes protocols between child welfare agencies and police.¹¹⁹ Standard #3 titled “Developing the Investigative Plan” states:

Every Children’s Aid Society will have protocols with the society’s local Police Departments related to investigation of allegations that a criminal act has been perpetrated against a child, and covering situations in which the investigation of an allegation may endanger a child protection worker. Every Children’s Aid Society

¹¹³ Jennifer Ajandi, “Single Mothers by Choice: Disrupting Dominant Discourses of the Family Through Social Justice Alternatives” (2011) 3&4 Intl J Child, Youth & Family Studies 410.

¹¹⁴ Thobani, *supra* note 23.

¹¹⁵ OACAS, *supra* note 14 at 67.

¹¹⁶ Pon et al, “Who’s Protecting Whom?”, *supra* note 4.

¹¹⁷ Ministry of Children and Youth Services, “Child Protection Standards in Ontario” (Toronto: MCYS, 2007), online: <<https://perma.cc/A9N3-TD9V>> [MCYS].

¹¹⁸ *Child and Family Services Act*, *supra* note 5.

¹¹⁹ Nicole Bonnie & Gordon Pon, “Critical Well-being in Child Welfare: A Journey Towards Creating a New Social Contract for Black Communities” in Sohki Aski Esquao & Susan Strega, eds, *Walking This Path Together: Anti-racist and Anti-oppressive Child Welfare Practice*, 2d (Halifax, NS: Fernwood Press, 2015) 105.

will have written Policies and Procedures related to worker safety when providing child protection service.¹²⁰

The discourses of worker safety contained in the CPSO intersect with the fear of Blackness to manifest as a bio-power in the form of child welfare workers visiting Black families with police accompaniment.¹²¹ The legitimacy of such bio-power is cemented in the legal basis of the CFSA and governmental guidelines such as the CPSO.

Bio-power and governmentality are important concepts for understanding the suffering experienced by Black families involved with the child welfare system. As Thobani noted, the child welfare system was historically a central component of the burgeoning post-war welfare state.¹²² It was a system founded on settler colonialism, white supremacy, and here we would add, anti-Black racism. Thobani states that for Aboriginal people, “warfare and welfare were clearly not oppositional systems. Indeed, welfare became an extension of warfare, and the manner of waging this war further exalted the nationals on its front lines as compassionate and caring.”¹²³ This resonates with Parton’s contention that “social work provided an...ambiguous strategy to enable ‘government at a distance,’ or indirect methods of social regulation, to take place”, which achieved “the liberal ideal of maintaining autonomous free individuals who were governed at the same time.”¹²⁴ For Black families, the role of child welfare could also be construed as warfare, especially in light of the bio-power exercised to extract their compliance with the system. Comprehending the suffering and oftentimes humiliation experienced by Black families involved with child welfare requires grappling with bio-power and governmentality in a socio-historical context.

IV. NARRATIVES OF SUFFERING EXPERIENCED BY BLACK FAMILIES INVOLVED WITH CHILD WELFARE

In this section, we highlight narratives of suffering experienced by Black families involved with child welfare. We will discuss how these experiences are an embodiment of bio-power and governmentality, which is informed by anti-Black racism.

Recall, the “One Vision, One Voice” report informs that many African Canadian families described their experience with the child welfare system as being highly adversarial, oppressive, and martial.¹²⁵ To date, there has been a dearth of published research on the experiences of Black families and communities involved with the child welfare system. The timely OACAS multi-city consultation process provided Black families with opportunities to share their experiences. This report reveals the systemic nature of surveillance, discipline, punishment and humiliation experienced by Black families. Some participants involved in this consultation process shared experiences of how African-Canadian children, youth, and parents are shown a lack of compassion by child welfare authorities. One participant explained:

¹²⁰ MCYS, *supra* note 117 at 25.

¹²¹ Pon et al, “Who’s Protecting Whom?”, *supra* note 4.

¹²² Thobani, *supra* note 23.

¹²³ *Ibid* at 125.

¹²⁴ Nigel Parton, “Reconfiguring Child Welfare Practices: Risk, Advanced Liberalism, and the Government of Freedom”, in Adrienne S Chambon, Allan Irving, & Laura Epstein, eds, *Reading Foucault for Social Work* (New York, NY: Columbia University Press, 1999) 101 at 112-113.

¹²⁵ OACAS, *supra* note 14.

The mother was dying and lost the children to CAS even though they were teenagers. She was dying and wanted to say goodbye to her children. CAS was not willing to sit down with the agency and community to help assist with this experience. Their mother died and the children did not get to say goodbye.¹²⁶

The denial of the dying Black mother's desire to say goodbye to her children signifies an intense suffering. The mother's sorrow of grief, loss and mourning is palpable, and also deeply jarring.

Bio-power is embodied in this vignette through the disciplining of the Black mother by refusing her access to her children; this disciplinary tactic is a continuation of her expulsion from proper motherhood, as such, attendance to her grief is not worthy of prominence. The mother's pending physical death represents a continuation of the already established social disconnection between the mother and her children as a result of the prior removal of her offspring from her care. Her physical death would transition the social disconnection to a corporeal one, while ensuring the exigencies of the health and prosperity of her children. By denying the access visit, the disconnection from their mother facilitates the children's abilities to move on with their lives, untethered from the desires of the dying parent. This form of bio-power holds in tension the demands of promoting the well-being of children against the desires of a dying, but nonetheless 'deficient' mother. It also leaves the child welfare worker to carry out tasks and responsibilities with respect to this family, unencumbered by the intrusive and emotionally charged requests of the mother for the access visit. Governmentality can perhaps be located in this situation in the everyday taken-for-granted way in which "bad mothers" require social regulation, more than care and nurturance.¹²⁷ This governmentality is supported by anti-Black racism and what hooks refers to as the view of Black women as subhuman.¹²⁸

Clarke, in her qualitative study of Afro-Caribbean Canadians involved with the child welfare system in Toronto, Ontario, interviewed a mother who described the following trauma and humiliation:

I was out and when I came home the cops and the social worker were here waiting for me. They were here talking to my husband. I got arrested right there in front my kids. My kids and my husband were crying and begging them not to do this and they didn't listen to them. My kids were screaming when they were taking me away. . . . They just grab me as soon as I walk through the door. They didn't even ask me any question, they just say you have to come with us. I never know I would face this problem in Canada.¹²⁹

This mother's narrative reveals a dehumanizing and traumatizing experience. Her humiliation, terror, and helplessness are discernable from her story.

The carceral force illustrated in the above scenario is an expression of absolute power over the racialized Other. This bio-power is embodied by operationalizing individual and state power over the Black mother's body to effect compliance and punishment for her alleged

¹²⁶ *Ibid* at 71-72.

¹²⁷ Swift, *supra* note 110.

¹²⁸ bell hooks, *Feminist theory: From Margin to Centre* (Boston, Mass: South End Press, 1984).

¹²⁹ Jennifer Clarke, "Beyond Child Protection: Afro-Caribbean Service Users of Child Welfare" (2012) 23:3 *J Progressive Human Services* 223 at 244 [J Clarke].

parental failures. The governmentality is evident in the manner in which the mother's removal from her home is facilitated by dominant discourses that construct Blackness, in this case the mother, as criminal because of her alleged abuse and/or neglect of her children. This recalls Parton's observation of the contradictory nature of social work in that it enables state control from a distance, all the while purporting to be helping marginalized and racialized communities.¹³⁰ In this instance, the child welfare worker fails to formulate in the helping response, an acknowledgement of the ongoing turbulent relationship between Black communities and the police, and the traumatic impact of such an intervention on the family.

Citing another Afro-Caribbean mother, Clarke imparts the following:

I wanted help getting food and clothes for my children. If they had my children's best interest at heart they should help me, not rip my family apart. They tear children away from mothers. If this system is in the best interest of children then it needs to work with the family. I don't trust them. They come with the police. I see how they victimize people.¹³¹

Detectable in this passage is a Black mother's lament that the child welfare system did not provide her with the material items, which she and her family needed. Instead, it reveals that the family's needs remained unmet, while the family became enmeshed in the criminal justice system.

In the above vignette, bio-power is embodied by the manner in which the mother, who seeks material assistance, is instead subjected to the regulatory and corrective mechanisms of child welfare authority; her contact with child welfare commences a "technology of power centred on life," as manifested in the assessment, surveillance, and measurement of the inability of the mother to fully safeguard the health and well-being of her children.¹³² The governmentality evident in this case is the criminalization of the mother who sought material assistance and collaboration with a child welfare agency.

Clarke also highlights an African Canadian mother's identification of a child welfare worker "enjoying" the antagonism between the mother and her ex-husband:

She wouldn't let me see my daughter or talk to her. I had custody of her and they didn't even do a home study, they just placed her with him. She told me that their rule overrides all other court rule so even though I have full custody, they can send her to him. This worker was enjoying the antagonism between me and my ex-husband.¹³³

The assertion of a child welfare worker enjoying the suffering of a client is difficult to acknowledge because it runs contrary to the helping process and the ideals of social work. However, the mother's statement reveals her epistemological standpoint as a Black woman, and how this informs her understanding of her relationship with the social world as being replete with power inequities. The power and authority exercised by the child welfare worker, which is

¹³⁰ Parton, *supra* note 124.

¹³¹ J Clarke, *supra* note 129 at 239.

¹³² Michel Foucault, "Right of Death and Power Over Life. From the History of Sexuality", Volume 1, in Paul Rabinow, ed, *The Foucault Reader* (New York, NY: Vintage Books, 2010) 258 at 266.

¹³³ J Clarke, *supra* note 129 at 240.

indicated by denying this Black mother the opportunity to see her daughter, is emblematic of the theme of intense suffering experienced by Black families involved with the child welfare system. This mother's suffering is intensified by her perception that the worker was "enjoying" her pain, which highlights the power over positionality occupied by the worker vis-à-vis the mother.

Bio-power is evidenced in the disciplining of the mother by rejecting her desires for a home study and placement of the child with the ex-husband. The worker executes a social hierarchization in which the mother is placed in an inferior gendered status relative to her ex-husband. This status maintains a relation of domination in which the mother is subjugated by the power, authority, control, surveillance, and assessment of the child welfare worker. By ignoring the mother's recommendation for a home study, the worker further cements the mother's suffering and distress. The governmentality revealed in this situation is how the child welfare worker, imbued with state sanctioned authority, has the option of choosing what elements to measure, appraise, and assess in determining both the solidity of this family and the capacity of the mother.

V. CONCLUSION

The pervasive suffering and oppression experienced by Black families involved with the child welfare system is due to the historical rise of the welfare state, anti-Black racism, and bio-power and governmentality. To understand the systemic nature of this suffering requires a firm grasp of the historical rise of the welfare state and the precarious positioning of racialized and Indigenous families within this national narrative. As the racial Other, the social construction of Black families as deficient and dangerous are informed by anti-Black racism, colonialism and white supremacy. The bio-power of the nascent post-war child welfare system with its emphasis on the regulation of life and family, fuelled the discourse of child welfare as a venerable, noble, and exalted profession. By ostensibly protecting children from harm, abuse and neglect, the very essence of bio-power is embodied in the day-to-day work of child welfare agencies.

This seemingly noble operation of bio-power is buttressed by the power of law and mandated services such as child welfare. The power of child welfare workers to apprehend children from parents constitutes the protection worker with a subject positioning of extreme authority over Black families. This subject positioning is dialectically implicated in dominant discourses that are rooted in colonialism, racism, and Manicheanism. In this way, even an anti-racism-informed social worker may internalize dominant nation building discourses including fears of Blackness.¹³⁴ For these reasons, the Afro-Caribbean mother who asserts that her social worker was enjoying her suffering is rigorous in her epistemological acumen and profoundly astute to the contradictory nature of the social worker's subjectivity. This mother's form of resistive analysis can also act as a buffer to reject or keep at bay the regulatory deficit discourses which categorizes "non-normative populations as the Other, and rationalise individualised solutions to wider social problems that arise from poverty, marginality, and colonization."¹³⁵ This recognition of the tremendous resilience, strength, resistance, and courage of Black families is imperative to countering dominant deficit-laden discourses which are deployed to pathologize Black families and their communities.

¹³⁴ Heron, *supra* note 55.

¹³⁵ Carrington, *supra* note 101 at 34.

To alleviate the suffering being experienced by Black families, schools of social work, child welfare agencies, and the Ontario Association of Children's Aid Societies, governments, and other stakeholders must include in their day-to-day practices and policies, an understanding of colonialism, anti-Black racism, bio-power and governmentality. Towards this end, critical frameworks such as anti-Black racism and anti-colonialism are long overdue in the child welfare sector of social work.