Governing Through Vague Terms:
Child Abuse, Community, Government and Group Interests

by

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Abstract

This dissertation asks: what is the meaning of child abuse, who should protect children from abuse, and how is child protection accomplished? It posits that child abuse is a vague term as described by philosophers and that it is comprehensible only in relation to two other vague terms – community and government.

Vague terms receive sharpenings of meaning within secondary speech genres that are repositories of the tacit knowledge of networked thought collectives. Vague terms appear less vague when they are employed in the primary speech genre of everyday life. Because vague terms appear obvious in the primary speech genre, group interests are able to deploy vague terms as a rhetorical means of advancing their interests.

The dissertation uses as its primary research source public submissions to three government inquiries conducted between 1991 and 1995 in British Columbia. The submissions demonstrate the ongoing relations between various group interests concerned with child abuse, community and government.

The meaning of child abuse is found to be an emergent and negotiated property of group interests. Vague terms are predictive of the sites and types of ongoing negotiations between group interests over the problem of governing too much and governing too little characteristic of liberal governments.
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Dedication

for M. M. M.
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My colleagues in the Individual Interdisciplinary Studies Graduate Programme have been a source of constant stimulation. To be frank, I was always amazed to be in the company of such brilliant scholarship.

I have spent most of my adult life working in and around child welfare. Over the years I have worked with hundreds of clients and have learned something from each and every one of them. Social Work is a great gift insofar as it leads social workers to wisdom found in unexpected places. I have witnessed great tragedy, but I have also seen the enormous strength of the human spirit. I hope this dissertation may, in some small way, serve as both a tribute and thank you to my former clients.

My former colleagues are too numerous to mention. I can but say they know who they are and to them I express my gratitude for all the help and insights they gave me over the years.

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Part One
Chapter 1

Introduction

This dissertation asks a simply stated question: What is meant by the term child abuse? The initial question spawns two further questions: How should children be protected from child abuse? And, who is responsible for protecting children? One might be forgiven for assuming these questions have relatively simple answers. Indeed, there is no shortage of potential answers – they come from all over the disciplinary, professional, and political map. The problem is not one of finding the answers to these questions, but of deciding how to make the multitude of potential answers intelligible.

The term child abuse is a relatively new formulation of what has been a long-standing problem. No doubt children have been maltreated throughout history but it was only in the middle part of the nineteenth century they were thought to be in special need of protection from adults. The practices of the child rescue movement of the mid-nineteenth century (typified by Dr. Barnado and his compatriots) as well as the famous case of Mary Ellen in New York spawned child protection legislation throughout the English-speaking world (Parr 1980; Margolin 1997). The rescue of children from slums populated by the dangerous classes required the introduction of child protection legislation. New York was the first jurisdiction to pass such a law (1874) and similar laws throughout North America and Great Britain were passed with great rapidity (Costin et al. 1996).

Child protection legislation required a state sanctioned apparatus to administer and enforce it. In turn, nascent apparatuses created the child protection social worker to perform their disciplinary functions (Margolin 1997). Yet, as Hacking (1991, 1995)
reminds us, the children of the nineteenth century and first six decades of the twentieth century were not protected from child abuse. Instead, children were protected from cruelty, neglect, and incest. Child abuse did not appear as a common term until the late 1950s (Nelson 1984) and has become a subset of a much larger concern with abuse of all kinds. Using the term abuse establishes a class of victim, whether the victimization is the product of human relations (spousal abuse, abuse of the elderly) or non-human objects (drug abuse, alcohol abuse). But child abuse is a particularly exemplary form of abuse because it emphasizes the victim’s helplessness and, therefore, appears in dictionaries as a particularly powerful example of abuse as a synonym for mistreatment. Moreover, abuse has the advantage over mistreatment because it connotes a deviation from a medicalized norm. The alcohol abuser, the drug abuser, and the child abuser are not so much evil, as powerless due to their pathological condition, a condition they may have learned or inherited from their own parents (Kempe 1962).

It is tempting to see child abuse as simply a new and more accurate formulation of an old problem. The appearance of child abuse as a common descriptive term marks the transformation of child maltreatment from a moral failure into a scientific problem. Certainly this appears to have been the ambition of Kempe (ibid.) and his associates when they published their landmark paper on battered children. For Kempe, child maltreatment was class blind and, therefore, explicable in terms of psychiatric

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2 See Valverde’s (1998) account of Alcoholics Anonymous for a different version of powerlessness. A.A. members do not see themselves as victims of alcohol but of their own powerlessness over alcohol. In this version, alcoholics are not abused by alcohol but make a choice to drink.
pathologies rather than social inequality or the particular moral failings of the dangerous classes.

If Kempe and his associates were correct, then it is reasonable to assume that knowledge of child abuse has advanced over the past forty years, and that this knowledge has reduced the incidence of child abuse through better child protection practices. Yet, not only do reports of child abuse continue to flow into child protection apparatuses, but also these apparatuses are more or less continuously accused of failing to apply scientific knowledge. The following account is somewhat typical and comes from an editorial opinion written by the psychologist William Koch and published by the Vancouver Sun in 1996.

Nonetheless, unintentional injuries kill more children than the next nine leading causes of death combined. Such unintentional deaths are more likely than not to occur in the context of suspected child abuse or neglect.

We also know the major causes of these “accidental” deaths, including background characteristics such as poverty, household chaos and overcrowding, and frequent changes in where the children live.

Characteristics of their caregivers, such as having been an abused or risk-taking child themselves, emotional or mental disturbances, substance abuse, being young and a single parent, unrealistic expectations of children’s development and inadequate child monitoring and disciplinary patterns, are reliable predictors of children’s “accidental” injuries and death.

We also know that children most likely to suffer death by “accidental” injury are newborns to four years old, distractible, over-active, impulsive and more often won’t obey parental requests. The “we” referred to may or may not include the two-thirds of government social workers with no professional qualifications.
For that matter, it may not even include the third with professional qualifications (union membership is a poor proxy for relevant skills). (Koch 1996, 15[A])

According to Koch, we seem to know a great deal about child abuse. But who are "we"? Koch implies "we" are "limited to a small social scientific community" and "lay people with substantial resources such as time, literacy, access to libraries and good psychological adjustment". By contrast, he suggests government social workers charged with protecting children are well-meaning, security-seeking people with some educational qualifications whose union membership reduces them to a vested interest. Moreover, since "parenting is emotionally charged and produces divergent opinion across the religious, ethnic and socio-economic spectrums", and these spectrums are composed of voters, the voice of social scientific experts - the knowledgeable "we" - is ignored in favor of short term political interests (ibid.).

Koch gives the impression that the small social scientific community is without vested interests and, therefore, its knowledge is trustworthy and objective. Such knowledge is outside the religious, ethnic and socio-economic spectrums. Hence, the question of what is meant by child abuse and how children ought to be protected is answerable within this objective and interest-free realm. However, by Koch's own admission such objective and disinterested knowledge is largely irrelevant to the day-to-day practices of those who unintentionally endanger children, and those charged with protecting children from the consequences of unintentional but dangerous adult actions.

If child abuse and child protection are structured through the operation of interested parties, then it seems reasonable to seek the meaning of child abuse within the activities and manifestations of those interests. Necessarily, such an approach must
abandon the search for objective and disinterested definitions and knowledge of child abuse, and seek the mechanisms by which definitions and knowledge are created, transformed, mobilized and strategically deployed by group interests.

During the first half of the 1990s British Columbia experienced three major public inquiries touching upon the problem of how to protect children from child abuse. Each of these inquiries received hundreds of submissions from interested parties. If Koch was right, then the interests of various parties (including, as we shall see, psychologists) ought to be reflected in those submissions. In turn, inquiry submissions should provide a sort of map or guide to just what those interests were, their relative strength and influence, and the particular kind of knowledge that underpinned their opinions. In particular, the formation, practices and consequences of these inquiries should give a sense of the way power and knowledge circulate through various actors and institutions.

The notion that power is mobile and circulatory owes much to Foucault. In one of his 1976 lectures Foucault summed up his methodological precautions in this way.

......let me say that rather than orienting our research into power toward the juridical edifice of sovereignty, State apparatuses, and the ideologies that accompany them, I think we should orient our analysis of power toward material operations, forms of subjugation, and the connections among and the uses made of the local systems of subjugation on the one hand, and apparatuses of knowledge on the other. (Foucault 2003, 34)

This approach suggests that even if Koch’s small body of social scientists and privileged lay public were to claim exclusive knowledge of the meaning of child abuse, there would be no way for them to impose this meaning without opposition from local resistances and alternative claims to knowledge. In turn, the meaning of child abuse, and the practices evolved to protect children from abuse are intelligible only to the degree that
they are recognized as constantly emergent within the circulation of power and influence. Child abuse, then, is not a static object but a mobile and elusive description inherently bound up with the circulation of power through interested parties.

This dissertation assumes that arguments surrounding the meaning of child abuse do not solely take place within the social scientific community. Instead, such arguments find their practical application in the practices of government since, for practical purposes, it is government that creates the definition of child abuse through legislation. Moreover, it is government that funds and directs the child protection apparatus. One might seek an answer to the question of the meaning of child abuse, therefore, within government statutes, policies, and practices. However, government is not monolithic in its definitions, activities and creation of meanings. Government is engaged with group interests outside of government proper. Government may fund these outside groups wholly or in part, but such groups position themselves (or are positioned by government) outside the government proper. This is the realm of non-profits, community agencies, philanthropy, and nominally private for-profit service providers.

Over the past several years, the circuits of power within these governmental relationships have tended to utilize the concept of community as an alternative location of knowledge, meanings, and power. If the scientific understanding of child abuse is limited to a small group of social scientists and privileged laity, and government's sovereign power is diffused through its relationship with external interests, then it is often suggested that the practical location of child abuse knowledge is within the local community. Hence, one might search for an answer to the question of the meaning of child abuse within communities.
By definition communities are communities with interests. Arguments for community development and responsibility usually stress the emotional and intersubjective relations communities foster. In this sense, communities are posited in opposition to the objective social scientific knowledge claimed by Koch. However, there is a further difficulty in searching for the meaning of child abuse in communities – namely, just where are these communities located? To whom would one address the question of meaning?

We have then a sort of triangle of terms: child abuse, community and government. Superficially, each of these terms designates something real. At the same time, the meaning of all of these terms tends to vary according to the particular group interests one pays attention to. Moreover, each of these terms, to some extent, mutually constitutes the others. Child abuse is simultaneously a term of social scientific inquiry, a term of government (statute and policy), and a term defined in local communal activity. Community describes a set of relationships independent of government, but is also a term strategically deployed by government interests to indicate the proper location of the meaning of child abuse and the practices of child protection. Since government is ultimately responsible for the protection of children from child abuse, the apparatuses it creates to exercise that responsibility are, in a sense, a creation of child abuse. Without child abuse there would be no need for a child protective government.

The search for the meaning of child abuse and the problem of how to protect children from it is not, then, a matter of examining current social scientific literature. Instead, it is a search that inevitably leads to the examination of the social relationships between group interests and the circulation of power and knowledge within those
relationships. To put it simply, one cannot grasp the contemporary meaning of child abuse without simultaneously understanding its relationship to the terms community and government.

As I will argue in Part Three, a defining characteristic of this triangle of terms is the degree to which they are inherently vague. This does not mean they are terms without substance; they are not mere words created out of thin air. But they are words that are particularly useful for groups engaged in power struggles because they are words that resist bounded definition. More accurately, they are words without boundaries. Such words can be made to contain everything or nothing at all and, as such, can be strategically deployed to undermine opposing interests through perfectly reasonable and logical truth claims. It is the very multiplicity of permissible truth claims that gives vague terms their particular political strength and creativity.

The dissertation is concerned with how group interests utilize these three vague terms to advance their own knowledge and vision of appropriate power relations. Its hypothesis is that there can be no grand and progressive narrative of child abuse because of the inherent vagueness of the concept. It posits that child abuse is always emergent in the local relations of specific group interests and attempts to track a specific instance of such relations. Child abuse is not formulated as an object capable of study, but as a property of group interests grappling with a constellation of actual and potential abuse visited upon particular children and children as a generalized category.

Authorship:

Even though the term child abuse may be a vague term, the question of what is meant by child abuse is a practical problem. It is practical because it occupies vast
academic, legal, professional and governmental apparatuses attempting to protect children from the harm of child abuse. Child abuse is a coordinating concept (Smith 1999), but one cannot forget that the concept has the very concrete goal of ameliorating or eliminating abusive behavior experienced by very specific people.

In particular, child abuse is both a practical and particular problem for child protection social workers. They are charged with investigating allegations of child abuse and enforcing the terms of the legislation that authorizes their action. Child protective action ranges from the tutelary and persuasive to the use of the state’s full authority when, for example, social workers remove children from parental care.

The decision to remove children from their parents is reviewed by the courts, which retain ultimate authority to approve or disallow such action. However, despite statistical fluctuations, most child protection involvement does not result in the removal of children.\(^3\) That is, child protection social workers make authoritative decisions about what child abuse is not. More precisely, child protection social workers routinely decide when a parental action does not constitute child abuse within the meaning of their authorizing legislation. Since to define what something is not, is also to define what something is, child protection social workers are (of practical necessity) the primary practical arbiters of the meaning of child abuse. Hence, while the courts vet and approve child removals, the majority of social work decisions about what constitutes child abuse are never brought to the attention of the courts.

The actions of child protection social workers are not invisible when they do not seek approval from the courts. The families that child protection social workers engage with are acutely aware of protection decisions. Amongst others, extended-family

\(^3\) See statistics in footnote #2, chapter 9.
members, schoolteachers, neighbors, doctors, public health officials, and police officers may be affected. In short, a broad range of social actors and group interests are engaged within a protective decision-making process.

Each of these actors has its own version of what children need protection from, and how that protection ought to be obtained. Nevertheless, it is the child protection social worker who has the principal authority to decide whether a particular instance of custodial action has crossed some sort of boundary between abuse and not-abuse. If child abuse is a vague term with no obvious boundaries, then it is important to understand how child protection social workers utilize and defend the boundaries they create. In other words, if child abuse boundaries are not always already there, how do protection social workers decide when an action or actions is abusive enough?

The child protection social worker is a member of a bureaucratic apparatus. This apparatus has its own codes – both formal and informal – about what to do about child abuse allegations. As we shall see, many submissions to inquiries complain that these codes are too vague or subjective. The child protection social worker is a sort of decision-making nexus. A wide variety of actors and interests may come into play and influence the decision-making process but at the end of the day it is a particular child protection social worker that either removes, or does not remove, a child from its parents. As we shall see, whatever decision is made, the consequences for those affected can be far-reaching, unpredictable and subject to criticism and blame.

I ask the question about the meaning of child abuse because I have been a child protection social worker in British Columbia. Half my adult life was spent working in the child welfare system but it was the decade I spent making protective decisions that
shaped this dissertation. Despite social scientific claims to the contrary, my experience has led me to conclude that we know very little about child abuse and perhaps even less about how to practically protect children. Every protective decision I ever made was an attempt to discover boundaries for a term where boundaries may not exist. Yet, lack of clear boundaries does not prevent the child protection apparatus from functioning. It is not paralyzed. It gets things done.

What the child protection apparatus does, and why it does what it does, forms a central theme for this dissertation. Anyone who has done child protection social work is acutely aware of the manifold pressures brought to bear on any child protection decision. They are also aware that each decision is uniquely formed out of the particular constellation of interests capable of exerting pressure. Within these particular constellations the child protection social worker experiences one or more decision-making moments characterized by the question: “Is this child abuse?” Entangled with this primary question is its corollary. “If it is child abuse, what is to be done about it?”

In my experience, child protection decisions are never solely predicated upon social scientific knowledge. This is not because child protection social workers lack knowledge although one can easily argue they do not know enough. Rather, social scientific knowledge is not capable of looking a particular parent in the eye and saying: “I will not let you care for your child.” Some of my former colleagues argued that it was not they who made the decision, but some sort of impersonal system. I have never been convinced of this argument because it paints child protection social workers as purely passive – the moral equivalent of mercenaries. But if child protection social workers are
not passive agents, this does not mean they work in isolation. Social pressures generated by group interests always influence their decisions.

The bulk of the empirical work informing this dissertation comes from three inquiries commissioned by the British Columbia government between 1991 and 1994. These were the Commission of Inquiry into the Public Service and Public Sector (Korbin), the Community Panel, Family and Children’s Services Legislative Review in British Columbia (Review Panel), and the Gove Inquiry into Child Protection (Gove). Respectively, their tasks were to examine the global functioning of government, the solicitation of public input into the rewriting of child protection legislation, and an examination of the circumstances of the death of a particular child. For the purposes of this dissertation, they present an opportunity for a scholarly examination of the social pressures influencing child protection decisions during a relatively circumscribed time and in a specific location. They were, in a sense, macro decision-making moments reflective and constitutive of daily micro decisions made by child protection social workers. Such an interpretation is consistent with the stated objectives of each inquiry – to provide a blueprint for progressive change.

These inquiry objectives place me in an interesting position since these inquiries were largely concerned with my own professional circumstances and practices. The conclusions they reached about the various strengths and weaknesses of child protection social work generally were also conclusions about my own particular work. For example, when the Gove Inquiry concluded that child protection workers were generally unqualified, uneducated, and untrained, this necessarily reflected on my personal qualifications, education and training. Whatever my personal situation, I was painted by
the same brush. Such sweeping generalizations are not about rotten apples but rotten barrels.

I was an object of these inquiries. However, in the case of one inquiry, I was also a co-submitter. Small as my contribution was, I was nevertheless a participant in the inquiry process. In addition, I attended one public hearing at the request of my employer. Moreover, the social services field in British Columbia is a relatively small field. This means that some of the actors in the inquiries’ dramas were my colleagues. It also means I am still under the confidentiality constraints of my previous employers. While the kind of confidential knowledge I have of particular participants in the inquiries is not germane to my method, it would be dishonest of me to pretend that my occupational experience and the tacit knowledge this experience created have not colored my deliberations.

I am, then, an object of the inquiries, a participant in the inquiries, and now I am inquiring into the inquiries. To the extent that the inquiries shaped what child abuse means I am, in a sense, inquiring into how the discourse I participated in proceeded. Small as my personal contribution to the overall discourse of child abuse was, it was nevertheless a contribution similar in importance to the vast majority of people engaged in the practical application of the meaning of child abuse. In Foucault’s terms, I was part of the circuits of power concerned with child abuse; I was a part of the local material relations shaping and being shaped by apparatuses of knowledge.

Audiences:

The significance of this dissertation lies in two inter-related aspects. Those engaged in the practical work of child protection will find an account of why their field is so confused and confusing. British Columbia is a particular test case, but I believe the
general issues addressed here are of significance to almost any child protection jurisdiction. Child abuse scandals have become endemic. Their sheer repetitiveness makes them highly predictable. Equally predictable is the tendency of inquiries and the press to blame inadequate social workers. The blaming tendency does not seem to improve child protection systems or the workers that work within those systems but it does deflect attention from the manifold influences that shape our understanding of child abuse and what ought to be done about it. The recommendations for change made by inquiries are the result of power struggles between and within group interests and cannot be solved solely by remaking child protection social workers, the policies they enforce, and the practices they engage in.

It is not simply that there are many places blame can be attributed and therefore it is unfair to single out child protection social workers. Rather, in the broad sociological tradition begun by Comte, it is to suggest that child abuse and child protection discourses are a phenomenon of society as a whole. Attempts to defeat the vagueness of child abuse are not the preserve of the social scientists or of particular apparatuses of sovereign power. Rather, these knowledges and practices are enmeshed in power circuits that mutually constitute. If we wish to understand the meaning of child abuse and the practices of child protection we need to understand the circuitry that creates meanings and practices. These circuits are local and therefore one must be cautious about overgeneralizing. However, this dissertation attempts to create a method whereby local circuits can be examined for their creative power to influence the overarching discourse.

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4 A review by Gove Inquiry staff in 1995 found five Canadian provinces had conducted inquiries into children’s deaths. It also possessed a review of more than a dozen inquiries from the United Kingdom. Recently, child protection scandals have occurred in Ontario (Blatchford 2001 10[A]), New Jersey (Han 2003, 1), Florida (Hollis 2003, 1), and the U.K. (Laming 2003) Indeed, scandals are so common I have ceased tracking them.
For those interested in how we govern ourselves this dissertation offers a test case in governance. Child abuse is highly emotive and usually constructed as a clear moral wrong. In the case of one of the British Columbian inquiries, this construction led Judge Thomas Gove to imply that child abuse was too serious to be a political object (Gove Exec. Summary, 31). The idea that a social phenomenon ought to be beyond politics is particularly attractive for those who conceive deviance as a relatively straightforward problem. Whether this straightforwardness is couched in moral or social scientific terms, it leads to the same conclusion; the remedy for child abuse is somehow obvious. But if child abuse is a vague term, then nothing about it is obvious – this is especially true of the practices meant to alleviate its effects.

As we shall see in the case of British Columbia, when child protection practices did not dramatically improve after the inquiries made their recommendations the press and various interests tended to blame government for lacking either the political will or the administrative competency to improve the situation. Therefore, for those interested in governance more generally, the question becomes: Can government create a fully functional child protection apparatus, based upon the vague term of child abuse, through an act of will? Is it reasonable to suppose that government even has a will? Alternatively, is it that senior members of government apparatuses lack competency? If they were replaced, could genuinely competent administrators impose a child protection system on myriad actors and groups concerned with child abuse?

When it comes to protecting children from child abuse none of these questions are trivial. If child abuse is so patently an obvious evil – and few would argue the point – then why does it persist and why do governments apparently fail to learn from their child
protection mistakes? If, as the cliché usually goes, children are our most precious resource, then some explanation is required as to why governments seemingly fail to protect this resource.

Insofar as this dissertation illuminates these questions – answers are too ambitious a project – students of governance may gain some insight into the practicalities of how we govern ourselves. As one informant (#4) remarked in an interview, sitting governments would much prefer there was no such thing as child protection because it is both a potential money sink and a practical impossibility. As the vernacular puts it, child protection is a no-win proposition. Yet, something is done. No government can wave a magic wand and make child abuse – and the protective practices that are its consequence – go away. The question of how governments cope with the impossible provides a means of understanding how governments actually work. For if government is not an act of will, then it must be something else. A central concern of this dissertation is to discover what that something else might be.

Organization of the Dissertation:

The dissertation is organized into four parts. Part One contains this introduction and a second chapter containing a methodological account of the empirical research informing the dissertation as a whole.

Part Two is composed of two chapters relating a history of child protection in British Columbia. While the history of child welfare in British Columbia covers a period of a century or more, the concept of child abuse was first established during the 1970s. At the same time, government initiated a radical redesign of child welfare apparatuses and practices. Chapter three begins with the effects of the Report of the Commission on
Emotional and Learning Disorders in Children (CELDIC) published in 1969. CELDIC’s emphasis on local provision of integrated social services is taken as the starting point for the standardization of child welfare structures and practices, and the creation of Community Resource Boards (CRB). In addition, chapter three describes the major issues pertaining to child protection covered by the Royal Commission on Family and Children’s Law (The Berger Commission). The chapter continues with a description of the dissolution of the CRBs in 1977 and their replacement by a centralized child welfare apparatus within the provincial government. The chapter ends with an account of how this apparatus was gradually augmented with a large number of private public sector organizations.

Chapter four focuses specifically on the era of inquiries. Between 1992 and 1994 the provincial government commissioned three major inquiries that collectively rewrote the blueprint for the relationship between government, the community social service sector, and the province’s citizens. The chapter describes the genesis, structure and methodology of each inquiry. It also gives an account of the public personas created by the inquirers themselves, a general description of the major themes identified by each inquiry, and a sense of the overall thrust of their numerous recommendations.

Part Three constitutes the heart of the dissertation. It opens with a chapter describing the major theoretical perspectives utilized. The dissertation hinges on the assertion that child abuse, community, and government are vague terms as defined by philosophers of vagueness. The chapter shows how group interests temporarily stabilize vague terms within specific speech genres and thought collectives. It then suggests that argumentation over vague terms is best understood as an expression of rivalrous power
relations between group interests over control of definitions and practices – the practical meanings – of vague terms. Vague terms find practical utility in their capacity to convey multiple meanings through the creation of superficial consensuses. For child protection, the implication of this theoretical position is that government inquiries do not create consensus. Instead, they deploy vague terms to create transient, imprecise and temporary speech genres that obscure significant and unresolved disagreement between group interests. Such disagreements inevitably reemerge when attempts are made to use vague terms as a basis for creating specific practices and policies.

Chapters six, seven and eight examine the three terms, child abuse, community and government in series. Each chapter examines a term in the light of the activities and opinions available from the theoretical literature and their deployment in submissions to inquiries. The chapters attempt to illuminate the struggles between “buried” scholarly knowledge and “disqualified” popular knowledge (Foucault 2003, 8). The chapters highlight both the range of contradictory opinions available from various public submissions and the differing emphases given, and conclusions reached, by each of the three inquiries. Each chapter contains a selective description of events following in the wake of the inquiries.

Chapter nine contains a short conclusion to Part Three summarizing the themes emerging from the discussion.

Finally, Part Four contains an overall conclusion to the work and recommendations for further research. In particular, the conclusion will address the two central themes of the dissertation: What do we mean when we use the term child abuse, and what are the inherent limitations of the term to convey common meanings? Second,
what does the practice of child protection in British Columbia suggest about the way liberal governments practice the art of government?
Chapter Two
Methodology

The dissertation utilizes three general sources for its empirical data. The first source is published information, including a small body of critical literature tracing the specific development of child protection practices in British Columbia since 1969. This includes Clague et al (1984) and Rekart (1997), a videotape of David Schreck, (1981) (the former manager of the Vancouver Resource Board; VRB) explaining the demise of the Board, and an audiotape of Jim Karpoff (1981), a former senior employee of a Community Resource Board commenting on the effects of the privatization of social services. I augment this literature with an examination of documents concerned with the Community Resource Boards (CRB) held in various donated collections of private papers in the City of Vancouver’s Archives.

Crises in child protection come to the public’s attention primarily through the popular press. British Columbia has three major English-language newspapers of record: The Vancouver Sun, the Province, and the Victoria Times-Colonist. Contemporary stories from these newspapers are used to convey something of the public sentiment of the period under study.

As well, I reviewed the background material for the Berger Commission now photocopied and held in its entirety by the Law Library of the University of British Columbia.

In addition to these sources of information I consulted a plethora of government documents available to interested members of the public. For example, I possess all the Child Fatality Reports produced by the (now defunct) Children’s Commission as well as
a number of discussion papers produced by various government ministries, commissions, and Officers of the Legislature. Recently, a large number of government documents have appeared on the provincial government's websites. For example, the Ministry of Child and Family Development (MCFD) website now includes the results of MCFD practice audits of its local offices. I also have in my possession several affidavits written and entered into evidence for the purpose of explaining ministry policy and practices to the judiciary. These affidavits were written in the context of several lawsuits against the government initiated by former children in care.

The second body of data came from six interviews conducted with participants in British Columbia's child welfare system during the period under study. (The questions that formed the basis for those interviews are included in the appendix.) The interviewees included a former Superintendent of Child Welfare, a former senior manager of the Vancouver Resource Board, a long-serving policy analyst at a public policy think tank, a former provincial minister responsible for child welfare, a former member of the Review Panel, and a community social services worker who made submissions to two of the inquiries. Three of these interviewees have had other influential careers within the public sector. The University of British Columbia requires that all interviews concerning human subjects be kept confidential. Therefore, it would be inadvisable to link the various careers together since this could easily be used to identify subjects.

The number of interviews is small and some explanation of this is required. In all, some thirty-five organizations were contacted. The University of British Columbia requires initial contacts by mail. Of the organizations that responded to my letters only
one was able to supply an interviewee. The reasons for this are instructive of how organizations relate to public issues such as child abuse.

With the one exception, none of the organizations responding to my letter knew they had made submissions. Indeed, many had never heard of the inquiries at issue. Bearing in mind that I contacted them in the fall of 2002 this means that all memory of the inquiries, and the organizations' submissions to those inquiries, had been more or less erased within ten years. The most usual reason given for this lack of institutional memory was that the persons who either were, or would have been, responsible for such submissions were no longer working for the organization.\footnote{As an aside, of the people with whom I coauthored my submission, I have not spoken to any since 1996. To be perfectly frank, I do not even remember who most of them were.} It was a fortuitous accident that the one person I was able to interview through this means happened to have worked in the same place for close to twenty years, and prior to that had worked in the CRB system.

A second interview was conducted with a present colleague of mine. The organization for whom we work did not exist during the period under study and, again, it was an accident that he happened to ask me what I was doing and volunteered that he had participated both in writing a submission to the Review Panel and been a participant in the Gove Inquiry's focus groups. The other four interviews were conducted because I was able to trace specific people whom I knew had played major roles in child welfare during the period under study.

The small number of interviews is useful insofar as it is composed of a number of important actors in British Columbia's child welfare history. However, it is not representative and should not be taken as such. To take but one example, the former
Superintendent of Child Welfare reflected upon the gathering of former Superintendents summoned by the Gove Inquiry. The story he related of this meeting indicated former Superintendents differed widely in their opinions of what the Superintendent's role ought to be, what its relation to government was, and how the position ought to function.

By far the most important source of data for this work was the documentary material held by the British Columbia Archives and the Ministry of Child and Family Development (MCFD). The British Columbia Archives and MCFD require researchers to hold confidential any personal information contained in the documents. Hence, I have avoided alluding to organizations by name since I cannot know whether organizations have limited membership and therefore identifying the organization would also identify the author. There are some exceptions to this rule such as when I am satisfied that the organization in question made their views public through other means.

A description of each inquiry's organization of documentation is included in chapter four. For the moment let me say that the Archives and MCFD were kind enough to give me access to all of the documentation generated by the inquiries. This totaled over one hundred and twenty bankers' boxes of documentation. I cannot claim to have read all the documents in those boxes since many contained documentation of little interest to the research project. However, it is fair to say all the contents were reviewed and that, in addition to formal submissions, I was able to read the inquiries' internal and external correspondence. Correspondence included the hiring of consultants, the scheduling of appointments, various organizational memos, letters pertaining to the relationship of government functionaries to the inquiries, explanatory papers prepared by provincial
bureaucrats for the internal use of inquiries, discussion papers commissioned by the inquiries, and the occasional overly frank marginal note.

There was also a considerable amount of correspondence from persons perhaps best described as "friends of inquiry staff". For example, one particularly industrious person not only produced several formal submissions but also wrote numerous letters to an inquiry staff person based upon what by his account was a personal friendship. This sort of correspondence frequently contained references or referrals to programs and practices usually located outside the province. In another example, one staff person had a former colleague who had moved to a large city in the United States. This person sent promotional material for a number of American programs.

While I cannot know for sure, judging by the physical state of the boxes of documentation, the comments I received from the Archives' staff, and the organization of the various inquiries, I think it fair to say that I am probably the only person who has ever reviewed all of the documentation of any of these inquiries. I am equally certain that I am the only person who has reviewed all three together.

Perhaps the most striking thing about all this documentation is how repetitive it is. Each inquiry developed its own system for classifying submissions. I have not chosen to develop my own system because, at least in part, the systems selected by each inquiry constitute a part of that inquiry's discursive power. As we shall see, the description of the community social service as a sector is held to be a consequence of the Korbin Inquiry. In this sense, the classification created by Korbin initiated a new kind of reality.

However, I have tended to follow the system developed by the Review Panel. It classified submissions as: Social Services (Ministry) staff; contracted societies,
community advocacy associations, other government, educational institutions, professionals, aboriginal organizations, independent, late, and the ubiquitous "other".

Suffice to say that as the submissions went by it became quite easy to classify the submitter's category. Each type had a distinctive style, presentation, characteristic length, use of language, and thematic concern. For example, only submissions from independent citizens were handwritten. By contrast, large organizations such as unions and employer associations typically produced lengthy printed and tabulated binders, small organizations generally typed submissions six to fourteen pages in length, and academics produced formal papers complete with references.

It was not possible to do a computerized content analysis of submissions because I was examining original documents available only within government offices. However, even if content analysis had been possible I would have avoided the technique. For all of its repetitiveness, there was real value in reading each and every word of each and every submission. When I write that community social services, or government social workers, or any of the other groups I mention generally held similar opinions about certain subjects, I make such statements with confidence because I did not depend upon a computer to do my analysis for me.

Moreover, the submissions do not simply convey factual opinions. Reading between the lines one can sense the emotional content and effort that went into the writing of submissions. Government social work submissions convey exasperation, anger, cynicism, and, occasionally, a degree of optimism bordering on naivety. Submissions from parents are biting in their attacks on government social workers; some are so crude as to be offensive. They range from carefully considered arguments by the
well educated to accounts that are barely decipherable through a haze of impossible grammar and obvious pain. Foster parent submissions often convey either outright contempt or enormous empathy for children's parents – and sometimes both at the same time. Perhaps none were so moving as the crudely handwritten plea from one mother simply asking someone to tell her what counts as child abuse.

For these reasons where I have quoted from submissions I have used those quotes to characterize what I judge to be the normative opinion/argument of a particular group interest. Elsewhere I have simply stated general trends or cited representative files. For example, it would be pointless to cite every submission critical of the judiciary for its alleged ignorance of child abuse and child protection issues. Nor would it be helpful to offer a count of such criticisms since this would convey a false impression of empiricism. None of the inquiries ever specifically asked for an opinion on judicial competence. Therefore, such comments were entirely spontaneous and explicable only as a statement of a general opinion held by many child welfare workers, foster parents, and parents. If any of the inquiries had specifically asked for an opinion of judicial competence perhaps some submitters would have supported the judiciary. There is simply no way to know.

For documents held by the City of Vancouver Archives and the documentation contained in the Korbin and Review Panel boxes I have retained the original filing system for citation purposes. The Gove inquiry used an alphabetical system, which precludes its use for reasons of confidentiality. The dissertation cites Gove submissions as "Notes". These are my notes and the page numbers indicate the location of the cited material within my notebooks. In all, there are over two hundred pages of notes covering Gove submissions.
In review, then, the empirical heart of this dissertation is a review of all public submissions to the three Inquiries under investigation. This documentary review was augmented through interviews with several persons involved in the period. Finally, several formal accounts have been consulted along with miscellaneous government documentation and newspaper accounts. No independent classification of submissions was developed since it was judged preferable to engage the inquiries within their own classification systems.
Part Two
Chapter 3

This chapter gives an overview of the child welfare system in British Columbia between the years 1969 and 1991. Its purpose is to introduce the reader to the major shifts within child welfare practices, policies, and organizational structures that marked the period. Each shift required a renegotiation of the relationship between government and its citizens alternatively conceived as community members or individual service consumers. Each of these renegotiations influenced the practical meaning of child abuse and the practices of child protection and child welfare that were their consequence.

The distinction, if any, between child welfare and child protection was a major point of argumentation during each renegotiation of governmental apparatuses and practices. The basis for argumentation will be addressed in more detail in chapter six but for the moment a brief distinction might be helpful. For the purposes of this dissertation, child protection is defined as the protection of legally defined children from harmful or abusive conditions defined in legislation. It includes the receipt of reports of child abuse, the investigation of reports, and any subsequent action mandated by law. Such action includes the power to remove children from adults possessing lawful custody and the placement of those children into legally approved childcare resources.

By contrast, child welfare is a much broader term. It includes any activities designed to promote the general welfare of children. As such, protecting children from child abuse is not necessarily central to the ambitions of child welfare apparatuses and their practitioners. Schools, public health, daycares, child development centers, and...
myriad philanthropic and quasi-governmental apparatuses concerned with promoting the welfare of children are all part of child welfare.

As we shall see, the appropriate relationship between child protection and child welfare policies and practices was never a settled relationship in British Columbia. The question of whether there should be a sharp distinction between the two functions, or whether the two functions actually amount to the same thing, was a recurring debate. This chapter will argue that, in British Columbia, the debate came to be structured by the various shifts in government administrative policies between 1969 and 1991 and that these structures formed the architecture within which subsequent inquiries were created.

For readers unfamiliar with British Columbia, a brief description of its governmental structures and population may be helpful. British Columbia is one of ten provinces within the confederation of Canada. The division of federal and provincial powers and responsibilities are set out within a written constitution. Canadian provinces are solely responsible for the administration of social services although the federal government exerts some power through funding agreements with the provinces. These agreements order the transfer of federal revenues to the provinces but they also impose conditions on how those funds can be used. Agreements, then, are a means by which the federal government can influence the provinces’ policies toward adhering to minimal national standards. Each province has its own child protection system authorized by its own legislation. This gives each province considerable freedom to legislatively define child abuse and design their child protection apparatuses.

British Columbia’s population is divided almost equally between urban and rural populations. The main population center is in the City of Vancouver and its suburbs
located in the southwest corner of the province at the delta of the Fraser River. There are
two other small cities – Victoria, the provincial capital located on Vancouver Island, and
Prince George located in the geographic center of the province. The rest of the population
is scattered throughout the province in relatively small towns, villages and
unincorporated settlements. Most of the rural population centers are located close to one
of the four major resource industries: forestry, mining, fishing and agriculture. Since the
province was established in 1872, its population increase has been largely driven by
immigration resulting in a diverse mixture of cultures and languages of the home.

British Columbia is also home to a heterogeneous aboriginal population
comprising approximately four per cent of the population. This population is divided
between those located on Indian Reserves administered by the federal government and
those who have left their reserves and now reside in urban centers. Indian Bands are now
usually referred to as First Nations in order to reflect the lack of treaties formally ceding
First Nations’ land and jurisdiction to Canada. With respect to child protection, the
federal government has never passed legislation directed at First Nations. This means
provincial legislation is enforceable on reserve because of its general application.
However, the province has always claimed it has no responsibility to fund child welfare
activity on reserve because it interprets the original 1872 Terms of Union with Canada to
mean the federal government has exclusive responsibility for Indians. In any event, First
Nations children have been disproportionately represented in the child protection system
since the early 1960s (Cradock 1996).

2 Calculating the aboriginal population is notoriously difficult because of the many classification systems
utilized. Some arms of the federal government use ‘Registered Indian’ to define aboriginal population
numbers while others use ‘aboriginal ancestry’. As a consequence, the percentage of aboriginal people in
British Columbia can vary between four percent and seven percent depending on how they are calculated.
See Cradock (1997) for a full discussion.
The distribution of population in British Columbia tends to divide Vancouver from the rest of the province. Because it has the largest, densest, and most diverse population, Vancouver also consumes the largest proportion of provincial expenditures on health, education, and social services. Given this economy of scale, Vancouver exerts a considerable degree of influence on provincial program objectives, resource allocation, and practices. Rural residents of British Columbia frequently express the opinion that Vancouver is resource rich at the expense of resource poor rural communities whether or not the belief is empirically justified.

Prior to 1972, social services in British Columbia were a patchwork of various large federal programs, direct provincial programs and institutions, municipal responsibilities, philanthropic agencies, and miscellaneous local initiatives funded on an ad hoc basis. The situation was confusing and uneven for both social service employees and the populations they served. In 1969 the Commission on Emotional and Learning Disorders in Children (CELDIC) released a Report addressing the problem from a national perspective. The Report was highly influential because it was a comprehensive analysis of social services sponsored by a variety of prominent non-governmental organizations. Its prescription for change centered on the need to standardize and localize social services. As an informant (#2) recently recounted, by 1972 radical change was in the air.

In British Columbia the consequences of the CELDIC Report were felt throughout the social service sector. The first section of this chapter narrates the provincial government’s assertion of control and its primacy as the architect and principal funding source for social services. Over the period covered, social services were brought
under tight provincial government control; their service delivery model was initially dispersed through local apparatuses then absorbed by the central government and subsequently dispersed again through a privatization project based upon a contracting model. There are three distinct phases: The first phase saw the creation of Community Resource Boards eventually legitimated through provincial legislation passed in 1974 and their subsequent abolition in 1977. During the second phase between 1978 and 1982 there was a brief period of centralization of almost all social service functions within direct government. Between 1982 and 1991 there was a third phase marked by a retreat of government from direct service provision (other than the income assistance and child protection functions) and toward privatizing through the contracting out of community social services.\(^3\)

In addition to the reorganization of social services apparatuses, the government commissioned the Royal Commission on Family and Children's Law (The Berger Commission) to comprehensively examine the existing legal regime as it pertained to families and children and to make recommendations for appropriate and necessary changes. The Report was released in 1976 and a brief sketch of the Commission's approach and findings comprises the second half of the chapter.

\(^3\) It should be noted that services to mentally handicapped children had always been a provincial responsibility. However, historically, these services were limited to the medical residential care provided by 'Woodlands' and 'Tranquille', hospitals meant to service the entire province. The various expert, user, and patient groups centered around these hospitals proved to be such a potent force for change that the ministry created a specialist stream within itself during its reorganization of 1988. While the importance of advocacy groups created by the newly self-aware and vocal population of the handicapped (and other interested groups) is profound, it is outside the present topic and, therefore, will not be addressed directly. However, it is entirely likely that the advocacy groups formed on behalf of the mentally handicapped provided, if not a model, certainly an enthusiasm and belief in both the necessity and possibility of change throughout the child welfare apparatus.
The Community Resource Boards (1972-1977)

The election of the New Democratic Party (NDP) in 1972 began the radical reshaping of social services in British Columbia. This reshaping had been signaled with the release of the report of CELDIC and it was the *ethos* of multidisciplinarity and localism of CELDIC that formed the backdrop for the new government’s legislation, which dissolved the multitudinous philanthropic and municipal organizations concerned with child welfare and replaced them with Community Resource Boards (CRBs).4

The CRBs were designed as locally autonomous elected boards whose responsibilities included the administration of staff concerned with statutory responsibilities, non-statutory support services, and the dispersal of a relatively small budget designated as “community grants”. Local CRBs had full autonomy on how community grants were spent provided they generally advanced the social well being of CRB populations. The service delivery model was to be a one-stop shop model located at the neighborhood level.

The CRBs were designed to be independent of one another, but the first CRBs were formed in the City of Vancouver whose size generated an umbrella board called the Vancouver Resource Board (VRB). Locally elected boards administered the CRBs, although only a few managed to establish an electoral process before they were dissolved. The directors of the VRB board were originally self-selected from among elected members of city council, the city’s Parks Board, the School Board, and local CRBs

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4 In Clague et al’s timeline, the takeover of the Children’s Aid Society and the Catholic Family and Children’s Services by the provincial government was announced in October 1973. In January 1974, the province absorbed The City of Vancouver’s Department of Welfare and Rehabilitation as well as the wide variety of social welfare apparatuses formerly operated by other municipalities. That same month the first CRB was elected even though its authorizing legislation did not pass the Legislature until the following June. Overall, all these changes happened more or less simultaneously during the second year of the New Democratic Party’s mandate.(Clague et al 1984, Appendix B).
together with provincial civil servants appointed by the provincial government. Both the concentration of resources in Vancouver and the sheer size of its budget meant that the VRB was to become by far the most powerful influence on how the CRBs eventually developed, and was also the last Board dissolved. The advanced development of Vancouver’s CRBs, as well as the scale and diversity of services in Vancouver, means the Vancouver experience can be taken as a microcosm of the province as a whole. Each CRB had its own particular set of problems to address, and its own particular strategies for addressing them, but the larger questions of resource and budget allocation, community rivalries, and general applicability of policies were certainly not unique to Vancouver.

As described by Clague et al (1984), the energy behind the remaking of British Columbia’s social services came from a relatively small group of people under the direction of Norman Levi, the Minister of Rehabilitation and Social Development containing the Department of Human Resources. “Levi was a prominent critic of the welfare system, and his ideas had occasionally conflicted with those of the private agency establishment” (ibid., 30). Levi’s authority to launch radical change was not entirely confined to his position as a minister of the government but also his previous activist background, and the network of relations that had created. The reforms instigated by Levi did not depend upon an articulated overall plan or follow blueprints created by a formal inquiry; therefore the creation of the CRBs took on a seat of the pants character.⁵ A universal desire for change of some sort had been simmering for some time, and while there was no consensus as what particular changes ought to be made, the general mood

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⁵ As a member of a cabinet committee concerned with social issues, Levi was a co-institutor of the Berger Commission. However, the Berger Commission’s Report was published after the CRBs had been instituted and legitimated in legislation.
created by Levi and his acolytes was to get things done and worry about problems as they arose.

Because of CELDIC, the general model of local integrated services with a preventative character was “in the air”. Indeed until its election, many of members of the new government had been CELDIC’s advocates in the political arena. Instituting it, therefore, was not entirely a top-down maneuver. For example, the government consulted with the Social Planning and Review Council (SPARC) (which had previously been involved trying to implement the CELDIC report in many of British Columbia’s municipalities), the United Way, and the boards of other philanthropic organizations.

The Community Resource Board experiment lasted a mere two years although a modified Vancouver Resource Board survived a further year. Due to the government’s seat of our pants strategy, the provincial CRBs developed in an uneven manner. It was in Vancouver they attained their most advanced form, and it is in Vancouver we see the genesis of many of the issues that have preoccupied the community social services sector for the past thirty years. Moreover, the collective memory of the VRB remained a potent force long after its formal dissolution. Several of the energetic young characters who believed they were remaking Vancouver’s social services during these years reappear in the inquiries of twenty years later – often as senior provincial bureaucrats.

Several important points arise from the CRB experiment and its influence upon future developments in child welfare. First, CRBs are unique in the province’s social services history because the neighborhood publics they serviced elected them. Ideally, those most affected by the social services sector were to have a direct say in how those services were organized and delivered. In keeping with this principle, the employees and
clients of the CRBs were able not only to vote, but also run for Board positions within their local CRB. As well, the VRB held monthly public meetings at which anyone could raise pertinent issues. Hence, the Boards had the freedom and impetus to define what social services and social problems were. Boards could become involved in issues more usually the preserve of other levels of government such as tenants’ advocacy and traffic flow. In particular, the VRB was not shy about directly attacking the provincial government over such policy issues as levels of income support. It was the activist role of the CRBs that led them into conflict with city government and, eventually, with the province.

In Vancouver, the CRBs’ elective nature posed a challenge to the city’s electoral system. Vancouver did not have a ward system, which meant the city’s total population elected the mayor and aldermen. In consequence, a disproportionate amount of political power was concentrated within the wealthier ‘west side’ of the city. City politicians tended to view the creation of CRBs as a covert ward system threatening their established power bases (Informants #2; #3). The City of Vancouver was not unique in its opposition to the CRBs; they were also condemned by the Union of British Columbia Municipalities, suggesting a more general mistrust of the CRBs by municipal government and, eventually, by the provincial government (Clague et al 1984).

There is one further point to be made about CRB elections. The Boards were new, and because their elections were not held in conjunction with municipal elections, voter turnout was very low – fifteen percent at best. As well, if a Board member resigned there was no clear understanding whether a by-election was necessary or the other Board members could appoint a replacement. In practice, both strategies were used (VA 548-C-
3, file 5). The question is, therefore, were the boards truly legitimate and democratically chosen representatives, or were they merely a kind of self-electing and self-interested club composed of employees and service users? The answer cannot be established with any certainty because the Boards did not survive long enough to develop a strong public presence. However, when the provincial government abolished the CRBs there were massive public demonstrations in Vancouver. Informant #2 estimated some fifty thousand people marched in support of the Boards (see also: Schreck 1981). This certainly indicates a strong sense of ownership on the part of a significant percentage of the city’s population.

Second, it is important not to overemphasize the power of the Boards. Because they had no control over statute they were largely irrelevant to income support and child protection legislation and policies. They could, and did, try to meld and deliver these statutory services into their neighborhoods through the one-stop philosophy but they had no influence upon statutory definitions of, for example, child abuse. Indeed, they had not even the power to self-define the communities they represented. These were established by the provincial government and were exclusively geographic in nature. Nevertheless, the neighborhoods were traditional in the sense there is little evidence of boundary conflict and, even today, provincial social service delivery systems are largely organized around the same boundaries.

Since the Boards had no influence upon statutory services (although these services consumed the bulk of their budgets), they concentrated upon the community grants over which they did have control (VA 548-C-3, file 5). These community grants provided the initial organizational and funding seeds that were later to germinate into the
community social services sector. The emphasis on discretionary money began to define a split between provincial child protection and local preventative and/or community development services that later became a dominant site of contestation. For example, at the VRB meeting in December 1975, the representative of a west side CRB complained that allocating community grants on a needs basis amounted to a subsidy of what were properly statutory services and, therefore, provincial responsibilities (ibid.).

Other problems arose with respect to agencies whose programs were citywide. At least one such agency approached the VRB for direct funding on the basis that its clientele were drawn from several CRB neighborhoods but were rebuffed because of concerns that CRBs independently funding similar services would object (ibid.). Then again, staff in some citywide programs expressed concern that decentralizing their functions to the community level would dilute their expertise and collegiality (ibid., file 9). They argued that while CRBs may be experts on their local needs, they were not necessarily experts on how to deliver programs to meet those needs. In this sense, citywide services argued for expert knowledge and service economies of scale.

Related to the developing schism between preventative/community development and statutory services within the Boards was the persistent problem of variable foster care resources. CRBs with large child protection problems seem to have lacked a sufficient population pool from which to recruit foster parents. In November of 1975, David Schreck, the manager of the VRB, wrote: “There would always be a need for a central service covering [foster care] resources as there will always be a need to cross boundaries for resources and for some shared resources” (ibid., file 5). Although the hope was that as the CRBs became established they would each be able to develop their own resources,
there was clearly a concern that for city-wide services this strategy would lead to a loss of focus and expertise (ibid., file 10).

A third issue, then, was the problem of equity. If clients moved from one neighborhood to another, should they expect to find the same services available or should their originating neighborhood remain the service provider? Could clients shop for services in other neighborhoods? A proposal to permit CRBs to bill one another for services was rejected (ibid., file 5). The issue was not simply that some CRBs had fewer social problems and therefore could spend their community grants monies on less focused social services, but that differing CRBs had different philosophical approaches leading to differential services between neighborhoods (Karpoff 1981). As the CRBs began to operate, the problem of equal distribution of funding became an issue.

The actual distribution of grants among the 13 CRBs [in Vancouver] is reflective more of the lobbying and grantsmanship abilities of groups within the area than it is of the areas' need for services.... Those who can present well-articulated proposals, who can lobby for support and organize supporters, generally tend to receive grants... There is generally high correlation between those areas where accessibility to services is low, the quality of service is poor and people's income is low, preventing them from privately obtaining alternative services. (VA 548-C-3 file 15.)

The issues became distilled into whether the distribution of funds should be based upon need or population. To try to overcome the problem of neighborhoods squabbling over funding and resources, the VRB used its umbrella capacity to initiate a study of city

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6 The quote is contained in a Report titled "Allocating Community Grants Funds in Vancouver" written by Brian Collins and Janice Hayward, two managers from the community grants program of the VRB and David Rosenbluth, a researcher for the Department of Human Resources (DHR).
social services. The studies’ resulting Report came to be known as the Rhonda Howard Report.\footnote{The complete Report can be found in VA 548-C-3 file 15.}

Generally speaking, the Howard Report provided the data for what was already widely known. Some neighborhoods had less social problem indicators for their population size, some were more or less average, and some had far more indicators than the population warranted. Moreover, the distribution showed the further west one went, the fewer the indicators, while indicators for the downtown core and areas just east of it were more numerous than average. (CRB Map, Appendix). It is a tribute to the spirit of cooperation the VRB produced that it was able to create an agreement appropriating funds on a needs rather than population basis. Moreover, the use of specific indicators such as proportion of elderly citizens, proportion of low income households and single parent households enabled the CRBs to target their funding toward programs needed by their neighborhoods instead of those advanced by privileged, more articulate interests.

Fourth, the policy arena represented a significant area of disagreement. The Howard Report managed to create an agreement over resource allocation methods but this did not resolve the problem of whether Vancouver’s CRBs should set their own policies or whether policy should be the standardized across the city. For example, differences on the issue of confidentiality and cooperation with the police arose between different CRBs (VA 548-C-3 file 10). One wanted to share knowledge with the police with an eye to controlling juvenile delinquency while another was opposed because its primary clientele were unemployed singles and presumably more subject to police harassment. An interesting subtext of this disagreement is that the chair of the latter CRB signed a letter on the topic under her CRB’s letterhead, and co-signed a similar letter
under the letterhead of a local residents' association indicating some confusion as to who
legitimately spoke for the neighborhood. It appears particular activists used multiple
organizational memberships to shift their persona inside and outside government
apparatuses depending on the issue at hand.

Other rivalries were also present and at times the role of the VRB seems to have
been more conflict resolution than policy setting. For example, a dispute arose between
different tenants' rights groups each of whom came to the VRB seeking its approval
(ibid., file 9). Similarly, in 1976 the VRB found itself closing a residential unit because a
branch of the American Indian Movement had occupied the premises (ibid., file 11).

A final key point in the history of the CRBs is the issue of financial management.
This issue became important in the political arguments advanced to legitimate the
abolition of the Boards. In December 1975 a new Social Credit Government was elected,
and a new minister of Human Resources, William Vander Zalm, was appointed. Within
two months the CRBs were abolished; Vander Zalm alleged financial mismanagement as
his prime rationale. According to David Schreck, this criticism was unfounded since in
the three years of its operation the VRB had melded the confused mass of government
and private agencies into a single accounting apparatus (Schreck 1981). Indeed, the
organization of financial and management systems had consumed much attention and
energy during the first two years of the VRB's existence (Informant #2). Symptomatic of
the VRB's value for money concern was the directive issued by the Board (July 1975)
requiring its staff to ensure "that the best dollar value is obtained" for community grants
money (VA 548-C-3 file 5). In many respects, the VRB accomplished on a small scale
what the Korbin Commission was to attempt on a provincial scale twenty years later – the
rationalization of service delivery and accounting practices such that it was possible for government to know what it was paying for and how much it was paying. Indeed, one may judge the success of the VRB by observing that even after its abolition much of its infrastructure was simply absorbed into the provincial government.

Nevertheless, the CRBs were abolished. Their elected boards were downgraded to advisory councils and most eventually withered away. However, some incorporated themselves into societies and continued to champion local input into community social service design and delivery. The community grants program was absorbed into the provincial Ministry of Human Resources and the provincial civil service then distributed funding. But while the master may have changed, to some extent the people remained in place. In part, grants were renewed due to the personal networks created through the VRB. On the other hand, according to one former CRB manager, lack of local oversight resulted in any organization with rudimentary grantsmanship skills gaining access to government funding (Karpoff 1981).

The Community Resource Board experiment remains a watershed moment in the history of social services in British Columbia. They were the first attempt to rationally organize social services while stimulating local autonomy. During their brief lives, the CRBs wrestled with the problems of balancing statutory responsibilities with preventative services; specialized and centralized expertise against local one-stop access; and the need to account for how much money was being spent and on what. Perhaps most importantly, the CRBs experimented with the creation of self-aware communities and confronted the

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8 For example, Brian Collins worked in the Community Grants section of the VRB. In the early 1990s, Collins was an Area Manager working for the provincial Ministry of Social Services. A significant part of Area Manager’s responsibilities were the negotiation and monitoring of Purchase of Service Contracts with community social service agencies.
difficulty of creating a workable balance between community solidarity, community rivalry and the relationship of communities to central government. In the chapters that follow, these themes will be repeated again and again.

_centralization of social services (1977-1982):_

The period between 1977 and 1982 saw the centralization of social services within direct government. The Ministry of Human Resources (MHR) was administratively organized into regions throughout the province, which were further subdivided into District Offices. District Offices contained both income assistance and child protection services and, generally speaking, their catchments were not significantly different from the boundaries of the CRBs. Specialized residential resources reverted to provincial control so for a short time the province absorbed VRB group homes and their staff become provincial government employees. The large institutions for the mentally disabled remained a provincial responsibility as they always had been. A Family Support Worker program introduced in 1978 was designed to alleviate the loss of in-house or one-stop preventative services. An important source of funding called Special Services to Children, begun under Levi, continued through contracted agencies. These agencies, together with the remnants of programs funded through community grants and groups of government employees invited out of the civil service in 1982 formed the central core of what was to become the contracted community services sector.

It is an historical peculiarity of British Columbian politics that the political party traditionally on the right of the political spectrum – Social Credit – often behaved as if it were leftist, while the nominally leftist party – the New Democratic Party – sometimes took a rightist stance. For example, Social Credit governments nationalized both the
power industry and the ferry system while the New Democratic Party's championing of local autonomy through CRBs can be read as a kind of libertarianism and anticipation of the communitarian movement. In the same contrarian spirit, it was the nominally conservative Social Credit government of 1976 that dissolved the CRBs and brought all government funded social services under the direct control of government. The net result was a much bigger and more centralized state apparatus than had existed prior to its tenure in office. To some extent, the new centralized apparatus could claim to be less interventionist as a matter of policy, but where interventions did occur they were now direct interventions of the state.

Redefining Government through "Restraint"

In 1982 the province was mired in a deep recession. The government's response was to initiate what it termed "restraint", a program designed to prevent deficits by curtailing government expenditures. In fact, only during 1982 did the government actually deliver a balanced budget. In 1983 there was a small operating deficit, which grew with each succeeding year. As accountants and auditors Peat Marwick Thorne would later describe, out of date and deceptive accounting practices were used to hide the true cost of government (Korbin Box 5, file 1466).

The restraint program did not prevent the government creating operating deficits but it did provide the rationale for shrinking the civil service and contracting out government services to the private sector. A more detailed analysis of the process is provided in chapter eight. For the moment, it is sufficient to state that government presented the privatization of government functions as an achieved consensus across the political spectrum (ibid., Box 9, file 3838). In June 1985, a conference entitled
"Implementing Privatization and the Successful Transfer of Government Services to the Private Sector" was held at the University of British Columbia. The conference included a paper given by Perry S. Kinkaide, Director of Corporate Development for the Alberta Ministry of Social Services and Community Health (ibid., Box 6, file 1570-1599). While noticeably short on empirical data, Kinkaide’s paper extols the virtues of private and community based services as a means of realizing the Alberta government’s intention to reduce direct intervention by government into personal and family matters.

Kinkaide’s description of Alberta’s privatization of social services does not claim reduced government expenditures. Instead, the paper extols the virtues of decentralization as a means of stimulating local economies and returning decisions concerning rights and responsibilities to the non-public sector. Kinkaide’s assumption that non-public services were more flexible, efficient, responsible, and cutting edge was typical of governments of the time. According to Hodge (2000, 8), worldwide some 6,800 state-owned enterprises were privatized during the 1980s. Much of this trend represented the sale of government owned assets and enterprises, but the privatization of social services was also an international trend.⁹

In British Columbia, the cost of government continued to grow throughout the 1980s, while the restraint program reduced the size of direct government. The discrepancy is explained by the increased use of Purchase of Service Contracts (referred to in government documents as POSCS), which created both a “shadow work force” (Hunter 1993, A1; 1994, A2; Korbin Report 1: 44), and an entire sector of personnel who, while not direct employees, contracted their services exclusively to government.

⁹ See the collection of essays edited by Perri 6 and Kendall (1997) for accounts of privatized social services in the United Kingdom, the United States, Italy, and Austria.
Indeed, as the Information Technology Association of Canada was later to complain, so-called private companies were being formed whose sole purpose was to provide government services. These companies were usually created with the collusion of government managers who preferred contracting with people they already knew rather than the extant private sector (Korbin Box 1, file 316-385).

For social services, the overall effect was to jettison preventative services to the private sector. 10 As the Ministry of Human Resources (later renamed the Ministry of Social Services) shrank, the Family Support Worker positions were eliminated and the ministry became tightly focused upon child protection services (Notes, 181). This meant the ministry had three functions: income support, the investigation of child abuse complaints, and guardianship responsibility for the children under its care. 11 Indeed, as the government downsized and de-institutionalized it no longer provided direct residential care. Those group facilities absorbed by government upon the abolition of the CRBs were now privatized and, ideally, were independently run by new agencies formed by former government employees.

The government’s Privatization Group issued a privatization manual in May of 1989. The manual appears to have been issued to describe the government’s de facto privatization policy rather than to initiate the program. Echoing the Kinkaide paper, the manual claimed to be in step with government policies across the political spectrum. It

10 Government figures for the period 1982 to 1992 showed that expenditures on contracted services for communities, families and children rose from $107 million to $315 million. Contracted full time equivalent employees (FTEs) increased from 4,330 to 10,570, while government social work FTEs were reduced by 735. The number of social workers actually increased (from 821 to 979) but this increase was offset by the termination of 259 in-house Family Support Worker positions. (Notes, 167)

11 Care for the handicapped had always occupied a sort of in-between zone between government ministries. However, during its reorganization of 1988, the ministry acknowledged its particular responsibilities for handicapped children by creating a separate administrative stream called Services to the Mentally Handicapped.
assumed privatization delivered high quality standards while stimulating productive and creative environments for employees. In addition, privatization was said to bring government closer to the people because government becomes more responsive when it concentrates on what it does well – managing and providing services the private sector cannot deliver. Moreover, privatization was said to deliver new business opportunities and jobs while providing cost savings to government. For social services, the manual’s statement of principles states flatly: “government’s role is that of a manager: it should determine the nature and scope of social services and should play the role of planner, facilitator and catalyst for the economy” (Korbin Box 9, file 3838).

Two years later, the ministry issued A Guide to Contract Management, which set out the nuts and bolts of how ministry managers were to contract with the non-governmental sector. Its third principle is worth quoting at length:

The third ministry principle is the commitment to partnership(s) with the community. A business relationship with service providers means there must be accountabilities that are specific to the contractor and those that are specific to the ministry. Sound business practices reflect an understanding of the legal boundaries of the “independent contractor” status and the need for mutual respect in information sharing and payment procedures that are consistent and reasonable.

Partnership with the community also means working with parents, relatives, other ministries, agencies, and interest groups by involving them in planning, problem solving, monitoring and information sharing. It means having a proactive involvement with the contracting community to ensure the availability of service providers and promoting long term partnership arrangements when these are appropriate for client well-being. (Korbin Box 5, file 1475-1476.)
On its face, the statement is confusing. Communities, it seems, are partners with
government, but only insofar as that partnership is arranged upon sound business
practices and a legal boundaries. Communities, then, are independent contractors. But as
the second paragraph states, communities are also those parents, relatives, agencies, other
ministries, and interest groups with which government works. (Client involvement is
dealt with under the first principle.) In any event, the most significant part of this
principle is its call for pro-active government involvement in constructing a private
contracting sector responsible for service provision. The communities that a privatizing
government needs – namely independent contractors – do not necessarily exist but must
be created by a pro-active and managing government.

In point of fact, for social services, the privatization practices of government
simply widened the existing gap between government child protection services and
preventative social service agencies. Much of the friction between government and
agencies stemmed from government’s desire to contract only with agencies defined by its
child protection and income support mandates. This meant agencies that defined
themselves through advocacy, community development, or some other theory of social
services’ purpose were constantly in conflict with a government they saw as remote and
overly rule-bound (Rekart 1997). In submissions to inquiries, community agencies
repeatedly describe government as neither part of community, nor in partnership with
communities, but a coercive force outside and beyond community.
The Berger Commission:

In January of 1974 the government commissioned Judge Thomas Berger\(^\text{12}\) to conduct a Royal Commission "into all aspects of the laws in force in the Province which relate to children and family relationships; into the administration of justice relative to these laws; and into the need for alternative or ancillary social agencies and services to augment to courts in these matters" (Berger, (5:1, 1). The Berger Inquiry was a massive affair eventually producing a report in thirteen volumes with the last volume dated January 1976. In addition, the commission generated an impressive amount of background documentation in the form of discussion papers, progress reports and summaries of works in progress. Volume five of the Berger Report is solely concerned with child protection legislation, which, at the time, was the 1946 Protection of Children Act (PCA) and widely considered out of date. In fact, it was Berger’s opinion that there had been no significant change in child protection legislation since 1903 (ibid., 6).

The Berger Report was addressed to a cabinet committee composed of the Minister of Education, the Attorney-General, the Minister of Health and Hospital Insurance and, Norman Levi, Minister of Human Resources. Throughout the life of the Berger Commission, Levi was primarily occupied with the creation of the Community Resource Boards (CRB) and, while some of Berger’s recommendations dovetailed with the basic philosophy behind the CRBs, strictly speaking the commission completed its work after the CRBs were an accomplished fact and a mere eleven months before the New Democratic Party exited government. On the one hand, the material impact of the Berger Commission was minimal since its only discernable consequence was the

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\(^\text{12}\) Thomas Berger had been the leader of the New Democratic Party during the late 1960’s. His appointment, then, was made by his immediate successor to leadership of the Party.
establishment of a Unified Family Court pilot project. On the other hand, some of the authors of the Commission’s background documents reappear in various guises in the reports of the 1990s.\textsuperscript{13} It may be, then, that the Commission’s real value was not so much to produce a thorough examination of child abuse and child protection knowledge as it then stood and speculate on what that might mean for both law and government, but the creation of personal links between active members of the child welfare professions who then carried this knowledge and speculation into their practices and professions after the Commission finished its work. With this in mind, of the many issues raised by Berger the two most useful for present purposes are his emphasis on what would later be termed “least intrusive” or preventative child protection practices and the introduction of the concept of legally protected children’s rights. With respect to practices: “A judge or panel should have a wider range of dispositions in these [child protection] cases, so that imaginative child care programs will be legally sanctioned” (ibid., 6).

Berger’s overall position was that the extant legislation was too old fashioned in its description of child abuse within characterizations of moral depravity, too restrictive insofar as children could only come into care by court action, and did not contemplate – or at least emphasize – the rehabilitation of parents. Since Berger was anxious to introduce emotional abuse as a sub-category of child abuse subject to state intervention, it was clear that not only did the old statutory reasons for removing children from their parents need a radical rethinking, but also that the conception of something called emotional abuse had its genesis within a therapeutic rather than a moralizing or criminal

\textsuperscript{13} Perhaps the most obvious case was Jack MacDonald who, in addition to writing background material for Berger also made submissions to both the Review Panel and Gove Commission. By the early 1990s, MacDonald had become Professor Emeritus in the School of Social Work, University of British Columbia. In addition to participating in the Review Panel’s round tables, he was commissioned by Gove to produce a background paper on child protection intake.
discourse. Indeed, the very use of the term abuse by Berger indicates the Commission’s thinking was far ahead of most contemporary thinking within government bureaucracies and even academic circles (See chapter 6).

As radically forward thinking as Berger’s recommendations were with respect to entwining therapeutic approaches and legal procedures within expansive definitions of child abuse, it was his proposal for entrenching children’s rights within legislation that was perhaps his most radical theme. Placing children’s rights within a general category of human rights, Berger wrote: “The concept of children’s rights, enforceable by law, is a major theme of this Report and of proposed legislation” (ibid., 4). Berger suggested twelve particular rights (See Appendix), which reflected debates evident in the Commission’s background documentation.

Bradford Morse’s (1974) summary account of the Special Services Working Group identifies the question of against whom actions for breach of children’s rights might be taken. Morse’s recommendation to Berger was that children should have the right to sue parents where their parents are “unwilling but able” to provide for children’s needs. However, should parents be willing but unable to meet those needs, then both the child and parents should have the right to sue the government on the grounds that ultimate responsibility for meeting the needs of children rests with the state. Furthermore, since parents and the state may be defendants in a children’s rights action, the

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14 This is not to say that child welfare practices of the 19th and early 20th century were not grounded in the therapeutic models of the day. Foucault (1979), Donzelot (1997), Parr (1980) and numerous others have traced therapeutic practices designed to tackle the problems of child neglect and juvenile delinquency. Berger’s distinctive contribution was to try to embed a therapeutic orientation within both child protection legislation and the practices of the court. In this sense, Berger conceived the courtroom as a kind of therapeutic milieu, and judges as part of a therapeutic team. This was very different to the spirit of the PCA in which the judicial interest was limited solely to deciding whether children should be in the care of the Superintendent. The focus of court actions initiated under the PCA was parental lapses rather than the state’s therapeutic capacity.
representation of children should be vested within a third party – namely a child advocate.

It seems clear that what Berger and his staff had in mind was not only the protection of children from pathologically abusive parents, but also the entrenching of a child-rights based obligation on the state to meet children’s needs. The proposed legislation, then, was not negatively conceived as “protection from” but also “provision for”: a positive obligation on the state to provide for each child’s individual needs. So, for example, if parents were unable to meet the needs of their children – whatever those needs may be – because they lived in poverty, the state would have a positive responsibility to provide sufficient funds for parents to meet those needs. Berger’s third right, then, states children have a right to “health care necessary to promote physical and mental health” (emph. added. Berger Supplementary Report, 15). Taken in the context of emotional abuse (or, as Morse termed it, “environmental neglect”), this suggests children should have a positive right to the normal emotional and environmental characteristics of childhood. Where children’s parents were either unwilling or unable to make such provision, then the state would be obligated to remedy the situation.

Berger’s emphasis on child protection law as part of a therapeutic milieu, and the conception of children’s rights as a positive burden on the state, would reemerge in the deliberations of the Review Panel some twenty years later. However, in the interim, the Berger Report was more or less shelved. In 1980, the PCA was retired and replaced by the Family and Child Services Act (F&CS). The new act was notable for its brevity. While it did break with the PCA by updating the grounds for the removal of children (although emotional abuse did not appear), and it did provide for agreements between

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parents and the ministry for the voluntary and short term transfer of custody from parents to the state, the F&CS was almost exclusively concerned with the removal of children whose “safety and well-being” was “in need of protection”. There was no positive obligation on the state to provide for children’s needs, no therapeutic theme, and no statement of children’s rights. Furthermore, the actual writing of the F&CS was shrouded in secrecy. There was no public discussion, no white paper, and its authors were never publicly identified. Overall, the F&CS was a classic example of what the Review Panel would later describe as a “residual approach” to child welfare.

Conclusion:

The major themes of this historical sketch can be summarized as follows. First, there is a persistent tension between the ethos of localism and multidisciplinarity balanced against the need for a centralized coordinating body capable of taking advantage of financial and expert economies of scale. In the CRBs, the tension took the form of disputes over the appropriate relationship between centrally regulated statutory services and local preventative or community development initiatives fostered by the CRBs through the community grants program. With the demise of the CRBs, the provincial government established itself as the central and sole source of policy and funding. Because the provincial government continued to control funding and policy, centralized control remained in place even after the restraint program launched the privatization of child welfare services.

Second, government’s justification for eliminating the CRBs was largely couched within financial terms because local authorities were said to be less financially

15 The lore that I learned when I worked for the ministry during the 1980s was that a small group of senior bureaucrats wrote the statute during a weekend retreat. Whether this was true or not I do not know, but I mention it because this widely held belief was always a tacit explanation for the F&CS’s shortcomings.
responsible than centralized government. As a by-product, centralizing the community
grants program within the ministry meant the government became the final arbiter of
what constituted necessary non-public child welfare services. In 1982 this rational was
suddenly reversed. Under the restraint program, local service delivery was described as
both more efficient and responsive to local needs and an important source for the
stimulation of local economies. Moreover, local non-public agencies were thought to be a
means of maintaining and expanding social services while lowering the cost of
government.

Third, the tension between the statutory responsibilities of child protection and the
ambitions of child welfare agencies is noticeable in the CRBs and became an enlarging
chasm as government retreated within its protection mandate while simultaneously
privatizing preventative and supportive child welfare services. Where the CRBs had
attempted to ease the tension by placing all services into one-stop local centers, the
separation of child protection within government from child welfare located within a non-
public sector was complete by 1992.

Fourth, and related to the third point, the question of the purpose of child
protection was a central theme of the Berger Commission. In Berger, there is a concerted
effort to enlarge the existing definitions of child abuse and an ambition to focus
legislation away from ‘protection from’ maltreatment and towards a focus on ‘provision
for’ children’s particular needs. Moreover, the provision of services was predicted upon a
child rights regime placing a positive obligation on government to ensure all children
shared an equal opportunity for a normal childhood. Hence, in Berger, child protection is
presented as inseparable from child welfare through a conception of children as rights-
bearing citizens. Berger’s vision was specifically rejected in 1980 when child protection legislation was rewritten to emphasize the state’s role as ‘protection from’ the endangerment of children’s safety and well being.

Finally, while political shifts and their attendant administrative effects give a sense of radical change, the period also created a number of stable actors. I have mentioned Brian Collins and Jack MacDonald by name, but they are merely two names among many. A more theoretical treatment of this process will be given in chapter five, for the moment let it be said that these more or less stable actors and the networks of personal relations they created have to some extent tended to blunt the effects of announced policy shifts. Moreover, the *ethos* of multidisciplinary child welfare localism has never been entirely absent. As we shall see in the following chapter, the major players at the forefront of events during the 1990s were not always specifically aware of the sources of the *ethos*, but its presence was undeniable. The spirit of the CRBs and Berger Commission were not extinguished when they were dissolved. Instead, they became a kind of folklore circulating through the various governmental and non-governmental apparatuses created in the 1980s. This folklore would reemerge in the 1990s in the form of submissions to formal inquiries.

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16 Two personal anecdotes may elucidate the point. In 2001 I attended a private retirement party for a former ministry District Supervisor. The Supervisor had begun her career in 1975. Also at the party were a former Area Manager, two Regional Directors and a bureaucrat of Deputy Ministerial rank. When I described this research project, the retiring Supervisor claimed “they got it right” with the report of the 1960s. Everyone in the room agreed although no one remembered the name of the CELDIC Report. Since virtually everyone in the room had either recently retired or will retire in the next few years the conversation shifted to whether the *ethos* of the CRBs and CELDIC would retire with them. Most seemed to think it would, although given the enormous mentoring influence of these particular people this seems a somewhat pessimistic judgment.

One might also speculate on the importance of place. In 1991 I joined a child protection team in Vancouver. While searching for a car seat in the storage room I came across stacks of VRB forms. The support staff had never thrown them out because, as I discovered, they had never heard of the VRB. However, there was a core of long-serving social workers in the office who found my discovery quite amusing. The discovery drove home the point that despite changing letterheads the place remained and, even of this writing (2003), it is still a ministry office.
Chapter 4

The Era of Inquiries (1992 and Beyond)

The return of the New Democratic Party as government in 1992 began an era of inquiries. Evidently mindful of its previous short sojourn in government, the Party declined to introduce radical changes to social services through a seat of the pants approach. Rather than simply making changes based on the opinions of a relatively small group of people, the new government sought a thorough examination of the state of government and its child welfare apparatuses through formalized input from group interests and the public at large. The government’s approach was to establish public inquiries to guide its legislative and policy practices.

Collectively, the inquiries are remarkable because they are relatively contemporaneous. The Commission of Inquiry into the Public Service and Public Sector (Korbin Commission) was established in March of 1992; the Community Panel, Family and Children’s Services Legislation Review in British Columbia (Review Panel) in November of 1992; and the Gove Inquiry into Child Protection in British Columbia (Gove Inquiry) in May of 1994. While the same sitting government commissioned all three inquiries, each had a different tasks, reporting procedures, and internal structures. Moreover, to a significant extent each reflected the vocational and social location of their principal inquirers. In turn, the selection and relative weight given to various forms of expertise and knowledge, the articulation of apparent consensus in their reports, and the evaluation of possible relationships between government, communities, and citizens, varied according to the ethos created by the various inquirers, their staffs, and their institutional positions. In particular, the Gove Inquiry differs from the Korbin
Commission and the Review Panel because it was a reaction to press accounts of a particular event – the criminal conviction of a mother for the death of her child in 1992. The following descriptions focus upon these similarities and differences and provide a general overview of the larger institutional contexts of inquiry submissions.

The Korbin Commission:

Upon election in 1992, the new government set about implementing its objectives. In particular, the Korbin Commission was predicated upon the possibility and efficacy of rationalizing government. Within this objective an examination of what had become known as the “shadow work force” (Korbin Report 1: 44) was envisioned as a central task. According to the province’s Office of the Comptroller-General, the previous government had utilized the contracting process to bypass the cumbersome procedures required to create new employee positions (Korbin Box 9, file 3655). As a result, it was unclear how many were legitimate contractors and how many “in fact and in law” were government employees. Since virtually all contractors were retained through the same general Purchase of Services Contracts (POSCS), it was difficult to determine the actual size of the civil service; no one knew how many contracts individuals held and how many multiple contracts were held by private organizations. The genesis of the Korbin Commission lay in the new government’s conviction that it could not get its fiscal house in order if it did not know who were legitimate employees and who were private suppliers, and how far the confusion between the two extended. Hence, all governance structures came under scrutiny: the province, municipalities, school districts, hospitals, crown corporations, universities and colleges, and private enterprises supplying government with goods and services. What was sought was an accurate snapshot of
government as actually practiced and how much it cost, as well as a rational plan for bringing order to what was seen as a confusing mass of jurisdictions, institutions and funding arrangements.

During the fifteen months of its life, Judi Korbin was the sole commissioner of the “Commission of Inquiry into the Public Service and Public Sector”. Her background was in human resources, most recently in Canada’s airline industry. Specifically, she had been responsible for combining the independent workforces of Pacific Western Airlines and Canadian Pacific Airlines into a single employment unit when the two corporations merged to become Canadian Airlines. Korbin’s expertise was established, then, not simply through her experience with human resources issues but also because her experience situated her outside of government proper. Her public legitimacy was presented both positively – she had taken on a difficult human resources problem and succeeded – and negatively in the sense that she was neither a career bureaucrat nor associated with party politics.\(^1\)

To assist her Korbin had a commission counsel, four project directors, and a small support staff. As well, there was an advisory committee of seven persons drawn from an initial list of twelve representing various government, academic, union, and private industry groups. (ibid., Box 7, file 1603-1604).

The Commission’s terms of reference were expansive, encompassing virtually every facet of direct and indirect government service. “The broad public sector employs some 300,000 individuals – about 20 per cent of the provincial workforce – who will receive 60 per cent of the 1993-94 provincial budget of $19 billion as compensation”

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\(^1\) Korbin had been a member of the New Democratic Party but attempts to discredit her through the popular press were short lived. See (Hunter 1992, 4[B]). See also: (Stueck 1989, 4[NS Extra]) on Korbin’s award as a “Woman of Distinction” by the YWCA.
(Korbin Report 2: A1). To some extent the size of the workforce was a guess, particularly as it related to contracted social service delivery. For while the Technical Report commissioned by Korbin revealed that community social services were responsible for $628 million in expenditures (a total achieved by combining contracts from several different ministries), it was by no means clear how many employees actually worked in the contracted sector nor how much overlap there was between community social services, community health, and community corrections programs (Korbin Box 18, file 6316). Korbin’s mandate, then, was little short of a review of the entire public service and public sector, initially diagnostic and then prescriptive.

Korbin’s methodological approach to information gathering included sponsoring five conferences, arranging public and private meetings, conducting a survey of compensation packages, researching background articles, and receiving “over a thousand written briefs and letter submissions” (Korbin 2: B3). The briefs and submissions form the core data for my review and their enumeration must be understood as somewhat deceptive. The records of the Korbin commission are not neatly ordered as submissions, but are found scattered throughout various boxes of archived documentation. This means the distinction between what counts as a formal brief, and what counts as correspondence is blurred. Moreover, obviously formal submissions are almost exclusively from relatively large organizations; often supported by numerous letters from subordinate member organizations. For example, the Continuing Care Employer Relations Association (CCERA) gave a formal submission but it also gave an analysis of its rival, the Health Labour Relations Association (HLRA), and coordinated a letter writing campaign by its membership. For its part, the HLRA gave a detailed submission, a
discussion paper, and a description of its organization, membership and functions. A similar pattern is evident for the public education sector where the two main players, the British Columbia Teachers’ Federation (BCTF) and the British Columbia School Trustees’ Association (BCSTA) provided briefs, but their member groups also created much correspondence – sometimes in the form of briefs but also through relatively informal letters. Hence, these groups claimed global expertise and knowledge through their central coordinating bodies and local expertise through their subordinate membership.

Initially, community social services were not included within Korbin’s mandate. According to an informant (#4), it was only because of the enthusiasm and persistence of Joan Smallwood, the newly appointed minister, that social services were included within Korbin’s formal mandate. Not surprisingly, community social services proved more confusing than other, more established, governmental groups because, as Korbin later claimed, the sector did not think of itself as a sector at all until the commission began its work (Korbin 2: E3). Nonetheless, a variety of professional, employer, advocacy, and union organizations populated the social services universe. These organizations frequently had overlapping memberships and the Taskforce initiated by Korbin to coordinate and advise the commission on social services utilized individuals who had membership in one or more of those organizations (Korbin Box 14, file 5058).²

This approach differs from the one taken for the educational and health sectors. The large employer and employee associations within education and health were well established and it was relatively easy to trace the effectiveness of their internal discipline

²The full title of the Taskforce was: Taskforce for the Enhancement of Quality of Services to Children, Youth, and Families at Risk.
through their subordinate local submissions. In health, for example, relations between the CCERA and the HLRA were marked by established rivalries over both their practical approach to labor relations and their control over different kinds of esoteric knowledge. In particular, the CCERA insisted that its members were defined as small (often rural), community based, largely non-union and privately operated continuing care facilities. It contrasted this with the HLRA, which it described as dominated by large, urban-based, highly unionized, and directly government funded acute care institutions. A similar division is evident in the rivalries between the larger school districts (generally represented by the British Columbia School Trustees’ Association (BCSTA) and smaller districts such as those represented by the Small Districts Consortium.

The community social services sector, by contrast, had no such large associations or established rivalries. Consequently, the commission’s approach was essentially a fact-finding brief followed by sector construction. Nevertheless, Korbin did not start from scratch. The sector contained at least two professional associations, the British Columbia Association of Social Workers (BCASW) and the Child and Youth Care Association of British Columbia (CYCABC), the fifty-five umbrella associations of service providers the commission organized into its taskforce (ibid.), and academics situated in Schools of Social Work at the University of British Columbia and the University of Victoria.

The submissions produced by these institutional groups were more or less uniform in their description of the sector as diverse, confused and fragmented. The BCASW described the sector as having “great variations between organizations, constitutional objectives, patterns of governance, presence and use of volunteers, forms of staff representation and relations to communities” (ibid., Box 13, file 4915).
Meanwhile the Taskforce stated “This sector has long suffered from underfunding, uneven patterns of development of services throughout the province, serious discrepancies and inequalities, lack of culturally appropriate programs and services, and lack of planning, coordination and consistency” (ibid., Box 14, file 5080). Hence, even prior to the Korbin Commission, a general if largely unacknowledged consensus about the problems of the sector already existed.

While there may have been agreement that government contracting policies created inequities there was a discernable division over the problems and benefits of unionization. As Korbin’s research indicated, only a quarter of the largest two hundred community social services agencies were unionized yet they employed half the total community social services work force (ibid., Box 18, file 6313). As with the health sector, division over the issue of unionization between large and small organizations was related to a difference between urban and rural organizations. And, again similar to health, opposition to unionization was usually grounded upon practical work demands discernable only to local knowledge structures. Small employers believed collective bargaining would reduce employer flexibility and, conceivably, put an end to their community-based organizations.

Korbin’s discursive creation of a community social services sector did not so much create a consensus, as provide a mechanism for an articulation of latent disagreement. As will become evident in later chapters, the apparent diagnosis of what was wrong with the sector – its disorganization and fragmentation – did not necessarily suggest agreement on solutions. The general call for provincial standards, for example, did not imply agreement as to what those standards should be, nor how they could be
implemented. The issue of unionization was a significant example because it directly raised the problem of working conditions and, by implication, the question of whether employee benefits should trump client need.

The overall picture emerging from the Korbin documents is that of dialogue between the commission and group interests. However, while relatively small players made submissions, it is quite clear that the commission’s emphasis was on big players and their relationships. Where those players were absent, Korbin consistently recommended their creation. Given the scope of the commission’s mandate, such an emphasis on big players is not surprising. What is surprising however – particularly in contrast to the style of the Gove Inquiry, but somewhat similar to the VRB’s mediation of group interests – is the degree to which the various players openly engaged one another in their attempts to gain advantage. The commission did not simply take submissions and then pronounce on solutions through its final report. Rather, the commission tended to float ideas against which group interests played off against one another. Moreover, none of the major players were surprised by the content of the final Report when it was released. In particular, both employers’ associations and unions had already clearly stated where they stood on the Report’s key recommendations even before it had gone to the printers (ibid., Box 17, file 5813-5844; file 5878).

It is reasonable to infer that the Korbin Commission’s method was not solely determined by the nature of the problem but was also a reflection of the Commissioner herself. The overall effect is one of negotiation of knowledge and expertise rather than declamation or interrogation and, one assumes, this effect comes from Korbin’s
professional background in labor relations. This does not mean that all the commission’s recommendations reflected an achieved consensus.

Taking education as an example of the commission’s approach, the recommendation suggesting School Districts be organized within a mandatory provincial employers’ association was vehemently opposed by the teacher’s association and smaller school districts. Moreover, while the Report reviews all the big players’ positions in detail, strictly speaking it is not true of the education sector that “The no-strike(binding arbitration option received minimal support in submissions to the commission” (Korbin 2: F21). It is more accurate to describe the larger players’ recognition that the no-strike/binding arbitration option was fundamentally unworkable, but they continued to disagree about what issues should be subject to bargaining and what issues should be precluded. In particular, they disputed whether class size should be considered a working condition subject to collective bargaining.

Similarly within the health sector not everyone warmly received the recommendation for a single employers’ association. The CCERA continued to be suspicious of its rival (HLRA) and reluctantly agreed to participate in a single association only insofar as it would be a new organization and CCERA’s members’ interests as providers of localized continuing care and non-union employers would be protected (Korbin Box12, file 4453). Again, the claim that a joint committee of the large players (including the CCERA) within the health sector achieved a “consensus” (Korbin Report 2: D4) on a new employers’ association is rather more generous than the documents allow. It is more accurate to say such an association was going to be recommended, but the players had some room to decide what the organization might look like.
Because they were established sectors, the education and health sectors provided the model of established group interests (and their more or less formalized rivalries) upon which the commission came to base its social services model. As with the established sectors, the community social services sector's simmering but inarticulate differences of opinion based upon the urban/rural divide, union membership, and differences in the scale of employer and employee group interests were elided. The commission's recommendations concentrated on the formation of a community social services sector rather than resolving differences between group interests that, at the time, could not be articulated or advanced through any formally legitimized representative organizations.

Hence, while Korbin's recommendations for the community social services sector are similar to her recommendations for the health and education sectors, their context was different insofar as she did not seek to order established interests, but to create a single group interest from inarticulate and disorganized local interests. She sought to create a single and unified employers' association to be complemented by a standardized contracting policy on the part of government. Korbin's research "highlighted the lack of coordination within the sector and demonstrated to the commission the substantial gains to be achieved through collaborative action" (Korbin Report 2: E12).^3^ Throughout her comments on the sector, the theme of coordination and planning is consistently repeated. The implication is that Korbin felt consensus was achievable in the context of coordination and, presumably, such a consensus would find expression within the planning function. Moreover, Korbin seems to have believed her commission had begun

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^3^ Collaboration here includes increased union participation in the sector. While Korbin certainly recognized the need for unions to represent worker interests, my reading of Korbin is that the attraction of a union presence was primarily based upon the need for a big organization to coordinate general employee standards and qualifications across the sector and the unification of employees' voices within a single organization.
The process of consensus building both in the sense of assembling relevant knowledge and data, and in creating a self-conscious sector of endeavor.

The centerpiece of Korbin's coordination and planning is her recommendation for the formation of a Public Sector Employers' Council (PSEC) within which her recommended single employers' associations, unions, and government would participate. The PSEC would "enable the government and the sectors together to develop consistent and fair compensation and employment practices throughout the broad public sector within the framework of the official mandates set by Treasury Board. The creation of PSEC will also link the accountability of those who manage public sector employees to those who provide funding" (ibid., Cl 1). Originally, Korbin envisioned the participation of the unions within PSEC because she saw it as dealing with issues normally outside the sphere of collective bargaining. However, correspondence to the commission shows the unions consistently refused participation on the grounds that PSEC assuredly would touch on matters appropriate to collective bargaining (Korbin Box 17, file 5813-5844; 5878).

For the contracted social services sector, the Korbin Report established three important understandings. First, contracted social services were a sector. They were legitimated as a field of knowledge production and use. Second, theirs was a public sector in which the public had a legitimate interest. Therefore, their knowledge production and use was not a private property. Finally, contracted community services were of equal importance to formerly dominant sectors such as education and health. Their knowledge production and use was recognized as integral to the practices of government. Literally, Korbin put the community social services sector on the organizational map of
government. They may not have been incorporated as direct government – they still signed their own paychecks – but neither were they entirely private and independent contractors. They were a public sector; a kind of government on an equal footing with school districts and publicly administered health apparatuses. The rules that constituted them were government rules and it was through compliance with those rules they were expected to legitimate themselves. Almost without exception they had requested consistent standards from government – in return, Korbin required they standardize themselves.

*The Review Panel:*

By the late 1980’s the *Family and Child Service Act (F&CS)* was widely held to be inadequate and rumblings of change were again “in the air”. According to an informant (#4) the Social Credit government (now in its last days) contemplated holding a public inquiry to advise on the composition of new legislation. The original plan was to employ two inquirers: Leslie Arnold, then the Superintendent of Child Welfare, and Ted Hughes, the government’s conflict of interest commissioner. In the event, the proposed inquiry never got off the ground because the Social Credit Party exited government to be replaced by the New Democratic Party.

The newly elected government saw the *F&CS* as a symptom of a regime that was generally anti-social-services and supportive of a child welfare bureaucracy far too entrenched and vested in out of date and authoritarian ideas. According to informant (#4), the new minister’s plan was to shake up the ministry. One strategy was to invite child welfare advocates to take the lead role in both running a public inquiry into child welfare legislation, and writing the report upon which consequent legislation would be based.
Hence, it was clear from the outset that the new government was setting the stage for a shift from a residual, minimalist model of child protection to a broader and more active government obligated to promote children's welfare.4

As finally constituted in November of 1991, the Community Panel, Family and Children's Services Legislation Review in British Columbia (Review Panel) consisted of seven members, all of whom were strongly associated with social welfare advocacy. Of particular note were co-chair Patricia Chauncey of the advocacy group End Legislated Poverty, Joyce Preston who was the Child Advocate of the City of Vancouver, and Brent Parfitt the deputy Ombudsman. The appointment of Parfitt was particularly significant since he had already played a major role in writing two Ombudsman Special Reports (numbers 22 and 24), which had been highly critical of government child welfare policies and practices. In addition, the Review Panel had two aboriginal members – Lavina White and Eva Jacobs – who, together with their small support staff, went on to conduct their own inquiry into aboriginal issues. According to Informant (#4) the original intent of the government was for the aboriginal Report to be used as a basis for legislation specifically directed at aboriginal children and their families.

The Review Panel had a staff of sixteen as well as a small army of notetakers, researchers, and translators used for specific purposes. A consulting firm was employed to both record oral submissions and provide a précis of written submissions. The Review Panel held public and private meetings in thirty-six different municipalities and translated four different languages into English. They heard some five hundred and sixty oral

4 Interestingly, the minister of the day had not read the Berger Report. The similarities between the Berger Report and the Review Panel Report, then, are primarily explicable in ideological terms. That is, the ideas first worked out in the Berger Report remained current, if not materially explicit, even though their authorship had been lost over the two decades between the Reports.
submissions and received six hundred and fourteen written submissions. Another fifty-seven people participated in ‘round tables’ composed of professionals from a wide variety of disciplinary backgrounds.

Following the receipt of submissions, according to informants (#4; #5), the Review Panel’s deliberations were fraught with much soul searching and many tears. In the end, the Report they produced was heavily weighted toward community participation and oversight, and included many of the themes identified by the earlier Berger Report. For example, the Review Panel favored community panels charged with reviewing child protection decisions and a rights regime for children supported by a children’s advocate. The general theme was one of expanding child welfare legislation to provide a statutory burden on government. In the Review Panel’s view, government ought not restrict itself solely to the amelioration of pathological abuse, but should also address systemic neglect (that is, neglect caused by governmental irresponsibility) as a separate category (Review Panel, 127).

The privatization trends of the 1980s restraint era had retrenched government responsibility into the child protection function. Thus, and especially given its community-based bias, it was not surprising the Review Panel saw in the new legislation the possibility of legislatively forcing government to once again engage in preventative services and community development. Precisely how the enlarged state apparatus would relate to the contracted service sector was not articulated in the Review Panel’s Report. It seems likely, however, that community advocates hoped that community social services providers could be redefined as augmenters of government social service responsibilities rather than suppliers of government purchased services (See chapter 8).
The Review Panel Report was released in October 1992. The Report then went to a working group which produced a White Paper based upon the Report’s recommendations. Whether the White Paper actually captured the Report’s ethos is debatable. At least one member of the Review Panel was disappointed enough with the product to write a letter to the minister stating [I am] “not a happy camper” (informant #5). Indications are the minister was also not pleased with the White Paper (informant #4). The general impression was that the energy and creativity generated by the Review Panel had been absorbed, dampened, and thwarted by senior management within the provincial bureaucracy. Moreover, the provincial cabinet was itself suspicious of a project that it perceived as a potential money pit during a time when federal funding cutbacks severely threatened the province’s health-care system (Informant #4).

The Aboriginal Panel’s Report was also released in October 1992. Despite universal support for the Report, there was no attempt to produce a White Paper on child welfare legislation specific to aboriginal people and their nations. As we shall see, the failure of government to utilize the Aboriginal Panel’s efforts colored the response of aboriginal organizations and First Nations’ to the subsequent Gove Inquiry. Gove’s attempts to consult with aboriginal people were seen as either a useless duplication or, worse, a means of delaying or avoiding the implementation of necessary changes in the child welfare regime.

Despite these criticisms, the White Paper process continued and legislation was eventually introduced as the Child, Family, and Community Services Act (CF&CS). The Act became law in 1996. The new Act had one significant and overriding departure from the prescription of the Review Panel Report. The Review Panel had set out seven guiding
principles for the administration of the CF&CS, all of which were equal, and only one of which specifically addressed child abuse. The original principles reflected the Review Panel’s consistent desire to entrench community-based preventive and supportive services as a burden on government. The Review Panel placed child protection in the context of social inequity and the principles they drafted reflected this perception.

The final version, however, was changed to accommodate a critique written by Judge Thomas Gove during the tenure of his own inquiry. Many of Gove’s criticisms are technical in nature and, therefore, do not concern us here. It was Gove’s insistence that the legislation reflect the paramountcy of child safety and well-being that was the most radical change. The Review Panel’s original principles remained but they were specifically made subordinate to children’s safety and well-being. Effectively, Gove’s intervention undermined the whole intent of the Act. Preventative and supportive services were once again subordinated to the single principle of protecting children from child abuse. The reason Gove was able to override what the Review Panel saw as the core principles of the legislation they were asked to design is related to the enormous public esteem Gove was able to create through his own inquiry. How he did this is discussed in the next section.

The Gove Inquiry:

In large part, the reforming spirit of the Review Panel’s Report was passed over because of the political upheaval following the April 1994 sentencing of Verna Vaudreuil for the death of her son. In the wake of Matthew Vaudreuil death came the Gove Inquiry, which drew public attention and child welfare effort into another round of submissions.

5 The original principles were: dignity and respect; inclusiveness; freedom from abuse; involvement; continuity and stability; equity; and close to home. (Review Panel Report 181.)
The Review Panel had never mobilized the interest of the press; coverage in the major provincial newspapers had been more or less non-existent. By contrast, Gove cultivated the press (informants #4; #5) and was so successful that in June 1997 the Charlottetown [P.E.I.] Guardian ran a profile of him under the headline “One man’s report changed child protection system” (Lambe 1997, 5[A]). A brief public showdown took place between Gove and the Minister, who, when she announced the introduction of the Child, Family, and Community Services Act (CF&CS) in May 1994, claimed it would prevent a repetition of the circumstances that led to Matthew Vaudreuil’s death. Gove promptly attacked the legislation on the grounds that the legislation fell short of the necessary provisions required to ensure children’s safety (Baldrey, 1994, 1[A]; Pemberton 1994, 4[B]). In this public debate, it was Gove who spoke first to the public and won the sympathy of the press. Even now, some eight years after the release of his Report, the name Gove is more or less synonymous with child protection in British Columbia.

Both the Legislative Review Panel and the Korbin Commission found their genesis within the strategic practices of the new government. By contrast, the Gove Inquiry was established as a political response to an unexpected event. Matthew Vaudreuil died on July 8th 1992. From the moment of his birth numerous government and non-governmental agencies had contact with both him and his mother, Verna Vaudreuil. The Gove Report summarized Matthew Vaudreuil’s life in this way:

When Matthew died he was five years and nine months old. Not including supervisors, 21 ministry social workers had been responsible for providing him with services. At least 60 reports about his safety and well-being had been made to the ministry. He had been taken to the doctor 75 times and had been seen by 24 different physicians. (Gove, 1; 124)
The official cause of death was asphyxiation, however, the child’s body was covered with bruises and, in addition to rope burns indicating he had been tied, there was evidence of a broken arm and eleven fractured ribs. According to Gove, the doctor who performed the autopsy concluded the injuries “show all the hallmarks of child abuse” (ibid., 127).

Matthew Vaudreuil’s death came to public attention during the spring of 1994 because of newspaper reports of his mother’s conviction for manslaughter (Pemberton 1994, 1[B]). Verna Vaudreuil received a ten-year sentence (which was newsworthy in itself) but it was her lawyer’s accusation the system had failed to prevent her client from committing the crime that shaped the government’s response (Anderson 1994, 5[A]). The plurality of interests mobilized by the lawyer’s accusation became the story. The Ministry of Social Services’ response to the accusation was to initiate an internal investigation with a promise to table the subsequent report in the Legislature. By the time the report was eventually made public, however, rumors were circulating that the Superintendent of Child Welfare had altered it to deflect blame from the ministry and onto the community as a whole. The rumors unleashed a storm of accusations both within the press and on the floor of the Legislature. Within days, the Government bowed to the pressure and announced it had retained Judge Thomas Gove to conduct an official inquiry.

By his own account, besides being a provincial court judge and former lawyer, Gove had “dealt with child abuse and neglect for most of my professional life” (Gove Exec. Summary, 27). His qualifications for the position of sole inquirer were, therefore, legitimated by his esoteric knowledge of law and considerable personal experience. Moreover, his status as a judge necessarily implied impartiality and an aloofness from both political considerations and the press of daily bureaucratic affairs. Assisting Gove
were three legal counselors, a management/policy group of five, as well as sixteen research, and seven administrative assistants. The size of the inquiry's staff is partly a reflection of its organization into two distinct phases. Phase one concerned the actual circumstances of Matthew Vaudreuil’s life and death and was primarily fact-finding in approach. Phase two became an inquiry into the general state of child protection law, policy and practices. It is with the second phase of the inquiry that this dissertation is concerned.

The inquiry lasted eighteen months and its first phase was juridical in nature. Hearings were held in three communities where the Vaudreuil's had lived. These hearings were open to the public, sworn testimony was taken, and government documents were exposed to public scrutiny. Witnesses were examined by commission counsel and were entitled to their own legal counsel. As stated, the focus of this part of the inquiry was strictly upon the life and death of Matthew Vaudreuil. However, as Gove describes in his letter of transmittal: “The inquiry into one boy’s death led me to look in more detail at our entire child welfare system. The more I saw and heard about how child protection services are currently delivered, the more convinced I became that we need to go back to first principles, and build a new child protection system from the ground up” (ibid., 29).

The second phase of the Inquiry was informed by written and oral submissions; responses to an opinion survey of various public sector organizations; the activities and written

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6 At this point, Gove began to write his own terms of inquiry and this eventually resulted in a successful lawsuit against him by Joyce Rigeaux, the former Superintendent of Child Welfare. Rigeaux argued that Gove overstepped the bounds of the Inquiries Act by making a finding of misconduct on her part. The trial judge found in Rigeaux's favor and ordered that a chapter of Gove's Report be removed from future publications and a letter explaining the ruling sent to all persons known to be in possession of previously printed copies. The episode is fascinating for what it reveals about Gove himself since it suggests that he either didn’t fully comprehend the Inquiries Act, or that his enthusiasm for his work led him to believe the normal rules did not apply to him. In either case, Gove’s rhetorical position clearly shifted from the cool and disinterested role of judge and toward that of passionate and engaged moral reformer. (Rigeaux v. Gove and Attorney-General of B.C.)
products of inquiry researchers; meetings between Gove and selected ministry staff; and, what are best described as focus groups composed of representatives of selected professional’s and youth who either were, or formerly were, in the care of the Superintendent. All written submissions, all research reports, and the notes created by recorders at the focus group meetings were examined for this dissertation.

The Gove documentation conveys a quite different approach to either the Korbin Commission or the Review Panel. Where Korbin submissions were scattered throughout various files and were often accompanied by correspondence, and submissions to the Review Panel are filed by type and given a number, the Gove submissions are neatly filed in alphabetical order. Apart from letters acknowledging the receipt of submissions there is very little documentary evidence that Gove engaged in written dialogue with submitters. Unlike the Korbin Commission or the Review Panel, there is no indication the Gove Inquiry was interested in the type of organization or person authoring submissions.

To some extent the absence of correspondence and a classification system might be because the inquiry formally received oral submissions. (Although this was equally true of the Review Panel.) As well, both Gove and his staff visited a number of ministry and contract staff and attended the focus groups the inquiry organized. It is worth noting, however, that most of the community submissions were structured as responses to a set of questions posed by the inquiry and that these questions also structured focus group discussion. When visiting ministry staff, Gove first forwarded a set of questions he expected the staff to focus upon (Notes, 212). The general impression is that in their relationship with the public, and in marked contrast to the Review Panel, Gove and his
staff retained firm control of the agenda and their communicational posture was that of interlocutor.

What was the object of Gove’s Inquiry when he left the relatively circumscribed grounds of one boy’s death? Gove himself is not always clear. He tends to use the terms child welfare system and child protection system interchangeably. In his second volume, Gove spends considerable time discussing the ministry and it might be concluded that this was both the child welfare system and the child protection system. Members of the community social services sector appear to be mentioned as something of an afterthought or addendum to ministry issues. This emphasis appears to contradict Gove’s stress on the fact that the community social services sector had far more personal contact with the Vaudreuil family than social workers employed by the ministry (Gove 2: 188).

Despite quoting from the Korbin Report, the Gove Report does not use the same nomenclature. Rather, the community social service sector appears under the heading of contracted child welfare workers who are sub-divided into child and youth care workers and home support workers (ibid.). The lack of emphasis on the community social services sector seems odd since by far the greatest number of submissions to the inquiry came from this sector. More will be said of this anomaly in later chapters. For now let it be said that the community social services sector’s submissions rhetorically placed their group interests outside government and the formal child welfare (or child protection) system. This rhetorical positioning allowed the sector to direct its comments at the government rather than assuming themselves to be part of the government’s overall child welfare project.
But, if the community social services sector was not part of the child protection system, why did the inquiry ask them what the primary focus of child protection should be, what the definitions of child abuse should be, how child protection information should be gathered, and how child protection cases should be managed? More to the point, why would Gove seek such input having concluded that both social workers employed by the ministry and within the community social services sector were unqualified and untrained to assess child abuse risk? In effect, Gove concluded there was no adequate expertise within the child welfare system as a whole. The conclusion might be extended to Gove himself. Although he initiated his own research and heard from professional associations and academics – gaining in the process educational opportunities not available to those in the field – it is striking that Gove failed to address the pointed allegations contained within at least ten submissions to his inquiry that the judiciary lacked qualifications and training in child welfare matters. Moreover, the allegation of judicial ignorance was more or less universal within the Review Panel submissions to which Gove had access.

If it was the case that Gove depended upon the expertise of professional associations and academics, the advice he received was often contradictory and confusing. To take but one example, the College of Psychologists defended their expertise upon the grounds the profession had created esoteric knowledge of child abuse risk factors and that this knowledge was reinforced by expert standing granted by the courts (Notes, 24). Local academic researchers, however, found that only six per cent of

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7 These questions were contained within a questionnaire the inquiry circulated amongst community social service agencies. Many submissions were constructed as a series of answers to these posed questions and the focus groups (or unfocussed groups as one participant described them (Informant #6)) were also required to address the questions. This technique both underlines the interlocutory style of the Gove Inquiry and its tight control over the discourse.
psychologists had received any training in child abuse and their profession lacked “clear
guidance on what constitutes child abuse” (ibid., 149).

Despite broad criticisms of the judiciary, Gove did not apply them to himself. The
faith he had in his own expertise – and the authority he expected to draw from it – is
graphically demonstrated in a letter to the minister during the public spat between them
over the introduction of the Child, Family and Community Services Act (ibid., 112). The
new child protection legislation had been written in the wake of the Review Panel but
before Gove’s own Report was completed. While recognizing that the proposed
legislation was the result of years of public consultations by the Review Panel and the
ministry, as well as intense review by a legislative review committee, Gove insisted that
since he would be proposing new laws the Government must shelve its legislative
agenda.

The letter illustrates a central problem of Gove’s legitimacy. By expanding his
inquiry from one event to a review of the entire child protection system, Gove had
created a rivalry between himself and the Review Panel. The same public Gove examined
had helped to design the legislation he now questioned as seriously flawed. Submissions
to Gove were overwhelmingly supportive of the Review Panel’s work and many accused
Gove of wasting time and money covering old ground. Indeed, one of the Panel’s co-
chairs issued a news release entitled “Gove Inquiry a Shocking Duplication” commenting
that Gove’s “suggestion that a regression to more authoritarian and punishing child
protection laws will enhance and improve family services is ridiculous” (ibid., 56). To
counter such criticisms, Gove needed to establish himself as the singular voice of
expertise, which he accomplished by occupying the moral high ground and, in the opinion of two informants (#4: #5), by deliberately cultivating the press.

Bourdieu describes this sort of rhetorical and institutional process as an oracle effect: “I am nothing but the delegate of God or the People, but that in whose name I speak is everything, and on this account I am everything. The oracle effect is a veritable splitting of personality: the individual personality, the ego, abolishes itself in favour of a transcendent moral person” (emph. in orig. Bourdieu 1991, 211). In Gove’s case, not only did he position himself as the voice of the people, but he also appropriated the voice of a dead child. (Significantly, Gove’s first volume is titled “Matthew’s Story”.) Gove gained authority and expertise because, as he reminds the minister: “the event that lead to my appointment was the suffering and death of five-year-old Matthew Vaudreuil” (Notes, 112). Since the people – or at least the press – were appalled at such a small boy’s fate, Gove positioned himself as the conduit of their opinion and, therefore, he literally became the expression of common sense. It was this expression that permitted Gove to assume the authority to stop a government in its legislative tracks.

While the cause of the Gove Inquiry can be traced to a single sentencing event in a courtroom, the genesis of the inquiry is actually more complex. Gove was appointed as a practical governmental response to bad press coverage and public revulsion combined with political pressure on the floor of the Legislature. Indeed, outside of a small governmental and familial circle, no one had even heard of Matthew Vaudreuil until his mother’s conviction. It was not Matthew Vaudreuil’s death that caused the Gove Inquiry, but the impact of social forces on a government decision-making process that sought to relieve the pressure. As well, because most of Matthew Vaudrieul’s life had been lived
under the previous Social Credit government, the sitting government believed an inquiry would not touch them (informant #4). Hence, for Gove, legitimacy was a problem because he was in competition with the Review Panel for prestige and authoritative knowledge. But he also had the problem of inquiring into what was, in effect, old news. Gove needed to establish himself as the owner of the child’s voice because only then could he dispose of any problems of legitimacy, authority and relevance. Merging the two personas of Matthew Vaudreuil and Thomas Gove created a singular voice in which all expertise, authority and knowledge was expressed.

Having established himself as a superior and legitimate voice, Gove set about creating a blueprint for a new child welfare system. The overarching administrative concern was to centralize responsibility for children and their protection within government. Later chapters will describe in detail how this was to be accomplished, but the general model was to emphasize central provincial control over local service delivery. This central control was to extend through the instruments of policy, audit, and standardized education and training for both government employees and community social service personnel. The central legal principle of the safety and well-being of children was to drive the whole project and subordinate all other considerations – including social equity and family support – to its singular purpose. Henceforth, all members of the child welfare system were to proceed on the assumption that the child was always their primary client and focus.

Conclusion:

Each of the three inquiries discussed viewed the problems of child abuse, community and government from a different perspective. For Korbin, government was a
problem of boundary determination and formation insofar as her principle concern was the demarcation of government employees from government contractors. The Korbin Commission’s interest in communities was limited to those agencies and organizations claiming community as the location of their expertise and practices. Korbin’s recommendations concerning the formation of large organizations capable of participating in the proposed Public Service Employers’ Council are, therefore, both a valorization of community as a legitimate site of knowledge and interests, and a requirement for communities to standardize themselves in relation to standardized government contracting policies.

The Review Panel was faced with the problem of advising on the composition of new and radically different child welfare legislation. It interpreted this brief as widely as possible insofar as its recommendations reflected a desire to find a way of imposing positive child welfare obligations on government through the mechanism of legislation. Its overall trajectory was to oblige government to act as a catalyst and prime architect of community development and localized preventative social services in the belief that child abuse is primarily caused by (or an effect of) social inequity. The Review Panel saw a sharp boundary between government and community as an abdication of responsibility on the part of government to communities and the troubled families they contained.

The Gove Inquiry was concerned with the death of a single child. Through the lens of this particular life, the inquiry drew general conclusions about the overall functioning of what it termed the child welfare system. In the Gove Report, government is that which failed a particular boy and the blueprint the Report contains is designed to prevent the reoccurrence of such a failure. As we shall see in later chapters, the
boundaries between government and community, which the Korbin Commission sought to create, the Gove Inquiry tried to disassemble. And, in opposition to the Review Panel, the Gove Report sought to centralize responsibilities and powers within central government rather than disseminating them amongst community interests.

For the problem of child abuse, the Review Panel and the Gove Inquiry reached radically different conclusions. As a panel composed primarily of community activists, the Review Panel sought an approach to child abuse utilizing a collective approach to social inequity rooted in community. The Gove Inquiry, with a member of the judiciary as its sole commissioner, was able to entrench the legal primacy of children's safety over all other considerations. Where the Review Panel sought to bring government to the community as a developer and partner in the elimination of social inequity, the Gove Report sought to bring community apparatuses under the authority of a child protection mandate imposed by government.

The question arising then is this. If all three inquiries took place at more or less the same time, and if all three consulted with more or less the same public, how could they arrive at such radically differing perspectives? The different mandates of the inquiries may have contributed to this difference but they do not seem a sufficient explanation. Similarly, the particular inquirers at the head of each inquiry contributed to differing conclusions. At the very least, their differing styles of inquiry – Korbin's negotiation, the Review Panel's consultation, and Gove's inquisitorial style – led to different facts and opinions being privileged. Analysis of the public rivalry between Gove and the Review Panel may illuminate which version of child protection was eventually preferred but it cannot satisfactorily explain why the rivalry arose in the first place.
Neither of these actors wanted to encourage child abuse, and neither would want to
discourage community development and responsibility.

Of course, agreement on ends does not necessarily imply agreement on the best
means to those ends. Yet one cannot help but speculate that the apparent agreement on
the ends of community empowerment and the prevention of child abuse are not as stable
as they first appear. Is it possible that disagreement on means is actually a symptom of
disagreement on ends — or at least the meaning of ends? Is it possible that when each of
the inquiries deploys the terms child abuse, community, and government, they mean
different things? And, if this is so, is the difference a matter of choice or is it reflective of
something special about the terms themselves? Part Three of this dissertation explores the
latter possibility.
Part Three
Chapter 5

Advancing Group Interests Through Vague Terms

The various groups engaged in trying to determine the meaning of child abuse, and what should be done about it, are social groups expressing their collective interests. Following Bentley (1967 [1908]), when groups “appear in political life as such it will be through an interest which they assert, or……which is asserted for them through some group or group leadership which represents them” (ibid., 212). Groups have political interests but, for Bentley, these interests are identifiable solely through their actual activities. Group interests cannot simply be taken on the face of their verbal self-descriptions. In its broadest sense, “government is the process of the adjustment of a set of interest groups in a particular distinguishable group or system” (ibid., 260). Hence, “[G]overnment in this sense is not a certain number of people, but a certain network of activities” (ibid., 261). Governments are, of course, groups with their own interests but like Foucault (1981), Bentley suggests government’s own interests are “not nearly so prominent as it is often made out to be. In a bureaucracy it appears perhaps more strongly than anywhere else, and here it concerns matters of technique which may be annoying, but which nevertheless permit almost anything in the way of dominant underlying group interests to pass through, however faultily” (Bentley 1967 [1908], 290). It was Bentley’s perception that government is an active process engaging competing groups attempting to further their interests.

The assertion that political societies are composed of groups seeking to further their interests is not unique to Bentley. Bourdieu (1984) traced the structuring of competing interests in French academia. Foucault’s (2003) account of the formation of
the French state traces both the activities of historic group interests as well as the group interests served by the deployment of creative accounts of history. Abbott (1988) analyzed rivalries between the professions and the means by which they claim territory and create boundaries. For child abuse, Nelson (1984) described the way in which the problem came to be ordered as a political problem and Costin et al (1996) showed how the problem of poverty, and the neglect it creates, was eclipsed when, in the 1980s, sexual abuse became the central focus of social work practice.¹

The most obvious problem of analyzing child abuse in terms of group interests is that the group most affected by child abuse – namely children – have no practical means of negotiating their own, independent interests (Lee 1999; Bell 1993). Children’s interests are inevitably seen and ordered through the experiences, practices and institutions of the adult world. Since the adult world is composed of multiple group interests some amount of disagreement about interests and appropriate practices is bound to occur. Presumably, neither children nor adults would disagree that child abuse is a bad thing. What they mean by the term, however, may differ radically.

Like the terms community and government, the term child abuse has the peculiar quality of being both self-evident and without stable definition. The terms lack denotative values yet they yield a wealth of connotative values. They seem vague in the sense that the more one attempts to grasp their meaning, the less they become distinguishable from

¹ Briefly, Costin et al argue that sexual abuse became a dominant concern because it was perceived as a form of abuse prevalent within the middle classes. Because the middle class had more education and material resources than the poor, they were able to purchase therapeutic social work (thereby shifting social workers’ professional development) and argue for increased state resources to address the problem (thereby redirecting resources from the poor). For a slightly different account of class and gender interests see Swift (1995), for whom neglect is indistinguishable from feminized poverty.
what they are not. Explaining why this is so, and what strategic purposes are served by vague terms is the topic of this chapter.

**Vagueness:**

Before entering into a discussion of vagueness, a caveat is required. The topic is of technical interest to philosophers because vagueness poses a challenge for classical logic. Vague terms seem to defy the law of the excluded middle which holds that predicates can only be one of two things; true or false. Vague terms present the possibility that a predicate can be both true and false at the same time. If this is so, it endangers the logic upon which philosophers establish truth statements. Philosophical arguments about the strengths and weaknesses of logic are not relevant to the purpose of this work. Instead, I take my lead from the defense that philosophers of vagueness often mount when asked why anyone would care how many hairs a man may lose before he is bald, how many grains of sand it takes to make a heap, when is the Cheshire Cat not a cat, and do the hairs that cats shed still constitute cats? Philosophers claim that vagueness matters when it comes to practical and political matters of public concern. They frequently cite the abortion debate as an instance. For the present work, the question is: Are child abuse, community and government vague terms? And, if they are, what are the consequences for policies and practices associated with them?

From the perspective of definition, the central problem is one of boundaries. For example, what boundaries designate some action as child abuse, some group as a community, and some apparatus as a government? Something similar can be seen in Robert Hare’s (1993) work on psychopathology. What is the boundary (or difference) between a psychopath and a non-psychopath? Given Hare’s belief that psychopaths are
inordinately destructive in their criminality, and that they cannot be changed, the boundary between psychopathology and other forms of criminality are, he claims, a matter of great public concern. To classify someone as a psychopath is to set them apart as a different category of criminal from other criminals. Indeed, potentially, psychopaths are not criminals at all, but a special category of deviant. The Hare checklist (1991) is a means of classifying such people and, if one believes in the efficacy of the checklist, it has both broad public policy implications and obvious ramifications for local regulatory procedures and particular criminals – for example, its potential for use in parole hearings.

Classification systems abound wherever and whenever humans communicate with one another. And, while it is the goal of any classification system to be universal, exceptions can always be found that do not fit into available categories. When this occurs, the universe of categories may need to be expanded if the exception is considered entirely novel. Alternatively, it may be possible to force the exception into a preexistent category even though it fits poorly. It may be the case, however, that the exception constitutes a novel combination of characteristics from two or more categories on offer. Not, then, a matter of “neither fish nor fowl” but rather both fish and fowl. Most classification systems have a category marked “other” to contain these types of exceptions (Bowker and Star 1999).

Child abuse, community, and government present classificatory problems. While the use of the terms is commonplace, and what they designate seems to be obvious, the boundary between what is, and what is not, contained in any of these terms is insecure. This is not to say that bounded categories for the terms do not exist but rather the opposite. So many proposed category boundaries are on offer and so many are mutually
contradictory that they tend to become idiosyncratic to whatever group or person invokes the category. Small children, when first learning to classify birds, may call all birds ducks. If corrected, they will reply: “Well, they’re ducks to me”. And, they will say this even when they know that a swan is a swan but they believe swans are neither ducks nor birds. Disputes about the practical meaning of child abuse often have this childlike quality.

This is the problem that frames the discussion of vagueness in this chapter. The intent is not to contribute to philosophical debates about vagueness, but to use those debates as a resource for understanding certain immediate and politically charged public policy issues. The problems addressed by this dissertation can be understood and analyzed as problems of vague terms although, so far as I am aware, they are never posed as such. There are, nevertheless, similarities between the solutions proposed by philosophers of vagueness and the practical understandings of groups interested in child abuse, community and government. These groups always agree that the terms possess some sort of designative value; where they tend to disagree is on the proper placement of boundaries around those values. What is of interest is how groups justify their values – that is to say, the boundaries – they believe to be correct. If we agree child abuse is a bad thing, but disagree about what child abuse is, then our dispute is not about the existence of the category itself, but about what the category contains. Moreover, our dispute is relatively localized since it is unlikely that we would disagree about obvious cases. Chaining children to their beds while starving and beating them is obviously child abuse. The classic nineteenth century case of Mary Ellen (Margolin 1997), or the more recent
(and strikingly similar) example of Anna Climbie (Laming 2003), do not constitute classification problems for the category of child abuse – although which sub-category of child abuse is certainly open for debate. However, such clear-cut cases are relatively rare. Reports to the child protection system of possible abuse almost always fall somewhere between obviously child abuse and obviously not child abuse. In other words, they fall somewhere on a continuum. Child welfare workers, and particularly child protection workers, are constantly confronted with making judgments about where particular reported instances fall on this continuum. The question is, are such judgments necessarily subjective and idiosyncratic as claimed by some (see chapter 7), or is there a way to objectify social work judgment such that vagueness is defeated?

What is Vagueness?

A thing or concept is vague when it satisfies three conditions. First, it must have examples of borderline cases. That is, there must be some condition where it is unclear whether a predicate applies or not. For example, that some people are tall, some people are not, and others may be tallish in comparison to some people but shorter than people who really are tall. Some things are red, some things are definitely not red, some things are reddish but not as red as red.

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2 The case of Mary Ellen is generally agreed to mark the beginning of child protection legislation during the 1870s. Beaten, starved, and chained by her caregivers in New York, Mary Ellen was rescued by a Friendly Visitor who realized that while there was no law protecting children, there was a law protecting animals. Since children were members of the animal kingdom, she argued a child deserved no less protection than any other animal.

Anna Climbie was an immigrant child who died in London. She suffered very similar circumstances as Mary Ellen but she died from her maltreatment. Her caregivers were convicted of murder and sentenced to life imprisonment in 2002. Lord Laming headed the inquiry into the circumstances surrounding Climbie’s death. The resulting report bears a striking resemblance to the Gove Inquiry Report.

3 Unless otherwise noted, this discussion of vagueness, and the various approaches to understanding it, is based upon Keefe and Smith’s (1996) excellent introduction to their edition of landmark essays on the subject.
Second, vague predicates must lack well-defined extensions because they have no sharp boundaries between what they are, and what they are not. These boundaries are referred to as “fuzzy”. For example, there is no sharp distinction between a tadpole and a frog. During the life cycle of frogs, there is a period of time when the organisms are both frog and tadpole or, alternatively when the organisms appear to be both frog-ish and tadpole-ish simultaneously.

Third, vague predicates tend to create sorites paradoxes. The following is a classic example of a sorites paradox:

Intuitively, a hundredth of an inch cannot make a difference to whether a man counts as tall. Such tiny variations, which cannot be discriminated by the naked eye or even by everyday measurements, are just too small to matter: this seems part of what it is for “tall” to be a vague height term lacking sharp boundaries. So we have the principle [S] if X is tall, and Y is only a hundredth of an inch shorter than X, then Y is also tall. But imagine a line of men, starting with someone seven foot tall, and each of the rest a hundredth of an inch shorter than the man in front of him. Repeated applications of [S] as we move down the line imply that each man we encounter is tall, however far we continue. And this yields a conclusion which is clearly false, namely that a man less than five foot high, reached after three thousand steps along the line, still counts as tall. (Ital. In orig. Keefe and Smith 1996, 3)

The paradox works in reverse such that all men can logically be proven to be short. It is this sort of paradox that tends to underpin ‘slippery slope’ arguments. So, for example, those who argue spanking ought to be banned do so because they believe spanking is the first step down the slippery slope to physical abuse or, alternatively, that there is no practical distinction between spanking and physical abuse. Similarly, some members of British Columbia’s religious right argue that no state intervention within the
home is permissible because even state sponsored non-coercive tutelary intervention is the first step down the slippery slope to totalitarianism (see chapter 7).

Philosophers of vagueness have posited a number of possible ways of getting around these three interrelated problems. We might begin by first dividing the philosophical approaches into two general groups. There are those who believe the world is not vague, that boundaries really do exist and therefore the problems of extension and sorites paradoxes are a function of something else – for example, perceptual limitations. Contrarily, others argue vague things really exist, and vague predicates capture something essential about the way the world is ordered. These latter theorists argue for a different kind of logic from one that permits only two (or three if one counts indeterminacy as a separate state) possibilities of true or not true.

The former group of theorists includes epistemicists. “According to this view, vagueness is a type of ignorance” (ibid., 17). Well-defined extensions and boundaries really do exist; we just don’t have enough knowledge to know what they are. This lack of knowledge may be one of access – the knowledge exists, we just don’t have it – or, possibly the knowledge is such as to be beyond human comprehension. As Sorenson puts it:

My strangest belief is that vague words have hidden boundaries. I think that the subtraction of a single grain of sand might turn a heap into a non-heap. I think I was, briefly, the youngest man on earth (having just previously been the oldest boy on earth). (Sorenson 2001, 1).

The epistemicist answer to vagueness includes the belief that words are bounded in use: “There is no difference in meaning without a difference in use. But we do not know the details of how use fixes meaning” (Keefe and Smith 1996, 19). In this sense,
language is a kind of perfecting approximation of meanings and boundaries in the world. Just because we do not know, or cannot adequately perceive or express boundaries, it does not necessarily follow boundaries do not exist. However, as Sorenson admits, the existence of such boundaries depends on a tacit belief that boundaries emerge in use. There is, then, some similarity between epistemicists and those who believe the boundary between abuse and not abuse, community and not community, government and not government, emerges from practical experiences.

Supervaluationists offer a second way of resolving the vagueness of borderline cases. They begin by dividing those things that are definitely heaps from those things that are definitely not heaps as decided in everyday language. They then suggest that borderline cases are a problem of multiple methods of valuation. If something is a heap it must be a heap according to all possible modes of valuation. The vagueness problem resides not in the vagueness of the object, but in the multiplicity of possible evaluative methods. Multiple systems of evaluation achieve different assignments for borderline cases even though each system may apply a potentially infinite number of “sharpenings” (specifications) to determine whether each case is true, false, or indefinite. However, the logical system is preserved insofar as conflicting evaluative methods are not a consequence of vague objects but conflicting and therefore indeterminate valuations.

For supervaluationists, then, something is definitely either a heap or not a heap when the claim is true for all possible valuations. Borderline cases are not vague but indeterminate because conflict arises between methods of evaluation – not because the object is itself vague. These conflicts are referred to as “truth value gaps” because while each method determines truth-values, these truth-values will vary between evaluative
methods. In this way, then, any particular method can make a determination of whether a particular object constitutes child abuse (or community, or government), but supervaluationism does not provide a logical mechanism for closing truth-value gaps by creating a means to select one particular evaluative method over a potentially infinite supply of competing methods. Within formal language, these gaps are tolerated by accepting indeterminacy as a logical condition. However, within the language values associated with child abuse, community, and government, indeterminacy is precisely the problem because cases of indeterminate child abuse are manifold but also unacceptable. More precisely, multiple group interests create multiple valuation systems as to what the term contains and each possesses actual or implied systems of sharpenings to support any reduction of indeterminacy. As we shall see, within submissions to government inquiries truth-value gaps abound due to the multiplicity of proposed systems for assigning values to child abuse, community, and government. The supervaluationist solution to vagueness — that vagueness is not a property of the world but of indeterminacy created by different valuation systems — is not helpful in the messy world of child protection where acceptance of indeterminacy is not a practical option. In other words, no child protection worker can defend decisions on borderline cases based upon the logical necessity of truth-value gaps. Such a defense would be interpreted as little more than a defense of subjectivity and bias since the workers’ valuations cannot be true for all possible evaluative methods.

Degree theories are another approach to sharpening boundaries. Degree theorists hold that borderline cases reflect differences in probabilities. If we do not know if a particular man is tall, this can be resolved by assigning probability values such that
something can be more or less true and accorded some value less than 1 where 1 is
definitely true and 0 is definitely false. This is called a “three-valued” logic where there
are true statements, false statements, and statements that are both true and false calculated
within assigned values of indefiniteness. So a man may be designated tall on the basis
that he is more probably tall than short. A classic example of this approach is the standard
of civil law – “on the balance of probabilities” – which applies in child protection
matters.

For my purposes, the most important point of these three approaches is they all
hold that vagueness is not a property in the world, and that logical techniques can be
utilized to demonstrate the assertion. It may simply be, as the epistemicists claim, we are
unable to perceive boundaries, but our innate perceptual limitations should not fool us
into thinking there are no boundaries. Alternatively, we may agree with Russell (1996
[1922]) who argued our everyday language is simply too sloppy to yield precise
boundaries. We do not specify the exact requirements of tallness, baldness, or heaps
because in the everyday world of meaning such precision is not necessary. However, this
does not mean precision is impossible, merely that most people, under most
circumstances, don’t need a precise specification of hairs or inches to know which men
are bald or tall, and which men are not.

However, all the above approaches accept that there are borderline cases. They
claim the border between tall and not tall is only apparently, not actually, indeterminate.
On the other hand, Sainsbury (1996 [1990]) argues there are no borderline cases because
there are no boundaries for vague terms. What determines vagueness is not truth-gaps in
boundaries, but the lack of any sort of boundary at all. By Sainsbury’s definition, vague
terms are vague because they are “concepts without boundaries”. Sainsbury claims that attempts to solve borderline cases by appeals to some sort of “higher order” or meta-logic are simply iterations of the initial vagueness. For example, he claims supervaluation simply moves the initial problem of vagueness into a third set denoted borderline cases but does nothing to resolve the boundary problems of when something is true, false or borderline. Even borders have borders and, if supervaluation is to work, then it must come up with some way of determining the border between the three logics it proposes. According to Sainsbury, supervaluation cannot solve this problem. The heart of Sainsbury’s critique of the usual ways of approaching vagueness is to claim that vagueness usually appears in “systems of contraries” or through the image of “pigeon-holes” (ibid., 258). Moreover:

Grasping what a concept excludes is part of grasping the concept, and is achieved through the mediation of no other non-logical concept. Hence it is very natural to see the division between what a concept includes and what it excludes in terms of a boundary. Certainly, perception of a boundary would be enough; but the proponent of boundarylessness will insist that it is not the only way. (ibid., 258)

For Sainsbury, understanding and using a concept such as red is not based upon the boundary between red and yellow in the color spectrum. Instead, red is a concept that exists within a complex of multiple concepts denoting yellow, green, blue, and so forth. Redness does not exist in a binary opposition but is positively defined amongst other positively defined concepts. Concepts are vague not because they have vague borders but because they are inherently vague. “We must reject the classical picture of classification by pigeon-holes, and think in other terms: classifying can be, and often is, clustering round paradigms” (ibid., 264). A proof, of sorts, of Sainsbury’s proposition can be found
in Williams’ (1976) observation that community has no positively defined opposite. Nothing is classified as ‘not community’. Hacking implies something similar when he claims one cannot argue in favor of child abuse but, even for him, it is not entirely clear what constitutes the opposite of child abuse. So, if one were to argue for child abuse what would one be arguing against? Hacking’s (1991) argument that categories of child abuse mark deviations from normal is not really an argument from contraries since normal is a vast category containing many things, one of which may be the fuzzy concept ‘not abuse’. For example, Margolin (1990) has shown that the categories of child ‘neglect causing death’ and ‘death by accident’ are impossible to specify as general predictive categories. The categories are always forensically applied; that is both after-the-fact and with due regard to the context of particular cases. Even then, category assignment is never entirely objective. From Sainsbury’s perspective, fatal neglect and fatal accidents are not opposites so much as competing and independent vague concepts. Nor are they the only possibilities on offer. For example, denial of medical care might be categorized as medical neglect, adherence to religious conviction, a consequence of poverty, or even charity.  

In chapter 8 I will make a similar argument with respect to government. The usual argument suggests there is some sort of public/private division, which tends to translate into a bifurcation of public government and private interests. There are, however, attempts to supervaluate a third in-between zone containing elements of both the public

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4 One example would be the widely publicized Coroner’s hearing in British Columbia concerning a child who died from Rhett’s Syndrome. This syndrome is always fatal but death can be postponed if patients are hospitalized and, in effect, force-fed. In this instance, the mother cited the child’s expressed wish to die at home as her reason for refusing to hospitalize the child. The situation was such a hornet’s nest of competing concepts – all stemming from humanitarian impulses – no child protection worker could ever bring all deployed concepts into alignment. In this case, denial of medical care and prevention of death are not contraries. Rather, they are bound up in different concepts about life, death, disease, rights of children and many more besides (Editorial 1996, A12).
and private zones. Non-government organizations are often placed in this third zone, as is community as seen by Communitarians. The zone is neither government nor the private domicile (conceived as contraries) but something else. Within communitarian literature, however, communities are primarily presented as either mediators between citizens and government, or, more commonly, mediators between individual rights and collective responsibilities. In all these instances, much debate centers on the boundary between the public and the private as if both are natural contraries.

Moreover, feminists have attacked the conception of the public/private divide as a mechanism for instituting the private as beyond public surveillance and regulation in order to hide domestic violence and entrench traditional gender roles (Boyd 1997). Alternatively, they have claimed that conceiving of a singular third zone – a public sphere – is inaccurate insofar as it assumes there can be only one alternative zone (Fraser 1992). Even Etzioni (2000), the most prolific of the communitarian writers (Frazer 1999), has acknowledged the possibility that communities are in danger of replicating traditional and gendered divisions of labor. Women continue to be the primary caretakers of children in the home (Smart & Neale 1999) and they are also the most numerous employees of the social services sector (Korbin Box 18, file 6316). The communitarian focus on community as separate from government – and its sources of funding – implies women’s caretaker work should be reduced to a form of volunteerism predicated upon women’s material dependency. Etzioni’s (2000) suggested solution to this problem is to tap into the neglected potential of the elderly who, presumably, have sufficient leisure and community spirit to replace women’s caretaking effort.
Disputes over what is private and what is public only make sense if one assumes there really is a public and private divide and that a boundary exists between the two. But government may be a vague term and, therefore, lack boundaries. If this is true, then it is pointless to try to define or fix a boundary that cannot exist. Sainsbury (1996 [1990], 258) uses the image of a magnet attracting iron filings to suggest that vague concepts, like magnets, attract clusters of objects. These clusters are not evenly distributed; most filings will go directly to the magnet while others will come towards the magnet but stop at some distance. In this sense, if one thinks of government as a magnet, then what matters is not what its opposite is, but how close or far away from government any nominally private person, group, or activity is located. If government has no boundaries, then nothing can be outside government. 

*Speech Genres and Thought Collectives:*

Even if the concepts of child abuse, community and government are recognized as vague, this does not stop groups from behaving as if they are not. For example, informant (#1) agreed that even if no one can claim to know what child abuse is, child protection is nevertheless done. The child welfare apparatus does something, even if its component parts do not agree on exactly what that something is or ought to be. Moreover, even if the individuals and groups concerned with child abuse utilize different definitions for child abuse, it is still possible for them to talk amongst themselves. Vague terms expressing vague concepts may confuse discourse, but they do not make it

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5 Near my home is a street with many restored heritage homes. They each have a sign that proudly states no government money was used for their restoration and maintenance. Yet, for this to be true, it would mean that no building materials were transported on publicly supported roads, the owners did not utilize publicly funded building inspectors and other regulators, nor do they use publicly supported fire protection, sewers, policing and so forth. In fact, the houses cannot exist without this web of publicly supported amenities and regulations. Hence, the “no government money” statement has an implicit boundary both geographical (presumably the “private” stops at the sidewalk) and conceptual (only some parts of the total material and labor costs are counted).
impossible. Those using vague terms may disagree on boundaries, or ways to resolve borderline cases, but their use of the terms is never entirely idiosyncratic. Even where sharp disagreements occur, discourse continues about what those disagreements are. If nothing else, the concepts of child abuse, community and government provide a unifying, if boundaryless, center around which discourses compete. Vague terms may not place strict boundaries around the concepts they denote, but that does not mean they entirely devoid of meanings.

To understand how meaningful discourse continues despite vagueness, it is useful to utilize Bakhtin's (1986) notion of speech genres. Bakhtin draws a distinction between language and utterances. Language is that with which linguists are commonly concerned and is largely restricted to the formal arrangement of its constituent parts i.e. sentences, words, syllables, phonemes and their grammar and syntax. Bakhtin poses the utterance as an alternative to the sentence as the base unit of speech. By utterance, Bakhtin means language together with all the non-linguistic variables that make comprehensible speech possible. Utterances are that portion of a conversation or discourse that is bounded by turn taking. An utterance begins when a speaker takes center stage to communicate a complete thought and ends when the speaker relinquishes the stage to the other (listener). Utterances come in all kinds from a simple exclamation in conversation to extended written treatises, however they are all composed of thematic content, style, and compositional structure “inseparably linked to the whole of the utterance and are equally determined by the specific nature of the particular sphere of communication” (itals in orig. ibid, 60).

Each separate utterance is individual, of course, but each sphere in which language is used develops it own relatively
stable types of these utterances. These we may call speech genres. (Itals. in orig. ibid, 60)

While utterances are bounded, they are not self-contained. Any speaker presumes a listening audience, whether that audience is present in the immediate context as in a conversation or as the eventual reader of literary work. Moreover, the listener is not passive because listeners produce responses during the utterance. “The fact is that when the listener perceives and understands the meaning (the language meaning) of speech, he simultaneously takes an active, responsive attitude towards it. He either agrees or disagrees with it (completely or partially), augments it, applies it, prepares for its execution, and so on” (ibid., 68). Therefore, while utterances are bounded by the necessity of taking turns during conversation this does not mean that speakers are active while listeners are passive but that both are engaged in the task of a communicative whole. In this sense, while utterances are the basic units of speech, they do not exist in isolation because they expect a response. In conversation, but also in written discourse, this means all utterances are also responses. Even an initial utterance is a form of response since it attempts to anticipate within its own structure the listener’s potential or likely responses, which it may attempt to encourage, forestall, obviate, and so forth. It has what Bakhtin calls “dialogic overtones”.

Utterances are comprehensible insofar as they occur within relatively stable and generic speech genres. Since the speaker wishes to be understood – has a “speech will” – the speaker selects a speech genre appropriate to any given situation.

This choice is determined by the specific nature of the given sphere of speech communication, semantic (thematic) considerations, the concrete situation of the speech communication, the personal composition of its participants, and so on. And when the speaker’s speech
plan with all its individuality and subjectivity is applied and adapted to a chosen genre, it is shaped and developed within a certain generic form.

We speak only in definite speech genres, that is, all our utterances have definite and relatively stable typical forms of construction of the whole. (ibid., 78)

This selection may or may not be a deliberate choice. Bakhtin avers that we are as familiar with genres as we are with language as a whole. And, just as we may be adept at the use of language without knowing any technical rules, we utilize speech genres even though we may not realize we are using the rules – or that such rules exist. We do not learn speech genres; we assimilate them. “Our speech, that is, all our utterances (including creative works), is filled with others’ words, varying degrees of otherness or varying degrees of ‘our-own-ness,’ varying degrees of awareness and detachment” (ibid., 89).

Thus, the expressiveness of individual works is not inherent in the words themselves as units of language, nor does it issue directly from the meaning of these words: it is either typical generic expression or it is an echo of another’s individual expression, which makes the word, as it were, representative of another’s whole utterance from a particular evaluative position. (ibid., 89)

Bakhtin emphasizes that our utterances are never entirely original creations. Genres are not context driven in the sense that speech occurs only in specific historical moments. Genres have entire histories and traditions, and certain ways of establishing means of effective communication, which are specific to them. We assimilate them through the conduct of our everyday lives and it is these genres that shape our responses and utterances.
Effective communication – that is communication where the “will to speak” is realized – demands more than simply the ability to speak a language, but also a familiarity with the various linguistic and non-linguistic rules and assumptions that any speech genre may contain. Speaking of scientific literature, Bakhtin writes: “In these sorts of cases, accounting for the addressee (and his apperceptive background) and for the addressee’s influence on the construction of the utterance is very simple: it all comes down to the scope of his specialized knowledge” (ibid., 96).

Yet this “specialized knowledge” seems not to be limited to just scientific discourse, but to any specialized discourse with which only certain speakers can be expected to be conversant. Such expert genres are as evident amongst baseball card collectors as they are amongst physicists. In either case, for those unfamiliar with the speech genre, at best the discourse is poorly understood, at worst, it is inscrutable. It is this element of expertise that separates primary speech genres from secondary speech genres. The primary speech genre is more or less synonymous with a national language and is, therefore, accessible to all who speak that language. Secondary speech genres, however, are specific to the particular group that knows the linguistic and social rules that constitute the genre. To speak in genres is to speak within traditions that have both a discernable past and an anticipated future. They both suffuse their participants and are enriched by the particular individual contributions of their participants.

Although Bakhtin does not make the observation, it seems likely that what is called tacit knowledge is precisely that knowledge which is genre bound and contained within the very architecture of genre rules and understandings. In the case of words, there is no real distinction between what words mean and how they are used. The epistemist
belief that vague words find their true meaning in use is somewhat similar to the conclusions one might draw from Bakhtin. Secondary speech genres are high context genres because they require parties to the discourse to be intimately familiar with the rules and meanings of the genre. One might infer, therefore, that the supposed ignorance that vague words imply can be alleviated by immersion within the applicable speech genre.

This solution would be effective if the words themselves were genre bound: that is, if particular words occurred only in correspondingly particular secondary speech genres. However, words – precisely because they are general to language, not specific to speech genres – are transitory through secondary speech genres. A word may be used in any number of genres, which will influence its selection and deployment by the speaker as well as the listener’s response. If a concept is vague, it may receive more or less sharpening within various speech genres, but the word itself will remain vague because of its transitory nature. Hence, child abuse may receive any number of precise sharpenings in any number of secondary speech genres, but this precision is illusory once the term leaves the traditions and patterns of those specific genres. Furthermore, no primary speech genre – that is the national language – can precisely articulate all the particular meanings and responses possible within the multitudinous secondary speech genres available. Any attempt to do so would render the term so cumbersome and contradictory (not to mention the necessity for the user of the term to be familiar with all possible secondary speech genres) as to make it virtually meaningless.

The virologist Fleck (1979 [1935]) makes a similar observation:

Words as such constitute a special medium of intercollective communication. Since all bear a more or less
distinctive coloring conforming to a given thought style, a character which changes during the passage from one collective to the next. They always undergo a certain change in their meaning as they circulate intercollectively. One could compare the meaning of the words “force,” “energy,” or “experiment” for a physicist, a philologist, or a sportsman; the word “explain” for a philosopher and a chemist, “ray” for an artist and a physicist, or “law” for a jurist and a scientist. (ibid., 109)

Fleck’s use of the term ‘thought style’ is related to his belief that cognition takes place within thought collectives. These thought collectives are communities of people participating in a distinctive thought style. Where Bakhtin saw speech genres composed of thematic content, style, and compositional structure, Fleck saw thought collectives that not only shaped the communicative act, but also worked directly on cognition. Indeed, the idea that cognition is a solitary and individual activity makes no sense to Fleck. All cognition, even so-called scientifically rational cognition, is dependent upon the tradition within which it takes place, as well as the particular social configurations present at any given time and place. Each apparently individual contribution to a thought collective is born within an infusing (assimilatory) and distinctive thought collective. The collective then evaluates, enhances, attenuates, and otherwise polishes the idea such that when it is returned to its originator it may have become unrecognizable.

In the history of child abuse, for example, it is convenient to claim that Kempe and his associates discovered it in Denver and publicized it in his landmark paper (1962); from that moment on, child abuse has become a stable fact. This is an elegant and simple narrative but it happens to be wrong. Kempe did not so much discover something new, as coordinate a body of existing information available within his thought collective (medicine, particularly radiography) (Nelson 1984). And, as we shall see in chapter 6,
Kempe's version of child abuse, and its accompanying etiological theory, has never been entirely accepted, nor do contemporary definitions of child abuse have much in common with Kempe's original description. Instead, Kempe's original formulation has become a kind of folklore within those thought collectives concerned with child abuse; it is an open question whether most of the practitioners in the child welfare field have ever heard of it - let alone read the original paper. One is reminded of Latour's observation that "the fate of facts and machines is in the hands of later users" (Latour 1987, 59). This fate includes shifts from meanings articulated in originating sources toward a common and tacit sense acquired in use. In this sense, the meaning of battered child can be expanded from its original clinical definition to a term including any (or different) forms of violence visited upon children and deployed for political purposes.

Words which formerly were simple terms become slogans; sentences which once were simple statements become calls to battle. This completely alters their socio-cognitive value. They no longer influence the mind through their logical meaning - indeed, they often act against it - but rather they acquire a magical power and exert a mental influence simply by being used. (Fleck 1979 [1935], 43)

Fleck questions whether scientific knowledge is ever emotionally neutral. The discovery of knowledge is not an objective affair directed and governed solely by natural facts waiting to be discovered, rather knowledge is the means by which a thought collective brings its emotional view of the world into harmony. It is not that science lacks emotion, it is that members of a thought collective share the same emotional reactivity, which makes their emotionality invisible, and thereby creates the illusion of emotionless reason. "There is only agreement or difference between feelings and the uniform agreement in the emotions of a society is, in its context, called freedom from emotions"
Fleck further comments that emotionality becomes more visible the further from the center of the thought collective observers are situated. Distant observers (exoteric knowledge consumers) are unaware of the enormous emotional energy and cognitive disagreement that goes into the establishment of facts and procedures by thought collectives of experts (esoteric knowledge creators). Moreover, distant observers tend to miss the differences in practices, procedures and definitional criteria utilized by various expert thought collectives even when dealing with the same phenomena. Exoteric knowledge consumers experience knowledge “to be even more strongly dominated by an emotive vividness that imparts to knowledge the subjective certainty of something holy or self-evident” (ibid., 117).

The three terms that form the core of this study – child abuse, community and government – are each highly emotive subjects. Yet, submissions to the inquiries are notable for precisely this emotive/cognitive interrelationship. Indeed, there is a clear clash between those whose opinions are dominated by emotions (usually of outrage or offense) and those whose opinions are cooler, more rational, and more dependent upon scientific and bureaucratic facts. Yet, it is also true that the very anger and outrage that tends to characterize non-expert domains is often formed by the popularizations of expert observations and opinion. At the same time, these observations and opinions are also transformed so as to become almost unrecognizable to their authors.

Indeed, the multiplicity of thought collectives and speech genres that congregate around vague terms helps to explain why no consensus on boundaries and borderline cases is possible. Vague terms, because they proceed from obvious cases, present an illusion of objective knowledge. It is only when borderline cases are encountered that
subjective valuation becomes necessary. This is as true for supervaluationists and degree theorists as it is for epistemicists. For any given vague denotation, thought collectives can establish objective methods to ascertain values that hold for all members of their thought collective. However, competing thought collectives necessarily manufacture competing values for words, which are only superficially (that is, in language as an abstract) identical.

To use Sainsbury's (1996 [1990]) example of 'red', it is probably fair to say that in everyday language few people think of red as a problem of vague terms. Indeed, few will even know there is a specific expert specialty within philosophy concerned with the problem. Even for those concerned with the properties of red, say textile dyers or automobile painters, it is doubtful they see red as a problem of philosophy rather than a property of the chemical composition of dyes and paint and the technologies used to apply chemical knowledge. They may have some general sense that chemistry and optics might have something to say about the subject, but that is not the sort of expertise they seek or need. However, the particular problem of vague terms is the temptation to believe that knowledge of red possessed by one's own thought collective is all the knowledge of red one requires – or is even possible – for all cases.

*The "Modern Constitution" of Vague Terms:*

Hacking (1999) observes that a dispute between those who believe things are created by words (nominalists), and those who believe words are created to describe things that are always already there (realists) has been going on for some two and a half millennia. After such a length of time, it does not seem a solution will appear anytime soon. But the debate does lead to some curious questions. For example, Hacking feels it
necessary to begin his text on Multiple Personality Disorder with a chapter entitled Is it Real? (Hacking 1995). Latour (1999) begins his review of Science Studies with a chapter entitled Do You Believe in Reality? a question posed to Latour in all seriousness by a reader of his work. Such questions arise when one begins to take seriously the insights of those, like Fleck and Bakhtin, who draw attention to the way that what we conceive of as reality, is deeply influenced, shaped and created by the social matrices within which we live. Hence, by claiming child abuse, community, and government are vague terms subject to the vagaries of meaning consequent to our thought collectives and the speech genres they employ, one can anticipate the question: “So, do you think child abuse (or community, or government) is real?”

Epistemicist philosophers of vagueness would respond that of course child abuse is real, but we don’t have enough knowledge, or perhaps the necessary perceptual/cognitive equipment, to grasp its reality fully. This is certainly one way to avoid the sorites paradox, which seems to oblige one to agree that either nothing is child abuse (or community, or government), or everything is. Like all sorites paradoxes, the logical answer to this sort of question is surely the one that is the most obviously wrong. It seems to me that posing the solution to sorites paradoxes by deciding that some things definitely are true, and some things definitely are not true, is the wrong way to go about seeking a solution. Instead, we need a solution that permits us to say that some things are both true and false at the same time and that this solution poses a number of practical problems.6

6 Degree theorists accept that something can have the simultaneous appearance of truth and falsity but they do not hold the paradox is inherent to the thing. Instead, they suggest the appearance of paradox is a function of truth values. Vagueness, then, is not a property of the world, but a property of the truth values applied to the world.
One useful way of explaining how something can be both true and false at the same time is Latour's (1993, 32) diagram of the "Modern Constitution". Latour holds that a central motif of modern thought is the creation of a strict boundary between what is socially constructed – that is, made by human effort – and what is made by nature. He suggests this motif results in a series of paradoxes in which, on the one hand, nature is not of human construction but society is and, on the other hand, that nature is humanly constructed (through laboratory science) while society, as an occurrence in nature, is beyond human control. This leads us to a constitutional paradox in which "even though we construct Nature, Nature is as if we did not construct it" and "even though we do not construct Society, Society is as if we did construct it". To hold each of these beliefs simultaneously demands considerable work in the form of "purification" such that the two beliefs are never simultaneously expressed or acknowledged. Put another way, the Nature/Society paradox is yet another version of the sorites paradox.

These jointly held, but nevertheless contradictory, principles are maintained, in part, by what Latour calls networks of translation. The task of networks of translation is to take purified scientific terms and put them to practical use within the messy sphere of the social world. For Latour, the challenge is to pay attention to the interplay of purification and hybridization. "As soon as we direct our attention simultaneously to the work of purification and the work of hybridization, we immediately stop being wholly modern, and our future begins to change. At the same time we stop having been modern, because we become retrospectively aware that the two sets of practices have always already been at work in the historical period that is ending. Our past begins to change"
Such a shift would, of course, necessitate a different set of thought collectives utilizing different speech genres.

For Latour, networks of translation and the work of purification are already in place – indeed have never truly been absent – and therefore what is necessary is not so much a creation of something new, but a recognition of the way things are; the moderns have never been truly modern. This implies that how we think about child abuse, and what we do about it, also can never be truly modern. However, networks are complicated affairs because the degree of hybridization is by no means even across network members. As Fleck pointed out, it is a curious thing about networks that experts whose approaches and concerns are widely divergent are more likely to get along in an amicable fashion than those whose approaches and concerns are similar. Indeed, the same individual can hold divergent perspectives when that individual is a member of several thought collectives. “Logically contradictory elements of individual thought do not even reach the stage of psychological contradiction, because they are separated from each other” and, “[v]ery different thought styles are used for one and the same problem more often than are very closely related ones” (Fleck 1979 [1935], 110). This is because where similar thought styles are used, the contradiction between those styles (their purification) becomes more difficult to accommodate within the same individual and, presumably, the speech genre they are assimilated into.

Throughout this work I allude to networks of personal relations between actors concerned with child abuse. Latour’s theory provides a means to grasp the importance of the work these networks do. Networks of actors and objects create hybrid forms of knowledge and activity. In the practical world of child protection, strict dichotomies
between child abuse as a social construction and as a product of nature would immobilize
the protective project. The hybrid forms of knowledge networks create are obscured by
the Modern Constitution, however, they are a necessity if child protection is to be done at
all. Moreover, hybrid knowledge is more pronounced as actors become closer to the day-
to-day activities of child protection.

To put it another way, child abuse, community and government are inherently
vague terms – terms without boundaries – but the hybrid forms of knowledge created by
networks of thought collectives are practical ways to elide the problems posed by
vagueness. What child abuse, community and government mean depends upon the
networks of relations created and the position one holds within those relations. Hybrids
do not defeat vagueness, they are temporary accommodations required for actors to get on
with the practicalities of daily affairs. But, as Latour goes on to describe, the Modern
Constitution encourages denunciation since criticism from either or both of the poles of
its paradoxes is always possible. Any enunciation of the meaning of child abuse is always
capable of being denounced. The conflict between the Review Panel (an expansive
socially constructed view of child abuse) and the Gove Inquiry (emphasizing the
detection of naturally occurring pathological behaviors) is such a double denunciation.

The child protection social worker has little choice but to oscillate between the
Modern Constitution’s paradoxical poles. She is capable of acting only insofar as she
participates in the networks of relations engaged in hybridization. The instability of
hybrids – the temporary nature of their boundaries – means she is always subject to
denunciation. Hence, the tendency of inquiries into child protection to blame child
protection social workers and the apparatuses they work in.
Conclusion and Introduction to Child Abuse:

The vagueness of the terms child abuse, community and government are played out in the bureaucratic apparatuses charged with protecting children in British Columbia. It was also played out in the submissions to the inquiries that are the empirical base for this dissertation. To understand why no consensus on child abuse and what to do about it has emerged to date, or is likely to in the future, we must recognize, first, that some words are inherently vague (that is, they have no boundaries); second, that these words have material content within specific speech genres; and third, that those genres are specific to relatively bounded thought collectives composed of more or less expert participants. Problems of child abuse, community and government cannot be solved by rational and logical reflection. They are vague, and vague problems are inherently paradoxical. This is simply their nature.

The nature of vague problems is often hidden insofar as the contradictions between thought styles mask sometimes-subtle differences in the meanings of identical words and phrases. As well, the Modern Constitution insists that the processes of purification and translation remain radically separated in order to prevent descent into epistemological chaos. However, epistemological chaos is perhaps the best description of the state of child protection systems. As we shall see, groups with differing definitions of the same terms (or groups who simply refuse to define their terms) populate the larger child welfare apparatus. Indeed, the use of the term ‘system’ is, itself, misleading since child welfare is by no means systematic. Instead, child welfare is more accurately described as a loose agglomeration of group interests roughly concerned with more or less similar things. It is a system with no clear and articulated boundaries, which reflects
its concern with concepts that are themselves without boundaries. In child welfare there are no borders and, therefore, no borderline cases as usually understood. Even the question of whether some forms or intensities of child abuse are more serious than others has no consensual answer. Some interests are adamant that all child abuse is serious while others accept that some abuses are more serious than others.

Moreover, when it comes to the formal practices of child protection – those activities mandated by the state and carried out by officers of the state – it is noticeable that child protection workers are, themselves, insecure as to what does and does not constitute child abuse. Following Fleck’s observation that concepts become more emotively and cognitively secure the further away they are from their creation within expert thought collectives, such an empirical observation is to be expected. It is relatively easy to believe child abuse is a clear problem, and that its amelioration is a simple process, if one’s experience of it is limited by either geographic or experiential distance, or by exposure to only a small proportion of what is a broad panoply of complex issues.

The question of who is, and who is not, a tall man is relatively easy to determine if one is perceptually distanced from a line of tall men (every man to the right of center is tall, every man to the left short), and one is able to tolerate a margin of error. In the same way, the self-evidence of child abuse, community and government varies as to one’s distance from those problems. As we shall see, child welfare practitioners frequently talk about a “front line” as if this is the boundary where the action of child welfare really occurs. Yet, this front line – like any boundary around a vague term – is located in a number of different places at the same time. Not surprisingly, these different front line locations reflect the particular kind of activity and knowledge engaged, but also, most
distinctively, they reflect the particular participants involved and the hybrid meanings they create. Like boundaries for vague concepts in general, the term means one thing within the abstraction of the primary speech genre of language and quite another when it enters secondary speech genres.
Chapter 6

Coming to Terms with Child Abuse

How can child abuse be a vague term – a term with no established boundaries – and yet be so intrinsic to child protection in British Columbia? In his series of works concerning the subject, Hacking (1991; 1995; 1999) makes two important points. First, he argues child abuse is a new term, rooted in Kempe’s originating paper called The Battered-Child Syndrome (1962).¹ Prior to Kempe’s paper, the mistreatment of children fell into three general categories: neglect, cruelty, and incest. And, these terms were contained within the general characterization of the poor as the “dangerous classes”. It was Kempe’s paper, and the moral panic that arose after its publication, that brought the idea of child abuse into the public realm as a medical problem that was not confined to any particular social class. In other words, Kempe did not conceive of child abuse as a social problem associated with poverty but a form of pathology located within psychiatrically disordered parents. Hence, while neglect, cruelty and incest were properly the responsibility of social reformers, child abuse was to be the responsibility of medicine.

Second, Hacking argues that child abuse can never be an ‘hooray’ word – can never be championed or valorized as a good. It is always an evil and civilized societies should seek to stamp it out. But, as Hacking is at pains to point out, the problem of what child abuse is – how it should be defined and who should do the defining – has proved an insoluble problem. For it is by no means true that everybody agrees child abuse is explicable in pathological terms, and ever since the late 1960s (Nelson 1984) a dispute

¹ But note “child abuse” appears in the Children’s Bureau annual reports of 1957 (Nelson 1984, 41).
has simmered between those who claim most child abuse is synonymous with poverty (and, therefore, a political problem) and those who insist child abuse is classless (and, therefore, unrelated to social and political structures) (Costin et al. 1996; Swift 1995). The dispute has never been resolved and is apparent in the submissions to British Columbia's various inquiries. All that Hacking has been able to determine for sure about the definition of child abuse is that it keeps expanding. More and more matters come to be defined as child abuse and, in turn, more and more people come to define themselves as victims within the child abuse category.

This latter point is important because it is not the case that neglect, cruelty and incest were absorbed into a new category – child abuse. Instead, by being subsumed under this general category they became something else. For example, during the nineteenth and first half of the twentieth century, neglect described a particular moral perversion of the poorer classes. By contrast, the issue of whether it is defensible for the government to remove children from impoverished households (particularly the impoverished and mentally handicapped) is a theme running through inquiry submissions and the reports of the CELDIC and the Berger Commission. Cruelty carries a different meaning than physical abuse. The latter is a medicalized term; cruelty is a moral judgment. Sexual abuse is not the same as incest because the former term is concerned with almost any sexualized activity in which children participate – not familial relations governed by traditional and almost universal cultural taboos associated with the latter term. To be succinct, running traditional social reform terms through the universal translator of child abuse results in the creation of different meanings.
Despite Kempe’s ambitions, it is by no means the case that medicine established child abuse as its own knowledge preserve – at least not in British Columbia. Indeed, what is remarkable about British Columbia is that the term child abuse does not appear in official discourse until the Berger Commission of 1974, twelve years after Kempe’s paper was published. According to Frances Grunberg (1997), she was the first graduate student to research child abuse at the University of Calgary’s School of Social Work in 1974. Grunberg further claims the University of British Columbia’s School of Social Work did not attend to physical and sexual abuse until 1975.² Richard Butler, a practicing social worker since 1961 (and the principal architect of the dissolution of Vancouver’s Children’s Aid Societies and their replacement with the CRBs³) does not mention child abuse in his review of his own role as a social worker during the 1960s; instead he describes himself as investigating complaints of child neglect (Butler 1998, 2). This description is consistent with his statutory duty at the time, which derived from the Protection of Children Act (PCA) of 1943. The clauses of the PCA were more concerned with parental drunkenness and criminality, or the child’s potential truancy, vagrancy or incorrigibility than with child mistreatment. Only two of fifteen reasons for apprehension mention anything close to contemporary ideas of child abuse – “Whose home by reason of neglect, cruelty, or depravity is an unfit place” and “neglect, cruelty, or depravity of parents and ill-treated so as to be in peril in respect of life, health or morality by continued personal injury” (Appendix).

² The date may be significant. The reader will recall from chapter 4 that Jack MacDonald contributed to the Berger Commission and was also a faculty member of UBC’s School.
³ Butler was to rise through the ranks until he became Deputy Minister of Social Services shortly before his retirement.
Both Grunberg and the VRB annual report of 1976 point out that the first child abuse team in British Columbia was formed in Vancouver in 1974. The team was primarily consultative and began training social workers in the local area during 1975. A second team was formed in 1977 but province-wide training for social workers on child abuse did not begin until 1979. Despite the fact that social workers allegedly had no formal knowledge of child abuse, in Vancouver they apprehended some 47 children in 1976 to contribute to a total of 1,410 children in the care of the VRB (Grunberg, 1; VRB). It should also be noted that the PCA was replaced in 1980 by the Family and Child Service Act (F&CSA) which states “abused or neglected so that his safety and well being is endangered” as one of five definitions of “in need of protection” (Appendix). This shift indicates the statute reflected the recent province-wide appropriation of abuse into the discourse of social work.

This description of social work’s state of knowledge until 1979 seems to suggest that if medicine truly was the repository of knowledge about child abuse, this knowledge made little difference in the day-to-day lives of children until social workers began to utilize the category in the 1980s. The two statutes in question support this notion, for whatever children were being protected from under the PCA it wasn’t child abuse. Whatever medicine may have been doing to elucidate the pathology of abusive caretakers, social workers were protecting children from neglect morally defined, or very clear cases of personal injury. By 1980, however, abuse had found its way not only into the training and education of social workers, but also into the statute they were delegated to enforce. Meanwhile, sexual abuse is not mentioned in legislation until 1996 when it appears in the Child, Family and Community Service Act (CF&CSA) consequent to the
Legislative Review Panel. Hence, it is reasonable to assert that there was no widespread public discourse of child abuse until 1979 and, therefore, that child abuse simply did not exist as a category of protective action throughout the era of the Community Resource Boards.  

Of course, saying child abuse did not exist will not do. If Vancouver had a child abuse team in 1974, then there must have been some content to what they were doing. As Nelson (1984, chap 4) has documented, media coverage of child abuse exploded throughout the 1970s. Certainly academic and research interest in child abuse had been galvanized by Kempe’s article, but Nelson rightly argues that it was the popular appreciation of child abuse as a problem of large and dangerous proportions that placed it on the public policy agenda. Therefore, it is more accurate to say that child abuse as an object of discourse began to filter into the child protection system during the early 1970s and became a kind of common sense crystallized within statute in 1980.

In light of what was to transpire during the inquiries of the 1990s this brief account seems necessary because many of the submissions to those inquiries – and certainly the press accounts of Matthew Vaudreuil’s death – are voices from nowhere insofar as they rarely reference just how new and unstable the term child abuse really was, even in 1995. The problem is most marked by contrasting accounts of child abuse.

4 But, as noted in Chapter 3, the Berger Commission had developed a child abuse discourse and this discourse seems to have remained with the Commission’s participants. Moreover, there was widespread media coverage of child abuse (Nelson 1984) consequent to the publication of Kempe’s paper. It may seem, therefore, that the statement “there was no widespread public discourse of child abuse” is inaccurate. On the other hand, if Grunberg is correct, until the early 1980s child abuse discourse did not penetrate the secondary speech genre of Canadian social work, nor did it have any material consequences in the legal sphere. So far as I can tell, this paradox is only explicable by taking the vagueness of child abuse into account. One may argue, then, that except for the coterie of experts clustered around the Berger Commission, in British Columbia the term child abuse meant a hybrid of the old dangerous classes composed of constitutionally violent and neglectful parents and a newer version of child abuse as a pathology conceived as a variation of madness. This hybrid was sufficiently vague to circulate within the primary speech genre without the need for close definition.
from the contracting sector, concerned primarily with preventive work, with those of accounts from government workers whose primary concern was with the enforcement of statute. A child protection system may have been in place, but there was little agreement within the system as to what it was supposed to be protecting children from.

Views from the front line(s):

In the absence of formal training and education, workers in the social services sector could draw upon their own experience to formulate a meaning for child abuse. Consider Grunberg’s assertion that child abuse was not an object of study within Schools of Social Work until the 1980’s (and even then was not central to social work education). Consider also the research indicating most psychologists knew very little about child abuse and Gove’s findings that doctors, the police and other professionals needed training in the area. In such circumstances, expertise in child abuse must have been derived from a combination of popular media accounts and on the job experience. Those who described themselves as on the front line of the battle against child abuse also tended to claim they were the real experts on the subject. Many submissions use the term front line as both a source of knowledge and authority for that knowledge. But where was this front line located? The short answer, not surprisingly, is it depends who is asked.

The Gove Inquiry received submissions from several youth groups who had experience of the child protection system and organized a focus group of youth to seek their opinions. Gove and the Review Panel also received submissions from parental organizations concerned with child abuse legislation and protection practices. Since child abuse is normally thought of as occurring within the private domain of the family both these groups had a legitimate claim to ownership of the front line.
The Federation of BC Youth in Care Network's submission defined abuse as anything that negatively impacts the natural growth of a child and goes on to say social workers need to apprehend more than they think or know (Notes, 72). Moreover, the Federation recognized that whether children were taken into care or not depended as much upon alternative resource availability as any claimed objective definition of abuse contained within statute. The Youth focus group organized by Gove defined abuse as anything stopping a child from daily life, anything that harms, and anything that has a negative effect on a person's well-being. They defined neglect as the taking away of food, care, support, clothes, housing and withholding the basic rights of a human being (ibid., 228). They, too, believed the practical application of definitions of abuse was subject to alternative resource availability. Youth, then, had extremely broad definitions of abuse and generally concluded that either social workers did not know how much child abuse was actually occurring, or were prevented from taking protective action because of a chronic shortage of alternative residential resources.

One submission bridged the gap between youth and parents. Many of its members had been former children in care and they described themselves as a grass roots organization of young parents who had become empowered. They stressed that the main problem for young parents was poverty (ibid., 64).

Parental groups tended to speak of abuse in terms of parental stress (ibid., 44). They also placed considerable emphasis upon the lack of clear definitions of abuse within statute which, they claimed, led to the state involving itself with parents who were not

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5 Youth in Care Networks were associated with the Child Secretariat which was a multi-ministry clearing house ultimately declared ineffective by Gove. The networks were composed of current and former children in care of the Superintendent and designed as a forum for self-advocacy with mentorship provided by ministry staff.
abusers. One submission states: "Poverty, a short-term crisis, a spanking, and false allegations have all been misused as reasons to take children out of healthy families for long periods, making authorities too busy and more likely to miss a case like Matthew [Vaudreuil]'s" (ibid., 199). The concern that broad definitions of abuse lead to unfettered state intrusion into families led to calls for both tighter statutory definitions and a more legalistic process in which "beyond reasonable doubt" was advanced as the appropriate standard of judgment. Moreover, these groups specifically targeted the statutory protection of a complainant’s anonymity as contrary to the right to face one’s accuser.

While youth and parental groups disagreed whether abuse should be broadly or narrowly defined, they concurred that state agents did not listen to or respect either of them. Parental groups usually framed their submissions within a discourse of the family. They argued that government social workers either were not permitted, did not know about, or chose not to recruit extended-family resources, thereby leading to inappropriate and unnecessary child removals. For their part, youth argued that their lives were supervised in ways convenient for government administration rather than with their best interests in mind. Overall, then, there was a general suspicion of the knowledge and motivation of workers in the child protection system. As one submission put it:

To my knowledge, the needs that have already been identified in my community have been voiced mainly by professionals, who also appear to dictate how services should be delivered… I have come to feel strongly that our association of family serving agencies and our social planning councils should not be given any authority in case management for fear of them grossly abusing the client’s best interest to benefit them contractually. (emph. in orig. ibid, 64).
From this perspective, it was not just a case of community social services being helpful while direct government was not, but that social services generally were mechanisms for furthering professional interests at the expense of clientele interests.

Foster parents, too, claimed to be on the front line and complained they were not listened to or treated with respect by child protection agencies – both government and private. They argued that they were the primary or only advocates for children because special interest advocacy groups tend to be “unrealistic”. Social service agencies were described as “inadequate due to ignorance of the dynamics of foster care” while both government social workers and judges tended to rely on personal opinion to make decisions about whether children had been abused because laws and policies were too open to interpretation. “Loose interpretations of grounds for government intervention and court action result in children remaining in, or returning to environments that are not safe” (ibid., 34). Foster parents called for consistent minimum standards. Their general definition of child abuse centered upon child development. For them, any act “detrimental to the healthy development of children” constituted child abuse (ibid., 32).

Community social service agencies and their coordinating organizations also claimed to be on the front line (Notes, 30; 47; 48; 77; 143). They were unanimous in describing overworked, crisis-driven government social workers; inconsistent standards; and wide variations of practices between offices and even amongst social workers working on the same teams. Moreover, community social service agencies exhibited a general belief that the judiciary lacked sufficient training to adjudicate child protection matters.
For all their calls for consistent standards and clear statutory definitions of abuse, community agencies were conspicuously unable to articulate a consensus as to what such standards and definitions should be. In general, they all agreed child abuse allegations should be investigated, but the definition of abuse seemed to be tacitly understood. “The task of defining children in need is critical to the provision of good care. Any child who suffers from neglect, abuse or sexual abuse is a child at risk…. It would be unethical and neglectful to prioritize the response by type of abuse, all abuse is devastating to children and requires investigation” (emph. in orig. ibid., 58).

As well, specialized community social services agencies and advocacy groups broadened the tacit understanding of abuse according to their own particular specialty. Hence, a child development center suggested parents who do not positively encourage their child’s health through therapy are abusive, while the Fetal Alcohol Syndrome/Effect Support Network complained that overlooking the particular needs of such children is also a kind of abuse (ibid., 62; 69). Then again, a submission from a mental health team not only agreed that definitions of neglect were left at the discretion of the social worker, and that mental and emotional abuse is extremely hard to monitor, but added that removal of children from their parents is itself an abusive act (ibid., 83).

Overall, while there was a consistent call on the part of community social services agencies for tighter and standardized definitions of abuse, such definitions eluded the agencies themselves. As a consequence, they tended to fall back upon a belief that the problem of child abuse was best understood as a lack of preventative resources. Adequate resources, it seemed, would generally eliminate the problem of child abuse if they were predicated upon realizing children’s appropriate development. Moreover, emphasizing
resources directed at families would also neutralize the frequently referenced problem of parental versus children's rights because they would target the family as the object of support. As one community development agency put it: “The current picture of ISOLATION and HANDS OFF other people’s problems and concerns seems to have gone too far. The belief that it takes a whole village to raise a child needs to be re-discovered and acted upon” (emph. in orig. ibid., 27). Gove indicated his support for this view in a letter to the BC Council for the Family. “I agree with you – debating two perceived ‘roles’ of the family is not constructive in the larger discussion of how to best protect children and help their families” (ibid., 26). As will be discussed in the next chapter, sidestepping clear definitions of abuse with reference to the properties of communities merely leads to the next obvious question – what is a community? And, what is the appropriate relationship between rights and responsibilities within that community?

For their part, government social workers were also confused about what constituted child abuse. As the people who actually investigated child abuse allegations and removed children when necessary their claim to front line status seemed secure. Besides, the government referred to child protection workers as “line workers”. Occupying the front line did not make protection social workers confident that their knowledge and decisions were respected. “There is a strong feeling amongst social workers that we need clear valid definitions of abuse and neglect, definitions that are readily visible to the Court and the public” (ibid., 89). Social workers saw themselves as gatekeepers – in effect, the systemic determiners of what is, and what is not, child abuse. Yet, they believed the public and the judiciary consistently undervalued their expertise.
Moreover, social workers were sensitive to what the BCASW described as the “basic dilemma of protection work” – assisting families while removing children if and when apprehension was necessary (ibid., 25).

Certainly the “basic dilemma” is a common enough analytical approach. However, neither this analysis, nor the observation that the total number of child protection workers in British Columbia declined during the 1980s explains the increase of child protection complaints and the work those complaints generated. One source of the problem was evident within the submissions from social workers responsible for placing children into residential resources. While there were certainly children removed from their guardians due to obvious abuse, these were not the children who concerned them. Instead, they describe children with serious mental health problems, criminal behavior, handicaps of various sorts, or other disruptive behavior. Hence, the fostering system was not so much a haven of safety, but a dumping ground for any child who posed a disciplinary governance problem. One team’s submission gives a partial list of the problems they faced at the time of their submission (ibid., 124):

- 17 year old permanent ward with severe mental health problems
- Streetwise, pregnant 14 year old
- 12 year old female, prostituting, dealing drugs
- Extremely aggressive 11 year old male
- An encoprectic, delinquent, 14 year old boy
- Sibling group of 3, foster mother has terminal cancer
- 5 year old boy, severe behavioral problems, adoption and long term foster home breakdown
- Sibling group with two sexually intrusive members

These children were disciplinary problems in both senses of the word. They were behavioral problems, but they also posed a challenge as to which discipline (or arm of government) should take responsibility for them.
Another team of specialized resource social workers argued that the child protection system looked after children who were criminal, mentally ill, or expelled from school because of their behavior. These children were not necessarily 'abused' but they took up space in resources, which they frequently wrecked. However, the protection system was unable to say "no" to their need for alternative residential placement because their parents were frequently at the end of their ability to cope (ibid., 128).

On the other hand, few would suggest that these children were achieving their potential and, therefore, from the community social services' point of view they were abused. It was not lost upon government social services workers that workers and agencies in the community social services sector vastly outnumbered them. Without an adequate definition of abuse, government protection workers were unable to gate keep in any meaningful fashion because they were unable to withstand the pressure from the more numerous contracted agencies. Indeed, a persistent theme in government employee submissions was the observation that the community social services sector was a protected sector (meaning caseloads were kept small through waiting lists and selectivity about the kinds of problems and populations they serviced) while government workers were required to deal with those situations that the community sector either could not, or would not, deal with. From this perspective, the expansion of the definition of child abuse is directly related to the expansion of the community social services sector. Paradoxically, as the community social services sector expanded it withdrew resources from the government protection apparatus while creating vastly more work for that apparatus.
It did not help that government social workers had little confidence in their own expertise and legitimacy. Child abuse did not establish itself within government social worker’s discourse until the 1980s and was never central to their academic education. Even if government social workers did have the expertise, the sheer volume of work prevented them from adequately utilizing that knowledge. Hence, when Professor Callahan of the University of Victoria studied Bachelor of Social Work students and graduates in British Columbia she found only about twenty per cent were employed in child protection positions and most did not remain in their jobs. In her submission to the Gove Inquiry she wrote:

[Child protection social workers] state that the work is simply too stressful, has too few rewards and too many pitfalls and most importantly, often places them in an adversarial position with their clients, other professionals and the public at large.... Many social workers feel that such work demands that they behave in ways which are contrary to their professional code of ethics and to their own approach to practice. (ibid., 50)

A submission from a branch of the British Columbia Association of Social Workers (BCASW) questions the “kind” of person who would engage in child protection investigations.

At the same time we have some concerns for and about that person if all they do for work as a social worker is to investigate. We wonder if the narrow focus on investigation will both limit and “harden” the worker to the task. Does Social Work own Child Protection Investigation, or should other professions be involved? Is a question that needs asking [sic]. (ibid., 17)

Submissions from government workers themselves tended to underline this problem. The fact was, even if social workers did have esoteric expertise in child abuse
and child protection, the field was so unattractive they left as soon as they were able – either to other employers such as hospitals and private agencies, or into different parts of the provincial ministry where child protection was no longer their responsibility.

If child abuse was truly a medicalized problem, professional medical organizations would have been deeply involved in the Inquiries. In fact, the BC Medical Association did not make any submissions to the inquiries under study, nor do they seem to have responded to a Gove Inquiry researcher’s request for general information. Of the four submissions to Gove authored by doctors representing medical institutions, one was from a rural hospital which pointed to nurses as the primary identifiers of child abuse and the other three came from the Children’s Hospital in Vancouver. The pathologist responsible for the autopsy on Matthew Vaudreuil authored a second submission. She specifically rejected Kempe’s (1962) formulation of child abuse and cited a paper by Leroy Pelton to assert that abuse and poverty are intimately linked. She stated: “only when our society develops the political will to deal effectively with children in poor families will the problem of child abuse be solved” (Notes, 23).

Of the two other submissions authored by doctors, the head of child psychiatry at the University of British Columbia’s hospital supplied no definition of child abuse, nor did the Child Protection Services Unit of Vancouver’s Children’s Hospital; although the latter comments: “We particularly see the ‘front lines’ …being diminished of experienced staff” (ibid., 19). Even for this specialized unit, a working definition of child abuse is something experienced workers gain tacitly rather than through application of esoteric

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7 In contrast to the doctors, the B.C. Registered Nurses’ Association made formal submissions to both the Gove Inquiry and the Review Panel. They concurred with the definition of child abuse published by the Social Services Programs Branch of Health and Welfare Canada.
8 The paper was: Pelton, L.H. 1978. American Journal of Orthopsychiatry 48; 608-617.
and academic knowledge. The Unit nevertheless recommends the use of a checklist or review of risk indicators and continues “[I]ntake staff must be more willing to open files on ‘at risk’ situations, rather than demanding definite evidence of abuse before doing so” (ibid., 20). The questions of what children were “at risk” from is unstated. More precisely, the reader is assumed to tacitly know that children are at risk of child abuse – and the reader is thought to know already what child abuse designates. Hence, the reasoning can go directly from a social evil (child abuse) to “risk indicators” without pausing to ask what it is these indicators actually signal.

What are “risk indicators”? And, how would one go about constructing a “checklist” of them? The College of Psychologists provided an example within their submission and went on to suggest that because psychologists have developed such risk assessments it ought to be they – not social workers or even, presumably, the courts – that should determine which children are abused. The College claimed psychologists are not employed by the child protection system because they are too expensive (ibid., 25). Yet, as noted earlier, local research indicated that only six per cent of British Columbia’s psychologists had any training in child abuse at all. Moreover, risk assessments were not unknown within social work but social workers tended to disagree upon their efficacy. Jack MacDonald was commissioned by Gove to research the problem of intake and recommended the use of risk assessments as an “assist” to social work judgment (MacDonald 1995) while the BCASW was deeply troubled by the number of “false positives” such assessments generated (Notes, 16).9 Although a government social work team did suggest the use of risk assessments (ibid., 91) by far the majority suggested that

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9 It is also worth noting that MacDonald used the Alaska State Risk Assessment Matrix as a model. There is no indication that Alaska’s model was ever submitted to peer review or validity testing; certainly it was never published.
inadequate risk assessment was a function of workload and shortage of resources rather than lack of assessment skills or technologies.

*Using Risk to Master Child Abuse:*

Widespread disagreement as to what is meant by child abuse naturally posed a problem for inquiries. The Review Panel acknowledged the problem:

> We have come to understand that providing clear definitions is a difficult, if not impossible task. Furthermore, providing precise and therefore limited definitions may do a disservice to families and children, rather than helping them get the services they need and want. (Review Panel Report, 126)

The panel resolved the problem by adopting the concepts of harm, abuse of power, and exploitation as general characteristics of abuse. They further suggested that abuse does not come in discrete forms, but "almost always a combination of physical, sexual and emotional actions" (ibid.). Further, they insisted on a distinction between two categories: (i) systemic neglect caused by government failure to provide adequate housing, schooling, income support or employment and, (ii) parental/caregiver neglect related to parental failure to provide such care as they are capable of. They concluded: "There are no single, valid definitions of physical, sexual and emotional abuse or neglect. Rather, each definition must take into account the specific use to which it will be put, the age group to which it will be applied, and current community standards" (ibid., 127). The Review Panel's solution, then, was twofold: both to go up a level of abstraction (who knows where the boundaries of the terms harm, power and exploitation are located?) and to reference the concrete details of each situation by recruiting a further abstraction - "community standards."
The Gove Report more or less evades the whole problem of definition. Even in the section concerned with reviewing the new *Child, Family and Community Services Act*, Gove frames his review in the context of actual or inferred harms to a child and limits his discussion to the new provisions concerning emotional harms and their consequences (Gove 2: 218-219). This is in keeping with Gove's general assumption that abuse is self-evident given an adequate investigation. Hence, rather than concern himself with definitions, Gove spends considerable time on risk assessment and claims that child welfare systems err when they place too much emphasis on client "strengths" rather than child-centered risk evaluation. Gove does not claim that risk assessment tools can replace worker judgment, but he does frame his assessment in the context that professional judgment is risk assessment. He concludes:

In recent years, several jurisdictions have adopted standardized risk assessment forms or questionnaires that derive a numerical rating of risk to the child. The reasoning behind this move toward empirical, rather than judgment based, decision-making is the belief that it will lead to better and more consistent case decisions.....

The inquiry has concluded that child protection social workers must complete a comprehensive risk assessment when investigating a child protection report. The risk assessment should include corroboration from collaterals of explanations for injuries or neglect which the parent may give about the child. The assessment should not give "strengths" of the parent disproportionate weight. (ibid., 74)

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10 This evasion is interesting because in his survey of social services agencies Gove specifically asked for a definition of child abuse. The lack of a definition in his Report would appear to be a tacit admission that no such definition could be found or no agreement on a definition was possible. Gove does provide an intriguing anecdotal account of an evening he spent with an After-Hours child abuse response team. According to Gove, no children were removed that evening although Gove assures his readers none of the children were safe. Gove provides no account of how he reached such an assured conclusion. The reader is left to infer that the lack of safety was simply self-evident. (Gove Exec. Summary, 27)
Gove’s faith in risk assessments seems odd given the research available to him. For example, Gove valorized Hawaii’s Healthy Start program in part because its participants were selected through the use of a Family Stress Checklist developed by Kempe and associates. The assessment was used prior to a child’s birth to identify high-risk families who were subsequently offered weekly service by in-home support workers. While Healthy Start purported to have demonstrated a high degree of accuracy in identifying abusive families, its false positive rate was around seventy five per cent (Notes, 212). Keeping in mind the previously mentioned criticisms from client groups that such services were designed to enrich private service providers rather than assist clients, the Healthy Start program could be characterized as a massive make-work project—particularly since most of the program (and all of the evidence purporting to demonstrate its success) derived from private contractors with an obvious interest in inflating the program’s success while minimizing its shortcomings.

The Ministry of Social Services provided Gove with background documents pertaining to risk assessments. These documents stressed that risk assessments had not been subject to adequate tests of validity or reliability.

The risk assessment systems have much in common but they differ in specifics. All systems will include risk factors relating to the child, the child’s caregivers (parents), the child’s family and nature of maltreatment (abuse/neglect). The difference is how the models combine these factors into different categories (the structure of the system, whether there are weights/scores for assignment of risk, whether there is a composite score, if the system is automated and the use of operational definitions for assessing the degree of risk). As well, how they are implemented and integrated into case management by the jurisdiction using them differs significantly. (ibid., 230)
Further, risk assessments are really no better than the skills of the people utilizing them. Such people must have sound judgment, good interviewing skills, and sufficient time to conduct assessments properly. "If workload issues are not addressed, the implementation of a risk assessment model places additional administrative burdens on social workers" (ibid., 232). Gove's recommendation that all reports of suspected child abuse be investigated flies in the face of research indicating one of the main uses of risk assessment tools is their gate keeping function – they enable workers to separate serious situations requiring action from the not-so-serious situations. In turn, this suggests the definition of child abuse becomes a combination of "operational definitions" shaped by their implementation and integration into child protection systems.

Gove must have realized that risk assessments do not resolve problems of definition and they certainly do not solve the problem of too much work. Moreover, Gove specifically criticized operational systems that require checking boxes on forms because they fail to solve the problem of subjective weighting and computerized assessments and do not permit adequate space for narrative-style record keeping. Yet, computerized box-checking precisely describes most risk assessment tools and, particularly, the one developed and implemented (under the direction of the aforementioned Fran Grunberg) in British Columbia as a response to the Gove Report's recommendations (British Columbia n.d.). It is also worth noting that in the Gove inquiry's files were two rough presentations authored by William Leiss and Lori Walker. These presentations were

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11 Problems associated with risk assessments were quite evident in published research available to Gove. For examples see: Downing et al (1990); Fanshell et al (1994); Murphy-Berman (1994); Wald and Wolverton (1990). For more recent research on the gender bias of risk assessments see: Krane and Davies (2000).

12 At the time, William Leiss was a Professor of Communication at Simon Fraser University. His specialty was risk communication. Leiss has written and edited several books on the subject of risk. The most contemporaneous with the inquiry era was entitled Risk and Responsibility (1994).
concerned with risk communication and emphasized that risk is a matter of perception and, therefore, cannot be objectively assessed (Notes, 233). These two presentations are the only evidence that Gove researchers consulted risk literature more generally. Perhaps this explains why Gove’s report seems curiously naïve in its appreciation of the classification and valuation difficulties of risk assessments.

By sidestepping a close definition of child abuse, both the Review Panel and the Gove Inquiry were able elide the question of who occupies the “front line” and, therefore, judging whose knowledge was the most accurate, complete or germane. Both sought a consensus as to what constitutes child abuse but they sought that consensus in different places. For the Review Panel, a consistent and consensual definition was practically impossible and so they resorted to an appeal to community standards for the resolution of borderline cases. In contrast, while acknowledging the importance of community as a source of support and ameliorative action, Gove advanced the proposition that risk assessments contain a single objective standard applicable across communities and cultures. Borderline cases would be resolved through the expert technical manipulation of risk indicators. Consensus was not so much sought as imposed through the authority of objective and scientific knowledge and procedures.

Both approaches were clearly attempts to eliminate specialized and tacit knowledge created on the front line. In the Review Panel’s model, the front line simply disappears into the consensual community where borderline cases were resolvable within collectively held community standards. In Gove’s case, front line knowledge must always be subservient to objective risk assessments which, being public, rely on the persuasive strength of their appeal to reason. Borderline cases, then, are resolved through appeal to
esoteric – but publicly accessible – knowledge of what is true for all cases and therefore presumed true for any particular case. To disagree with a properly conducted risk assessment would be to deny sense and reason.

**From Harm to Risk and Back Again:**

We have seen in the foregoing sections how the definition of child abuse bifurcated along broader and tighter definitional lines. Generally speaking, parents’ groups and government social workers called for tighter definitions while youth and the community social services sector called for broader definitions. The bifurcation appears both in submissions from individual groups and the various alliances and associations organized to represent them. As well, the themes of family-centered versus child-centered practices, and prevention versus protection run through all submissions to the Reports. What the submissions disagreed about was the constitution of child abuse and those disagreements could not be resolved. For child protection workers the problem of child abuse could be distilled into the following question: How could workers realistically engage in the prevention of child abuse if they couldn’t clearly state what events or harms they were preventing?

The issue was further highlighted within the focus groups organized by the Gove Inquiry and composed of people working within (or affected by) the child protection system. In theory their responses to Gove’s queries – What are child neglect and child abuse? and, How is a child’s well-being determined? – ought to have formed the basis for a multi-interest definition of the terms. Given the foregoing, however, it is not surprising that no such basis emerged. Interestingly, focus groups did not disagree because of competing definitions (arguably, they never got that far in their deliberations), but
because of an inability to account for the sheer complexity and volume of possibilities. As one table put it, “defining abuse and neglect from whose perspective? – will differ from police, social work, Ministry of Health, parent, community, school”. And, there “is not clear agreement between stake-holders” (ibid., 221). Questions arose over what was meant by “well being”, how should neglect be measured, and what account should be taken of cultural variation? Most focus groups agreed that neglect involved the lack of parental provision of food, shelter, clothing, and emotional support, while abuse interfered with a child’s social, physical, emotional and psychological development and well being, but none were able to create a tight definition capable of eliminating borderline cases, and none proposed a logical mechanism for deciding borderline cases.

The Gove Inquiry’s focus groups demonstrated that while it was possible for the various specialties and sectors to generate more or less tight definitions when they were isolated from one another, when asked to articulate collectively held meanings they found their definitions inadequate to the operational demands of other specialties and sectors.

Since neither the Review Panel nor the Gove Inquiry was able to generate a definition of child abuse, they both tended to use the language of harm. Child abuse, then, becomes what harms children although, again, the definition of harm is both a general formulation (that which harms children’s normal development) and specific insofar as harm manifests itself under particular circumstances. Moreover, the legislation written in the wake of the Review Panel included several “likely to be” clauses which Gove not only endorsed, but insisted on expanding to include emotional abuse. The provincial child protection system became legally responsible for ameliorating not only existing harms to children but also for those harms “likely to be” present in the future.
There are differences in the reports’ reasoning. Following Hacking (1995), there is a distinction between consequential reasoning formulating child abuse through its harmful effects and deontological reasoning formulating child abuse as a moral wrong regardless of its effect. Despite similarities, it is important to recognize that the Review Panel and the Gove Inquiry arrived at the formulation of child abuse as harm through different routes. The Review Panel acknowledged that it could not closely define child abuse – or its consequences – and turned to harm as an abstract property both to give child protection practices some sort of ethical and statutory grounding and, more importantly, as an argument for writing preventive services into statute as an obligation on government.

By contrast, Gove arrived at the concept of harm through his investigation of Matthew Vaudreuil’s death. He found the child protection system had simply failed to act despite the availability of all relevant information. Given Gove’s oracular appropriation of Vaudreuil’s voice, he effectively said, “I was harmed throughout my life; the system didn’t stop it; and, so, I died.” The validity of consequential reasoning was plain to see in this particular case and therefore, according to Gove, was true for all cases.

A deontological approach alters Gove’s premise by suggesting the lack of developed communities and adequate support services for the Vaudreuil family were moral wrongs irrespective of their consequences. The Review Panel assumes one of the consequences of adequate support services and developed communities will be the elimination of child abuse, but the moral necessity it references is not predicated upon the avoidance of child fatalities. Instead, the Review Panel’s approach is predicated upon the moral necessity of social equity. Achieving social equity will have many consequences –
one of which may be the lowering of child fatalities – but the general goal is for all children to achieve their full potential. According to the Review Panel, the government’s moral responsibility is not to seek out particular instances of danger to children, but to create conditions under which families and communities are able to create normative conditions for all their members.

Given these two routes to the consequences of harm it is perfectly reasonable that the Review Panel sought a solution through community as the location of preventive services premised upon locally defined concepts of child abuse and Gove sought comfort within scientifically grounded and objective risk assessments. But the formulation of child abuse as harm does not resolve any of the definitional problems of child abuse.

Parental groups recognized this immediately. For example, one group insisted:

The government has no right, much less the resources to involve itself in every case where a child “is likely to be” physically harmed, neglected or exploited. Just to compare this to the criminal law field, no one is ever brought to court because he is “likely” to assault or abuse someone. The new bill also fails to differentiate between minor problems and life-threatening cases, implying that the government must involve itself in every family where any problem is likely to occur, however minor the problem might be. (Notes, 200)

The ministry’s After Hours team specifically opposed any consequentialist approach to child abuse and took a different tack. They used the example of a parent shooting a child’s dog as punishment. They suggested such an action is just plain abusive – regardless of its emotional consequences and, hence, this team adopts a deontological stance. Another team stated: “Social workers are aware of the implications/stress to families of conducting unnecessary investigations” and that the inclusion of “likely to be” provisions assumed multiple support services. This team saw the new legislation as
worsening their definitional problems because "social workers feel they need a clear
mandate to delineate boundaries regarding what actually constitutes a case" and that "the
documents produced by the Legislative Review Process over represented the views of
special interest groups (ibid., 90). Clearly, as government social workers saw it,
organizing a child protection system around the vague concept of harm was a triumph of
those special interest groups who saw the potential for some sort of harm in every family.
Stated cynically, the non-specific notion of harm required an expansion of community
social services yet continued to place responsibility for failure with the government
generally, and with government social workers in particular.

*Child Abuse, Harm, and the Struggle to Control Terms:*

The various submissions to the Review Panel and the Gove Inquiry (and the focus
groups that were a part of their processes) demonstrated that despite years of effort no
satisfactory and consensual definition of child abuse was possible. Whether or not this
was a philosophical problem, it was certainly a practical problem confronting those on
the "front lines" of child protection, wherever those lines were located. The inquiries'
invocation of harm does not resolve the problem. Recruiting harm as a synonym for child
abuse does not escape the inherent vagueness of the concept.

Nevertheless, the very vagueness of the concept provides a window into the way
child abuse is used to advance group interests and the proper place of government within
the activities of those interests. The very vagueness of the concept meant it could be
recruited and advanced as a mechanism for regulating group rivalries. As we have seen,
the community social services sector advanced a broad definition of child abuse,
primarily of their own making, rooted within their own tacit and experiential knowledge.
This allowed them to advance an argument for the expansion of their own sector through a greater commitment on the part of government. Failure to provide such services was advanced as proof of the failure of government to protect children from harm and, therefore, child abuse. On the other hand, consumers of community based social services worried community social services had appropriated the service agenda from their clientele in order to advance their own occupational and organizational agendas.

For their part, government social workers saw community social services' broad definition of child abuse as an expansionist enterprise likely to redirect funding and authority away from government. Submissions from government social workers repeat two themes – the enormous expansion of workload despite fewer employees to do the work, and the unwillingness of community social services to take responsibility for children with serious problems. A broad definition of child abuse permitted community social service agencies (and other ministries within government) to rationalize any child's real or perceived deviance through the lens of child abuse and thus place responsibility on the Ministry of Social Services. In practical terms, government child protection social workers interpreted this to mean responsibility fell upon individual workers.

It may seem surprising that government social workers would find their strongest allies in natural parent groups – and no such alliance was ever articulated. Nevertheless, both argued that a broad definition of child abuse simply expanded the range of possibilities for abuse while insisting government take responsibility for investigating and eliminating that abuse. The resulting massive amount of daily work defeated the child protection system since it could never have sufficient resources to police every situation in which abuse – defined as harm to children – was possible. Moreover, the lack of
preventative resources (or their inefficacy) contradicted the belief that such servicing was desirable in the first place. Both parents and government social workers were very aware of the stigma and stress brought about by investigating a family for child abuse.

Interestingly, foster parents also felt themselves exposed to broad definitions of abuse since they, too, were subject to investigations by child protection authorities when their homes were alleged to be abusive. However, since neither government social workers nor parents could argue child abuse as a good, they reasoned that broad definitions meant serious child abuse was lost or backlogged by a child protection system bogged down with investigations of non-abusive situations.

Given the broad definition of child abuse that emerged within the new legislation it is not difficult to see which interest group triumphed in the struggle to elucidate statutory definitions and expectations. The broader definitions won out and the stage was set for a highly interventionist government expected to take responsibility for any child abuse likely to occur. The irony of this victory is that it was not the expertise of those on the protection “front lines” that won out, but the expertise claimed by the community social service “front line”. The government social workers that did the investigating, the parents who were investigated, and the lawyers who represented those parents, failed in their argument for a close definition of child abuse and, therefore, failed to reduce the responsibilities and/or intrusiveness of government within the private realm of the family.

None of these actors approved of child abuse. Indeed, those who argued for a closer definition frequently called for harsh punishment of abusers. What is evident, however, is that the further someone is placed from the responsibility to investigate child abuse – and remove children as required – the broader and more confident the definition
they are likely to adopt. Put another way, the more someone participates in the actual consequences of protective action, the more likely that person is to demand close definitions capable of placing secure boundaries around their responsibilities. Confident and all-encompassing definitions are only possible from a distance. Tall men and short men are easy to distinguish when seen from far away. When someone is in close proximity to the men the tiny shifts in gradation become apparent. With proximity the question of which men are tall and which are short becomes infinitely more difficult to determine. In the same way, the distinction between abuse and not abuse seems simple because extreme cases draw attention. But in the fuzzy middle, things are never that clear. Hence, local actions do not defeat vague terms; they operationalize their insecurity.

Having won the campaign to gain control over the definition of child abuse in legislation, the community based social service sector was confronted with taking responsibility for that definition. A new campaign was about to open, a campaign whose objective was displacement of responsibility for child protection action away from government and toward the community social services sector. In shifting responsibility to community the problem of vagueness reappears. What is a community, and how should it resolve borderline cases?
Chapter 7

The Communitarian Alternative to Government

Introduction:

In his dictionary of key social science words, Raymond Williams (1976) notes that the term community is used to denote both a universal good, and an object/concept for which there is no positively defined opposite. In classical sociology, it is a common theme that modern society has contributed to the disappearance of traditional communities, and that something important about human relations has been lost with their demise. For example, Durkheim (1951) pines for the Roman guild and Weber (1992 [1930]) warns of modern capitalism's dominating iron cage. It is, however, Tönnies' (2001 [1887]) distinction between Gemeinschaft (community) and Gesellschaft (society) that best captures the sentimentalism of modern capitalist society's yearning for community as a solution to its social problems.

In Tönnies, (ibid., 257) community and society are posed as opposites. Communities are small and emphasize permanent, local, and intersubjective relations based on the traditional household of kin, servants and retainers. Societies, by contrast, are large aggregations of individuals seeking immediate advantage through transient relations in a competitive market. The fundamental characteristic of community is its capacity to engage people with all their heart and soul whereas society engages only their rational self-interest. The core of community is its commonality of custom and traditional modes of production whereas the core of society is the state, whose purpose is to foster the pursuit of individual wealth accumulation through the manipulation of goods and services within an unencumbered market.
Tönnies' description of community has a sentimental feel about it. As the values of market driven society come to dominate and fragment communities, the capacity for people to merge their total humanity with others is diminished. The individual in the market is always alone because she subordinates all her relations with others to the central task of individual advantage. Society’s values are destructive of communal values — including the values of hearth and home. The family, then, ceases to be a place of warmth and feeling because it becomes a microcosm of the market. The insidious values of market society reach everywhere and become communities' enemy.

Lamentation over the loss of community is a consistent theme in submissions to the Review Panel and the Gove Inquiry. The remoteness of state agents, and the destructive effects of government on community and family life are continuously referenced. Child abuse is explained as a symptom of the contemporary lack of communal sympathy and human contact. Child protection social workers are state agents, which means they work for the very apparatus thought to be destructive of communities and families. In its most radical form, this line of critique characterizes social workers as a cause of child abuse rather than its antidote.

It is likely that few submitters to inquiries had read Tönnies but their opinions about the curative power of community are remarkably similar. Moreover, the desire to reproduce the community feeling described by Tönnies is augmented by the contemporary communitarian movement. There is, however, an important difference between the society described by Tönnies and the communitarian vision. As we shall see, communitarians tend to describe three spheres of human activity: community, government and the market. Tönnies, by contrast, saw the state and the market as
inseparable and opposed to community. For communitarians, their tripartite division is useful because it permits them to call upon government as a source for the development of community and the market as a mechanism for rationalizing community-based social services agencies. Communitarians cannot hold a radically anti-government and anti-market line since to do so would endanger the rule of law and the capacity for individual economic independence communitarians tend to value. Consequently, the boundaries between community, government and the market tend to become fuzzy. In the process, the practical expression of community is difficult to pin down – the concept of community becomes vague. How submitters expressed their desire for society to nurture community feeling while curtailing society’s destructive impulses is the central concern of this chapter.

*From Localism to Community:*

The release of the CELDIC report in 1969 brought forth a shift from an emphasis on centralized government service provision and/or regulation of philanthropic agencies, toward an emphasis on local delivery of government services. Initially, ‘local’ and ‘community’ seem to have been more or less interchangeable terms. However, over the course of the twenty-five years or so between CELDIC’s release and the composition of submissions to the Korbin, Review Panel, and Gove inquiries, community had come to mean something qualitatively different from mere localism. But, what is perhaps most noticeable about the appearance of the term community in inquiry discourse is its almost complete absence of definition. What is a community? And, what does it do?

Of all the submissions to all three inquiries only two attempt to define community. And, while the positive effects of community are frequently cited in most
social service organizations’ submissions, they are remarkably sketchy as to how communities are formed and sustained. The overall impression is that communities just are as if they are natural phenomena akin to minerals, animals and vegetables. However, communities are caught in the paradoxes of Latour’s (1993) Modern Constitution (See chapter 5). In both inquiry submissions, and the inquiry reports themselves, communities are described as simultaneously occurrences in nature, and the product of government activity. This gives them the quality of being, as Rose (1999 [1989]) puts it, “quasi-natural”.

It is virtually impossible to state for sure how localism came to be supplanted by this other concept of community as an appropriate site for the governance of child protection because submitters rarely cite sources. The overall impression is that communities are assumed to be a common concept whose meaning is beyond dispute. However, several submissions are clearly rooted in a concept of community that is almost identical to the kind of concept advanced by communitarian theorists and it seems likely that, whether consciously or not, communitarian theory cast a shadow upon their thinking. By the early 1990s it was as much “in the air” as localism was “in the air” in the wake of the CELDIC Report. Moreover, communitarian theory influenced the politics of the 1990s becoming a vital pillar in what has become known as Third Way politics (Blair 1996). For proponents of the Third Way, community appears not only as a self-evident good, but also as a way out of the seemingly endless conflict between the political right and the political left (Atkinson, 1995; Etzioni 2000; Rose, 1999 [1989]). If all can agree that communities are a collective good, then the task of building, developing, or
strengthening community becomes a technical problem of social policy and practices (Rose, 1999 [1989]).

Communitarian discourse rarely provides empirical definitions of community. This is a rhetorical move enabling communitarians to distance themselves from the Utopian strain in communitarian thought and present their ideas of community as a new insight. The examples of communities provided by communitarians tend to be selected randomly. This is because, as Frazer's (1999) exhaustive study of communitarian politics suggests, communitarians think about communities with reference to traits rather than specific social configurations. Broadly speaking, they describe communities as matrices of "social and moral relations" (ibid., 77) whose principal characteristics are face-to-face reciprocal interactions designed to foster the solidarity of the group. Communities are set apart from instrumental social relations by their appeal to affect-laden relationships that, in turn, foster both an appreciation of the rights of the other and the necessity of accepting personal responsibility (Blair 1996; Etzioni, 1998; 2000). In this way of thinking, markets and governments are incapable of fostering such affective bonds because markets operate as purely instrumental means of gaining individual advantage while governments, as creatures of pure reason, cannot – and according to Weber (1946) ought not – govern through relationships of personal obligation. In the communitarian world, responsible moral actions only occur within communities that are characterized by a strong sense of members' mutual obligation. Put bluntly, one may steal in the market and defraud the government without affective consequence but one does not steal from, or defraud one's neighbor. Moreover, if one does defy community norms in this way, one
is more likely to be discovered and suffer appropriate penalty due to the particularity and
detail of local knowledge.

If communities are webs of affect-laden relations comprising rights and
responsibilities, and if communities are separate from the state and the market, it follows
that social problems are best solved within communities. In the communitarian view, it is
the lack of personal responsibility in combination with the overweening demand for
individual rights that are at the root of much of society’s ills. Hence, to solve society’s
problems communities and their affective bonds must be fostered. Communities are
viewed, therefore, as a practical solution to the problems of the welfare state and as the
appropriate site of moral governance. Only within communities can the schism between
rights and responsibilities be repaired and augmented by local practical knowledge about
social problems, and their solutions. Healthy communities unburden the state from micro-
management of its citizens’ lives by redefining the state as responsible to citizen
communities. The state is required merely to provide whatever assistance to communities
as may be necessary for the management of their own governance (Etzioni, 1998).

The problem of how individual rights are preserved through community
commitment is resolved through an educative model. Within community, membership is
not (and should not be) coerced. Rather, the inter-subjectivity that binds communities is
learned through the ongoing replication of social bonds of affection and obligation.
Authority and access to force are retained by the state in its role as protector of
community. Even so, the role of coercive powers remains an unresolved problem in
communitarian thinking and it is perhaps why recent commentary on the U.K.’s version
(Blair’s Third Way) has been critical of the programmatic content of Third Way
government (Etzioni, 2000). The criticism claims governments continue to create policies without seeking community input and continue to emphasize the importance of individual participation in markets despite the destructive effects on communities of individualized market competitiveness. While self-responsibility is certainly a dominant theme in communitarian thinking, they also emphasize responsibility to fellow community members. Hence criticism of Third Way policies and practices question whether government’s emphasis on responsibility is based upon responsibility to and for others, or merely another form of self-responsible individualism independent of community (Ferguson, 2001; Jordan 2001).

The notion that communities can be empowered, that government services and programming can be decentralized or returned to the community, and that communities know best how to govern themselves is a recurring theme in inquiry discourse. As indicated earlier, a common sense understanding appeared in British Columbian government discourse during the 1980s that small governments were efficient governments and that this claim was so self-evident it crossed the political spectrum. The search was on for some alternative means to deliver social services outside centralized government. As communitarians often claim, all manner of people from all over the political spectrum agree that the welfare state has failed and that community is the only viable substitute (Atkinson 1995; Etzioni 1998; Frazer 1999). But this appeal to community rarely gives material answers to the questions of what communities are, and what communities are supposed to do.
Resource Board Communities:

It is remarkable how seldom the word community appears in Community Resource Board records. In Vancouver and Victoria, CRBs were generally synonymous with neighborhood while in rural areas of the province community was more or less synonymous with municipality. As noted in chapter three, disputes arose between communities over issues of policy and resource allocation, but the problem of defining community seemingly did not arise. Influential studies such as CELDIC, which argued for local provision of multidisciplinary services, emphasized localism as the defining feature of service delivery. In itself community had no special properties. Rather, CRBs claimed neighborhood service delivery systems were more responsive and accountable to locally defined needs.

Accountability for service delivery and design was built into the elected nature of the CRBs. In this sense, communities were composed of voting citizens who articulated and legitimated their social service needs through elected representatives drawn from their local population. As we have seen, the influence of these locally elected representatives did not extend to provincial policies concerning child maltreatment and income support, but neither were the CRBs silent on these matters. As a frequent source of dissent over provincial policy matters, CRBs provided an alternative and radically localized political voice.

Group interests centered upon issue advocacy or specialized expertises occasionally clashed with locally elected representatives but the former were clearly articulated as group interests – not communities of interest. Moreover, group interests could not claim exclusive jurisdiction over particular issues. For example,
of provincial or city wide tenants-rights groups did not preclude a CRB from funding a tenants’ advocacy group created to address the particular concerns of tenants living in a specific housing project (Karpoff 1981). The issue at hand – the actions of one particular landlord – were highly specific and local. While the dispute may have had implications for the general area of tenants’ rights, the object and membership of this group was clearly limited to the policies of a particular landlord.

Since the community of a CRB was defined by its geographic locale, the conflation of community with neighborhood and area was entirely reasonable. Moreover, since the Boards were locally elected, they represented citizens rather than the interests of sectoral groups.¹ During the early days of the VRB’s open meetings particular interest groups routinely made representations to the Board although as time progressed they became less frequent and tended to have their positions advanced by CRB representatives on the VRB (VA 548-C-3 file 5). The VRB steadfastly held to the principle of localism, which provided a hedge against the appropriation of local voices by larger group interests. No interest group could hope to claim legitimacy for their social objectives without the support of local CRBs.

The dissolution of the CRBs began the process of dissolving local interests and accountability. The attempt to transform the CRBs into local advisory bodies was a short-lived because the powers to determine budgets, organize services, and be legitimated by election were removed. By the time the restraint era arrived in 1982 no formal connection remained between social services and the locality they serviced. True, the community grants program survived, however, government administration meant a return to the

¹ This contrasts with submissions to inquiries, which were almost exclusively from groups advancing their own particular agenda.
problem of variable grantsmanship skills, noted by the VRB, and a form of institutionalized nepotism as networks of government employees distributed grants to the local organizations they knew and favored.

The increased utilization of Purchase of Service Contracts (POSCS) after 1982 further contributed to uneven service availability since there was no apparent plan or policy as to how the contracts were to be distributed by the provincial government. In particular, the notion of a single community voice was undermined as various agencies competed for government funding for the provision of community social services. The public at large elected none of these agencies, nor did the agencies have any necessary connection with the localities they serviced. In fact, ‘community social services’ meant those local services thought to be necessary by provincial government bureaucrats and delivered by relatively small non-government organizations.

Most local services were delivered by membership societies directed by member-elected boards. Rather than societies of citizens, however, these were societies of interested persons focused either upon one particular issue (for example, adolescent alcoholism, women’s shelters) across a wide geographic area, or upon delivering a wide variety of programs within a limited geographic area. Few rural areas of the province could create multiple agencies to deal with specialized problems. By contrast, urban centers created a plethora of societies that could not (or did not want to) deliver the full spectrum of programs or were prevented from doing so because provincial practices tended to spread contracts around to prevent the creation of local service monopolies.

By the early 1990s almost everyone agreed that the provincial policy of contracting out services had resulted in fragmentation. Most inquiry submissions defined
fragmentation as uneven service availability, divergent employment practices, variation in standards and qualifications of programs and employees, and unfair funding allocations. Despite this, service agencies consistently described themselves as rooted in community and claimed to be speaking for their communities. Without exception, these agencies presented community as the location of appropriate knowledge and the source of legitimacy. However, given that these agencies were not always bounded within neighborhoods and, at least in urban areas that several agencies apparently spoke for the same location the substance of community had changed. When a contracted agency spoke for the community it serviced, it must have been speaking of its service providers and consumers. In short, the agencies of the community social services sector were communities of interest rather than geography. Competition arising between agencies for funding was not simply a consequence of a government created service economy, therefore, with “the most bang for the buck” as its dominant criteria, but was a political economy of competing interests. Those interests may have shared a locality, but they engaged in aggressive competition to advance their particular agency’s interest.

The interest-based nature of community social services was most obvious to government employees. Government social workers and foster parents, for example, both noted that the pursuit of particular interests seemed unrealistic when applied to the global problem of child protection. Moreover, the withdrawal of government into the child protection function meant the contracts it let to community agencies had to be justified with reference to government’s principle concern – child abuse. What community social services called ‘preventative’ services, government workers referred to as ‘pre-protection’ services. The expansive use of the vague term child abuse by community
social services is explicable in this context. The wider the term’s applicability, the more services can be understood as pre-protective. Put another way, where the criteria for funding community social services is the protection of children “at risk” of some indeterminate harm, it follows that a greater number of children will be defined as at risk, and the more services (and funding) will be necessary.

Furthermore, it is not simply that extant categories of abuse are more expansively defined; the fragmentation of geographic communities into communities of interest generates more numerous categories for the ways in which children can be conceived as harmed. In this sense, the BC Government Employees’ Union’s (BCGEU) complaint that government social workers had lost control over case planning is too narrow an observation. Government social workers had lost control over the categories of child abuse and protective action and, therefore, what constituted their vocational responsibilities.

The Communities of the Inquiries:

Korbin:

The Korbin inquiry perceived community through the lens of government contracts. Community services had no inherent relation to any particular geographic area or specific group interests. Rather, in conformity with the government’s policy directives, community social services were simply those that were not directly supervised by government employees, practiced within government offices, or provided directly by government employees. While the government did not necessarily provide all the funding for the operation of community agencies, Korbin defined community social services as “encompassing those social services contracted for by the Ministries of Women’s
Equality, Social Services, Health and the Ministry of the Attorney General.” Further, “[a] funded agency can be a non-profit society, a registered charity, an incorporated company or business, or a self-employed individual who also employs staff” (Korbin Report 2: E2). The community social service sector is thus defined by its contractual relationship to government in general and is distinguished from community health and education through the particular organs of government it contracts with.

Korbin’s concern was with the utilization of government funding and human resource management. Her observation that the social services sector was disorganized stemmed primarily from the obvious lack of coordination between ministries and their contractors resulting in an absence of coherent employment standards within the sector. In turn, the lack of standards for employee compensation, working conditions, qualifications and training undermined the development of meaningful service standards.

Two submissions to the Korbin inquiry try to deal with the problem of defining community. The BC Association of Social Workers (BCASW) states “[T]he use of the term “communities” in this submission should be understood as including those defined in geographic terms, whether local, regional, or provincial, and those created on the basis of common characteristics or interests among people” (Korbin Box 13 file 4915). The Taskforce of community social service agencies states: “The definition of community carries many connotations and defines delivery of service. Community goes beyond geographical boundaries and must take into consideration “communities of interest” such as identifiable groups requiring service” (ibid. Box 14 file 5080). It is difficult to see how such broad definitions are useful because they lead to curious leaps of circular logic. For
example, communities are “an issue government and communities must define together” (ibid.), meaning a community must exist already before it can be jointly defined.

Similarly, under the heading “Sense of Community”, a contracted agency states: “Planning and setting priorities for non-statutory social services should be done at the community level” (ibid. Box 16 file 5700) yet the government should also be responsible for setting standards for those services and ensure their universality. Moreover, there is no indication how province-wide standards were to mesh with what the agency described as a “community value base”. Indeed, contractors consistently feared that a standards philosophy inclusive of unionization would undercut the very flexibility that was the strength of community social services (ibid. Korbin Box 14 file 5153; Box 16 file 5697). The question of to whom services should be accountable is also undetermined. Typically, community agencies argued that true accountability is only possible at the local level. Community design and provision of social services is posited as necessarily closer and therefore more accountable to community (ibid. Box 12 file 4558; Box 14 file 5080). In effect, this meant communities were accountable to themselves. However, since the greater proportion of community services were provided through government funding, accountability to the taxpayers at large was also a consideration.

The usual proposed solution for dual accountability – to both government and community – was some form of partnership. Ideally, this partnership would provide a solution to the persistent problem of centralization versus decentralization. Provincial standards would develop through consultation with communities who, in turn, were closer to the consumers of social services. For its part, the provincial government would be responsible for ensuring standards were applied equally within all of the province’s
communities. Provincial oversight, then, would ensure social service consumers actually received quality service from community-based providers. However, it is unclear how service consumers could independently inform the provincial government of their experience with community agencies when agencies also claimed "it is essential that the community be partners and drivers of the development and delivery of service" (emph. added: ibid. Box 14 file 5080).

Finally, a group operating in the Christian socialist tradition expressed concern that the government’s proposed implementation of standards might have unexpected consequences for communities unconnected with government funding. "There needs to be significant consideration for those of us who don’t fit the schema. There needs to be flexibility in the system in order to safeguard the philosophy and lifestyle of alternatives as well as a way to help us live up to our ability" (ibid. Box 13 file 4804). Clearly this group was concerned that with various community social service agencies jockeying for position and control of the term community, they would be drawn into a regulatory regime they perceived as alien. As a self-contained and self-sustaining voluntary community of fifty-five people, they viewed any sort of outside regulation or accountability as antithetical to the primary reason for their existence which was, in effect, to remove their members from the public regulatory domain.

The Christian socialist submission is fascinating because, arguably, it was their idealist and lived model of community that social service providers were drawing upon to legitimize their own position (See Jordon and Jordan (2000) for a similar account in the U.K.). But, of course, community social service agencies are not communities in the same sense. In contrast to social service agencies, the Christian socialists were not
employers because they had no employees, not service providers because their service was their lived experience, and not externally accountable because they had no privately held property and took no government funding.

Taken together the submissions to the Korbin inquiry use community in such a broad and tacit fashion that the term becomes boundaryless. Indeed, Sainsbury's (1996 [1990]) definition of vague words as boundaryless terms clustered around a central concept clearly applies. Moreover, it is striking that neither in the submissions to the Korbin Commission nor in the Commission's report does the term 'citizen' ever appear. Community agencies do not service citizens because citizens are discursively redefined as fellow community members. One is not a citizen of a social service community, one gains membership. Yet, the notion of accountability brings forward more economistic interpretations. Community social services are not practiced for citizens, but for service consumers who hold community agencies accountable for the delivery of services tailored for individual consumption. At the same time, community social services are held accountable by the government for meeting provincial standards within a value for money contractual relationship. Again, citizens do not appear in this formulation other than through vague references to the taxpayers to whom government is ultimately responsible. In effect, taxpayers become the purchasers of services for communities of which they are not members. Or, if taxpayers are members of communities, their only means of enforcing accountability is through their status as service consumers or members of private societies.
Review Panel:

The tacit nature of the definition of community is both underscored and obscured by the Review Panel’s report. While the panel was called a community panel, it not only failed to develop a coherent definition of community but, in fact, illustrated the fracturing and rivalrous tendencies of communities of interest. The Review Panel became two panels – the main panel concerned itself with child welfare in general while its two aboriginal members left and formed a second complementary panel concerned exclusively with child welfare issues related to aboriginal people. The result is two reports composed within very different conceptions of the appropriate relationship between communities and political entities.

The main report states as one of its principles: “Services must be community based, coordinated and integrated” (Review Panel, 5) and recommends all government services to families and children be co-located in local “neighborhood-based, integrated offices” (ibid, 87). Therefore, the report is very much a part of the tradition of CELDIC and the CRBs. However, where the CRBs communities were assumed to be geographically located and therefore singular, the Panel states:

People can and do belong to a number of communities at once. These may include: neighbourhoods; professional, religious, social or cultural communities; or communities created by common need. For example, the families of children with disabilities are a community who have found a strong voice for themselves. They have proven to be strong advocates for the needs of their children and have achieved a great deal. (ibid., 23)

The apparent confusion between communities of interest (common need) and geographic communities (neighborhood-based) offices might be reframed as the difference between geographic communities and stakeholder groups. Several informants
stated they believed that stakeholder groups are properly thought of as
different from, and probably internal to, communities proper. On the other hand, they
also expressed discomfort with the term “stakeholder” although they found it difficult to
precisely articulate the source of their discomfort. Generally they expressed a vague
sense that “stakeholder” seemed to be an economistic rather than humanist term.

In the case of child abuse, the Panel explicitly stated it was impossible and
probably inadvisable to develop a concise and precise definition. Community, on the
other hand, was not addressed as a definitional problem but simply assumed, and the list
of possible kinds of communities looked very much like a categorization of the types of
groups who made submissions to the Panel. Frazer (1999) admonishes that there is
always another word available when one speaks of community, so one might define
community as any group capable of making a submission to a government inquiry. The
impression is further bolstered by the Panel’s own reference to foster parents’ concern
that “communities too often organized themselves around negative actions, particularly
those reflecting “NIMBY” (Not In My Back Yard) attitude to care facilities” (Review
Panel, 22). On the other hand, “people of all ages and from all areas told us that they
want the chance to get involved. . . . Most of all, they no longer want to feel like “invisible”
members of their communities” (ibid, 21).

Clearly, community rivalries and mistrust were recognized as a contributing
factor to the problems of child welfare. Not surprisingly, blame tended to be directed at
government rather than the conceptual confusion. Government was too distant, did not
reflect the true desires of communities, and tended to impose its own values and direction
rather than respect those of the communities it was supposed to serve. In a word,
government was oppositional to (and the opposite of) communities. The Panel claimed
the net result was voiceless and powerless communities in need of development. It
summed up its position in the following remarkable paragraph.

Community development is difficult to plan, impossible to
impose, and, in our opinion, essential to the safety and
well-being of the province's families and children. The
opinions we heard convinced us that the geographic
community (neighbourhoods and gathering places) cannot
be places of safety unless the human community works
together to make them so. (emph. in orig. ibid., 22.)

Here, community seems to collapse into geographic locations although group
interests may be served within multiple gathering places which, presumably, could either
service particular interests or provide a general space for many communities of interest.
Yet, this notion of the local is also expanded to suggest a human community which,
presumably, has no boundaries beyond membership in the species as a whole. Certainly,
this human community must include government (but not be government) and the
Review Panel sets out a number of tasks and responsibilities for government programs
and functionaries.

In the Review Panel’s view, it is the responsibility of government to develop,
finance and take direction from the communities it develops. However, government must
not impose its own agenda on the same communities it is supposed to be developing.
“We believe community development is the way in which planning is effectively done
about social issues, especially those relating to families and children” (ibid., 25).
Communities need government to structure the mechanisms by which they plan and
design local services, and communicate their needs and opinions to government. These
mechanisms must be flexible enough to incorporate “individual community members,
activists and organizers, politicians and planners" (ibid.). Emphasizing that community members want to participate, the Review Panel suggests the best means of encouraging that participation is a proactive and responsive government. Despite community complaints about centralized and centralizing government, the Review Panel recommended establishing a special government commission dedicated to "an identification and assessment process of going to the communities to find groups and representatives who might contribute to the work of the commission" (ibid. 27). The commission would be short-lived since once this identification and assessment was complete, communities would be developed enough to continue without government direction, albeit with government funding.

The Review Panel provides no direction as to what mechanisms a responsive government would find appropriate to identify and assess communities. Nor do they indicate how government might assess whether those who claim to represent communities are legitimate representatives or merely self-serving, or, how government should proceed when competing voices purport to speak for the same community. Who, for example, would speak for the "invisible" in any community? The Review Panel's basic assumption seems to be that a proactive government can utilize the inherent good will of communities in a non-directive fashion to create a coherency where none formerly existed. In other words, where government is successful in developing communities, dissent will disappear through consultation and an inherent commitment to families and children. Multiple kinds of communities there may be, but for each the Review Panel assumes a singular voice, which ought never to come into conflict with other singular voices. Since those single voices were to be developed by government, it is surprising the
Review Panel did not contemplate the potential danger of government using its developmental role to silence rather than amplify dissenting voices.

The mental gymnastics of the Review Panel stand in sharp contrast to the Aboriginal Panel's companion report. The Aboriginal Panel ties British Columbia's child welfare practices to genocide; both its tone and substance, therefore, are incorporated within the general theme of self-governance. In the context of culpability for genocide, aboriginal communities had no interest in allowing government to identify, assess, or develop their communities. Such practices would be viewed as a continuation of the colonial project. The title of the Aboriginal Panel's report - Liberating Our Children; Liberating our Nations - ties the problem of child welfare and the problem of aboriginal self-governance together. The Aboriginal Panel was clear; the social problems of British Columbia's First Nations are the consequence of an imposed system of government and they can only be addressed when First Nations recapture national status and replicate the independence and self-governance they possessed prior to contact with Europeans.

There are problems within the aboriginal world concerning the relationship between community and nation, traditional and modern practices, and appropriate forms of representative legitimacy, but these are beyond the scope of this work. However, as Gove was later to remark, much can be learned from the cultural and community practices of First Nations. As I have argued elsewhere (Cradock 1996), the principal lesson is that child welfare and child protection are a central means of establishing First Nations' states through the self-legitimated protection of First Nations' citizens. In the world of First Nations, the issues of child welfare, child protection, community, are firmly attached to land title, citizenship and self-government. No practical means exist to
separate one issue from the rest. Hence, the Aboriginal Panel's report insisted that qualified consent by First Nations to provincial government child welfare initiatives should be understood as no more than a temporary accommodation along the way to total independence. The distinction between national citizenship and community membership simply does not exist within the aboriginal argument.

Despite their mutual respect, the Review Panel and the Aboriginal Panel – and their respective reports – contrast sharply. For the Aboriginal Panel the supremacy of national government is the ultimate expression of community will. For the non-aboriginal Review Panel members, citizenship through government is an obstacle to true human community membership and the mutual support it makes available to its members. The Aboriginal Panel’s report presents community, culture and nation as the same thing whereas the Review Panel’s report insists the three terms are in conflict. The Review Panel implied that the concept of citizenship is irrelevant, even damaging, to community functioning because it is a bureaucratic term conveying that communities and government are in opposition. In communitarian theory, the concept of citizenship is said to be framed within formal legal regimes that describe and define individual rights but fail to emphasize communal responsibilities. Such formal definitions are antithetical to descriptions of communities as webs of affective and customary relations contained in the work of Tönnies and echoed in recent communitarian literature (Etzioni 1998).

Yet for all these assumptions about the capacities and abilities of communities, it is striking how dependent they are on government for their legitimacy. The Review Panel’s recommendation for government development of communities amounts to a government project to standardize and police. A government that is simultaneously
proactive in the formation of communities and responsive to each community’s particular needs is necessarily engaged in the creation of government artifacts. The plethora of potential communities – each with their own particular definition of what a community is, and how its representatives should be legitimated – presents government with a potpourri of possibilities. Because of its commitment to the uniqueness of communities, the Review Panel was unable to suggest a single model of community/government relationship. Judge Gove, however, showed no such reluctance. His recommendations are predicated upon a specific form of governance designed to define community through its very structure.

Gove:

Submissions to the Review Panel generally focused upon the need for preventative social services located in communities. Concerns about the quality of service delivered by government employees were common but most complaints were directed at government’s tight focus on child protection as defined in statute. Many submissions argued that clients were denied preventative services until problems were already well established. The Review Panel described government policies as ‘residual’ insofar as government assistance was available only as a last resort. They described the approach as inefficient and stigmatizing since services were only available to clients who were either already abusive to their children or were “at risk” of becoming future child abusers. Despite occasional references to the Community Resource Boards, most submissions to the Review Panel focused not on administrative models but on attempts to broaden the statutory definitions of child abuse such that prevention would become a positive injunction on government. It was thought that such a strategy would lessen or prevent the
variability of social services from place to place and reduce the inequities of government contracting policies. Policies may come and go, it was thought, but statute provides for a stability realized, in part, through a stable complex of social service agencies delivering those statutory preventative services.

Like the other inquiries, Gove recognized the problem of coordination within and between community social services, government services, and a variety of government ministries. In Gove’s view, a lack of knowledge on the part of workers exacerbated by lack of communication and coordination between various social service actors had caused the death of Matthew Vaudreuil. Moreover, Gove was unconvinced that the supportive approach to families championed by community social services placed sufficient emphasis on the paramount need for the system to be ‘child centered’. For Gove, the client was always the child and the entire child welfare apparatus was to focus on protecting children from abuse. Accordingly, Gove’s recommendations to reform the child welfare system centered upon reorganizing administrative structures; proposed Children’s Centers were conceived as ‘one-stop-shops’ reminiscent of the vision proposed by CELDIC more than twenty years before.

The Children’s Centers would house a new ‘super-ministry’ created by combining responsibilities for all government children’s programs. The distinction between direct government employees and community social service’s employees would be preserved, but Gove believed that the two spheres could jointly adhere to a single child centered philosophy. In effect, Gove took Korbin’s notion of a social services sector and attempted to realize it through an explicit and shared child centered philosophy.
The idea of one-stop-shops for social services was not new. However, the privatization initiatives of the nineteen eighties had introduced a new possibility – the privatization of the entire child welfare system. In other words, should privatization go all the way down? The extent to which government considered privatizing child protection is unclear, however, in July of 1995 Gove posed some queries about structure and governance to a senior provincial bureaucrat. This person was able to rapidly produce a lengthy and cogent description of a privatized child protection system organized as a Crown Corporation with a governance model based upon the corporation responsible for public transit (Notes, 104). The corporation would be organized upon a regional model composed of selected/elected boards with each region further subdivided into communities where services would be co-located, possibly with a single provider, but certainly with a rationalization of contracted services to eliminate multiple agencies. The corporate headquarters would retain overall responsibility for legislation, program development and monitoring, quality assurance, standards and inspections.

Judging by Gove’s warm response to the author of this report, and the author’s flattering reference to Gove’s address to the Child Health 2000 World Congress, the concept of an integrated child welfare system meshed with Gove’s own views. In his final report, he outlined a model in which some twenty regional boards would be directed by boards of elected/selected members. The regions would be responsible for the management of all child welfare services. These would be delivered through the Children’s Centres with ancillary contracted services off-site. Economies of scale would require regional boards to centrally manage some specialized services but their principal

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2 The provincial government would select board membership from various elected bodies such as municipalities, regional districts, School Boards and so forth. This model is much the same as the model used for the Vancouver Resource Board.
task was to manage the Children’s Centres. Additionally, they would provide “input into
setting province-wide standards and designing province-wide child welfare services”
(Gove 2: 265). According to Gove:

“Services respond better to community needs the farther
responsibility is devolved toward local
communities... However, it must be recognized that the
administrative distance between local communities and
provincial authorities that set standards may pose a
dilemma for ensuring coordination and accountability. At
the same time, it would be inefficient to have each
Children’s Centre establish and manage all of its own
independent services and resources” (ibid., 263).

The regional structure, then, is a sort of “split-the-difference” strategy which localizes
services as far as possible (to retain local flexibility), but not so far as to suggest each
locality might slip out from under the ultimate purview of provincial authority.

Meanwhile, under Gove’s model, policy development, service design and
standards, staff training, audit functions, financial management and province-wide
facilities would be controlled by the central provincial ministry (ibid., 266). This
centralization reflects Gove’s persistent concern that those who manage the child welfare
system ought not be responsible for its accountability systems. More will be said later
(chapter 8) about this sort of model, and whether it really does reduce layers of
management, but what is of note here is the function the term community plays. The
theme of community as ‘closer to’, or more ‘flexible than’, is repeated again and again,
but the actual administrative structure said to ensure community delivery and
management of child welfare services describes neither local neighborhoods of the CRB
type, nor communities of interest, but a division of the province into geographic regions.
While the Children’s Centres could, presumably, be neighborhood based, there is no
doubt their purported flexibility and responsiveness to local conditions would be curtailed by financial dependence upon regional disbursements of funds and the audit control vested within a provincial ministry. In fact, except for their elected/appointed boards and co-location of services formerly administered by multiple provincial ministries or delivered by other levels of government such as municipalities, the actual architecture of this management system did not radically differ from existing structures.

Perhaps most notably, Gove recommends that “Children’s Centres should control the contracting process, and should decide what services will be provided by private sector contractors” (ibid., 259). The essential character of the contracting process would remain unchanged since the majority of contracting was already being conducted in this way. Specifically, the recommendation would not address the problem that community contractors perceived themselves as the true voices of community while direct government (now framed as employees of twenty or so large regions, themselves in thrall to provincial budget and auditing mechanisms) would continue to be characterized as distant, overbearing, rule-bound, and given to using its control of contract dollars to intimidate community-based contractors. True, each of these regions would be composed of selected/elected members, but the province would continue to hold the purse strings. The general effect of the recommendation is a replication of the Vancouver Resource Board but without the presence of elected citizens representing their particular CRB neighborhoods.

Gove’s model transforms tacit notions of community as localism or shared interest into an administrative structure that is slightly more comprehensive (merging parts of several ministries into one), slightly more local (twenty regions rather than a
single provincial structure), and slightly more democratic (elected/selected boards). Since the Children’s Centres would have more staff than the old ministry District Offices they would need larger buildings but there was no guarantee that the number of district offices would remain the same. In fact, given the broad continuum of services envisioned by Gove, replacing ministry District Offices with Children’s Centres would possibly result in fewer service outlets since, for example, probation services tend to cluster around courthouses rather than communities. (Perhaps more accurately attendees at courthouses are probation services’ community of interest.) In any case, while Gove implied that his model was more community-based and more community-responsive than prior models, the actual contours of community remained as amorphous in his proposal as they were before.

An Inconvenient Community?

While both the Korbin Commission and Gove Inquiry were nominally public inquiries, it is fair to say that the vast majority of submissions were from parties already participating in the social service sector as employers, employees, professionals, advocates, foster parents, children-in-care, or academics. Submissions from individuals came, by and large, from those who chose to offer their opinions and advice independently of their representative organizations. Generally speaking, their stated reasons for doing so were either because they disagreed with their representative organization’s position or because they had a particular issue they wished to advocate. While inquiries did receive some submissions from individual members of the public, these tended to be ‘war stories’ in which social service clients sought some sort of redress or validation for their perceived ill treatment by social service providers.
The Review Panel was different insofar as it deliberately set out to encourage submissions from those engaged in social service advocacy (Informant #4). Its members were chosen primarily (though not solely) from the ranks of professionals with strong track records of community advocacy. Interlopers in the submissions process prevented advocates from having the floor entirely to themselves. The usual service providers, unions, and interested agencies made submissions but it is noticeable that the Review Panel heard significantly more from individuals than either Korbin or Gove and that these submissions were sufficiently numerous they were coded separately.³

Unlike Gove, the Review Panel did not set any particular agenda or seek to control the discourse of public meetings.⁴ According to an informant (#5) who sat on the Review Panel, oral submissions were more important than written submissions to those public meetings. (The informant did not read the written submissions, but digests prepared by a consulting company hired for the task.) Submissions from the contracting and advocacy sector could be highly critical of legislation and government policy but shied away from attacks on particular government workers or specific offices (Panel file CA 016). Insofar as these critiques tended to come from the same sectors as most of the Panel members, perhaps the consistent advocacy of community groups as against government policy was a matter of preaching to the converted. However, the constant berating of government also provided a window of opportunity for a particular grass roots

³ The actual number of files classified “Independent” was two hundred and two. Given there was some definitional slippage, and some submissions came in late and were therefore classified as “Other”, the actual number was probably slightly higher. Suffice to say there were roughly twice as many submissions classified “Independent” as were classified “Professional”.

⁴ It did produce a general description of issues and tried to frame discussion within three potential models of state/citizen relationships. These models ranged from highly intrusive, through partnership to “residual”. The models were referenced in some submissions, but in comparison to Gove’s specific list of questions and Korbin’s preference for large organizations, the Panel’s deliberations were considerably more open-ended.
movement to exploit. This opportunity was grasped despite the tacit rules of civility that structured the social service sector’s discourse. The movement’s intervention seems to have been entirely unexpected. Insofar as its position cohered with the general tendency to criticize government, however, the Chair did nothing (at least in public) to insist it adhere to civil and professional discourse (informant #5).

The Review Panel’s pronounced bias in favor of community was challenged by the appearance of a group interest also claiming to favor community direction of child welfare apparatuses but driven by an entirely different child welfare ethos. This presented the Review Panel with an interesting dilemma: Should the values of established apparatuses trump the values of any specific community? The dilemma was partially framed by the difficulty of establishing a common meaning for child abuse and raised the possibility that a group interest could claim their alternative meaning possessed equal value. The following account is utilized as something of a test case of how these disputes were framed, and how the Review Panel coped with the challenge.

The movement in question drew its support and organization from the religious right centered primarily in British Columbia’s ‘bible belt’ of the Lower Fraser Valley and augmented by sympathizers in other areas of rural British Columbia. Moreover, the movement was coordinated enough to manufacture at least two letter-writing campaigns, organize mass attendance at public meetings, create several ad hoc associations of concerned citizens, and had its own research institute, the Citizens Research Institute.

5 The exact size of the movement is hard to gauge. It submitted more than fifty submissions (about twenty five per cent of all submissions classified as independent) but some were photocopies of form letters, some had multiple signatures, and some claimed to represent entire congregations. The movement’s militancy may be evaluated by its capacity to mobilize several hundred people to attend Review Panel hearings held in the Fraser Valley (Informant #5). No other non-occupational group exhibited this degree of militancy or coherence.
(CRI). According to informant (#5), the director of the CRI was the primary organizer of what was described as the “dogging” of the panel’s public meetings. Moreover, the CRI claimed it had actually instigated the review of child protection legislation through a series of weekly appearances on a Vancouver call-in radio show (Panel file CA 026). 6

Within the submissions from the movement are a number of pronounced and recurrent themes. In general, submitters opposed the removal of “parental rights” and their replacement with rights for children as enforced by an overly intrusive state. They were against abortion, favored spanking as a mode of discipline, believed the definition of family should be restricted to married heterosexual couples, and disliked “humanism” because of its subjective moral stance. They wanted tax breaks for stay-at-home mothers and statutory “protection of the family”. They believed child abuse should be objectively defined in law as a criminal matter subject to police investigation with all the usual protections associated with warrants and right to counsel. They sought to establish “beyond reasonable doubt” as the standard for court action and recommended heavier penalties for those found guilty.

On the other hand, they also wanted social workers to be personally liable for false accusations and malpractice and sought funding from the state for legal representation. They opposed anonymous complaints because they believed they were often malicious effects of neighborhood squabbles or untruthful and rights-oriented children. Some claimed to be fearful of going out in public with their children lest the legitimate exercise of natural parental rights to discipline children would result in

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6 As an aside, the director and the call-in host are currently (2003) engaged in libel litigation. According to the director, the host “made insulting and defamatory remarks...portraying her falsely as bigoted and anti-gay” (Smith 2003, 11). In point of fact, the CRI’s website currently hosts chat pages that can only be described as havens for the homophobic.
anonymous complaints and summary removal of children by humanist social workers working for a communist or Stalinist state.

A brief sampling of quotations may help to give some flavor of how these submissions read.

From my personal Judeo-Christian frame of reference, protecting a child can include spanking them as a deterrent to willful disobedience. (Panel file IND 003)

Stop the damaging humanistic approach to all situations and know that there are a lot of people out in society that have a very deep and meaning full [sic] relationship with God and Jesus Christ, His son, and should not have to be treated as second rate citizens. (Panel file IND 112)

It is the publics [sic] perception that the Social Services Ministry has its own social engineering agenda and to some is nothing more than an attempt to usurp authority and play power games with peoples lives. The comparison to Stalin and his KGB would be an excellent comparison. (Panel file IND 012)

It is my concern that unless we have an authority beyond all these human opinions, such as found in the Judeo-Christian heritage on which our country was founded, we are in deep trouble. (Panel file IND 149)

Religions in general advocate obedience which is not present in today’s atmosphere (Panel file IND 053)

I am strongly opposed to the PARENT ABUSE some “do-good” social workers have inflicted. (Panel file IND 155)

Be wary, Communism is slowly moving into our schools and home....Be careful parents: BIG BROTHER is WATCHING YOU: You are not allowed to slap your child anywhere except the buttocks. (Panel file OTH 013)

As one community services advocate put it: “I was appalled by some of the things other presenters were saying” (Panel file IND 145). Yet, the fact that these submissions
were so consistent shows that there is a coherency to the concepts they describe.

Moreover, they drew authority from Mary Pride’s book *The Child Abuse Industry* (1986) and acquired a propagandist with a column in the *Financial Post*.7 Pride’s first chapter is entitled “You Are The Target” and its first sentence reads: “Last year, over one million North American families were falsely accused of child abuse” (ibid., 13). Having set this tone, Pride’s methodology leans heavily on news clippings from which she collected a number of horror stories concerning the wrongful removal of children by child welfare professionals. Some of the stories were from British Columbia and they became part of the standard format of submissions to the Review Panel from this movement.

An example is Pride’s reprinting of a story about child prostitution in Vancouver. The story is from *The Province*, widely regarded as Vancouver’s ‘tabloid’ newspaper, and contains the following statement:

Street worker John Turvey says some of the kids even work right out of the MHR-approved group homes.

“I’ve seen tricks [patrons of prostitutes] actually in the homes, having a shower.” (ibid., 92)

The story was originally published in 1985. Seven years later it was used as an accusation in northern rural B.C. “How can someone explain that a prostitution ring is being run out of a group home?” (Panel file IND 016) Moreover, this submitter is absolutely convinced that only children who have “made a conscious decision to leave home” populate group homes, all of which permit drug and alcohol use by children. According to informant (#5), this submitter was never challenged on his statements largely because the Chair appeared sympathetic to any criticism of government social work practice no matter what its source.

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7 See (Byfield 1996, 16; 1998, 30). Byfield’s byline includes reference to his being the founder of B.C. and Aberta Reports, small but influential conservative publications.
Pride's book is also cited in two submissions from another rural community in central British Columbia (Panel file IND 028; IND 040). One of those submissions references the CRI and echoes concerns about the Panel's composition also expressed in a submission from a Vancouver suburb. The Panel is depicted as composed only of "special interests" employed by social services and professional interests, whereas it should have included representatives from the National Citizens Coalition, the Citizen's Research Institute, REALWomen, the medical community, and the RCMP. "They, in my opinion, are better advocates by way of commitment, to the traditional family and its values" (ibid. file IND 040).

I have used the term movement to describe this particular constellation of submissions. Yet the term raises two obvious questions. First, can this movement more accurately be described as a community? Second, if so, and given the Review Panel's commitment to community, why are they invisible in the final report?

As advocates for the importance of community, the communitarian movement provides a theoretical account that can be used to determine the movement's status. The communitarian movement admonishes its members to start with the family and, particularly, the two-parent nuclear family (Etzioni 1998, xxviii). It frequently uses the image of "nesting" to draw a direct conceptual line from the interdependency of the family to the interdependency of communities within the state. Communitarians are not anti-state per se. Rather, they are against undue intervention within families and communities by state agencies because, while believing in the democratic process, communitarians are not "majoritarians". "Successful policies are accepted because they are recognized to be legitimate, rather than imposed" (ibid., xxvi). Such legitimacy rests
upon "building shared values, habits and practices that assure respect for one another's rights and regular fulfillment of personal, civic, and collective responsibilities" (ibid., xxvi).

Mary Pride's book is very much in this vein. She is at pains to paint herself as an ordinary mother concerned for ordinary families just like her own. Her husband works, and their family members are dutiful taxpayers. They are not a burden on the state in part because they are responsible citizens and in part because they do not trust the values of the state's institutions. Hence, for example, Pride also champions home schooling. She states the "child abuse industry is in the process of replacing or co-opting all traditional family and community support structures" that include "Grandparents, pediatricians, ministers, rabbis, and even mail carriers" (Pride 1986, 61). According to Pride, the state forbids these traditional community support networks from helping troubled families in order to maintain its own status and authority. Furthermore, professionals are looking for child abuse in the wrong place. "The few children I've seen who appeared neglected or otherwise potentially abused also were not from "all socio-economic strata," but from the poverty-stricken, single-parent, somewhat immoral group – just where we have historically expected to find them" (ibid., 32). This is as succinct a description of the dangerous class one could hope to find.

For Pride, child abuse is located within the poverty stricken, but also amongst those who decline to live within the traditional family structure. "The home, that is, the traditional home of mother, father, and their natural children, is not the cradle of violence" (ibid., 40). Child abuse professionals are not discovering child abuse because they are, instead, conducting a "jihad" against the traditional family. Pride claims:
“Family life has been replaced with the Marxist ideology of “class warfare”: not parents helping children (and vice versa) but parents versus children” (emph. in orig. ibid., 75).

This account is not so far away from one of the few statements within communitarian literature to specifically mention social work.

In dealing with such groups [drug addicts, the poor, uneducated and handicapped], social workers have tended to ‘validate’ whatever lifestyle they encounter. They must stop doing this and return to their old role as agents of society, bringing core values to those otherwise out of reach. They ought to be ‘judgmental’ and articulate advocates of healthy, responsible ways of living. (Etzioni in Atkinson, 34.)

The emphasis on the traditional family is entirely in keeping with the communitarian message. These are dutiful and responsible taxpayers who are not a burden on the state but members of a community of like-minded people with shared values and a commitment to mutual assistance. Above all, they are not morally suspect because they adhere to a closely ordered, judgmental and shared value system.

Structurally, then, whether one defines community through shared interests, activities, moral values or as a group of similar people within a shared geographic location, the religious movement appears to pass any definition of community. As such, it ought to constitute precisely the sort of community the various inquiries appear to promote.

However, not only does this movement fail to appear as an exemplar of community within the Review Panel’s report, it does not appear at all. The reason for this silencing is intimated by a Panel member’s (informant #5) description of a private meeting with five members of the clergy representative of the movement. The informant stated “I’ve never been so scared in my entire professional life” because these individuals were so sure they were “right about everything”. The root of the informants fear was not
simply the movement's obvious hostility toward the “child abuse industry”, but its conviction that “humanism”, understood as secular, subjective, and amoral, could not provide a basis for moral conduct. Only the Judeo-Christian values upon which Canada's “founding fathers” had built the country could provide an appropriate model for the constitution of the family and the rights and responsibilities of family members.

Spanking, for example, was not simply a parental right, it was a moral responsibility vested in parents by God. Moreover, the idea floated by the Review Panel that family meant any web of family-like affective relationships similar to that described by Rose (1999 [1989]) was simply wrong. Only families based upon a heterosexual union through marriage, and the biological relationships that flowed from that union, could be acknowledged as family. In particular, gay unions were simply not families; they were "unnatural" and therefore an abomination. Like Etzioni (in Atkinson 1995), this movement believes social workers ought not “validate whatever lifestyle they encounter”.

While not specifically referencing this movement, the panel report does contain the following:

When a significant amount of decision-making power rests with the community, the government retains a number of responsibilities. Community groups must not make decisions that are illegal or detrimental to children, families or disadvantaged groups. Furthermore, individual communities should not be able to make decisions with sexist or racist implications. There must be an established core of services from which no community can opt out. Broad guidelines and clearly articulated principles will have to be created for community development programs. The guidelines must be developed with the participation of a broad cross-section of community groups. (Review Panel, 24)
On its face, this statement seems only common sense. However, it does nothing to resolve the question of just what “illegal”, “detrimental”, “sexist”, and “racist” actually mean. Broad guidelines and clearly articulated principles have to come from somewhere and be articulated by someone. The participation of community groups may create a partial consensus, but it cannot resolve the problem of control in the hands of “majoritarians”. A Review Panel composed of just those members of the “child abuse industry” so feared by this movement could scarcely abandon its “humanist” roots without, in effect, agreeing that the child abuse prevention and protection effort was an amoral sham.

Conclusion:

The example of religious conservatives indicates that despite the constant affirmation of community within the various reports, quasi-natural communities were never entirely trusted by the inquiries. For Korbin, community meant those community social services dependant upon government contracts for their existence. The dilemmas of community were those concerned with equal access to government funding, and equal treatment within community services’ contractual relationship with government. Korbin’s solution was to create larger and more uniform organizations that could purport to speak to government on behalf of all communities. By contrast, Gove thought of community primarily in geographic terms. While recognizing the need for local planning and delivery of social services, Gove was forced to recognize economies of scale, therefore, his lines of authority reflected geographic boundaries. Further, the co-location of formerly multiple ministries within Children’s Centres not only echoed the one-stop-shopping philosophy of the CELDIC Report, but it entrenched the supremacy of
government control over contracting. True, the contracts would be negotiated through the local Children's Centres but much contracting was already done locally and it is difficult to see how this would change the fundamental difficulties reported by so many community contractors.

In both Korbin and Gove, there is a fundamental mistrust of local power insofar as localism led to fragmentation, uneven access to services and variable employee practices. Korbin's solution was to create large employer and employee organizations through which equality of funding and qualifications could be negotiated. Gove's solution was for the ministry to set out policy and compliance audits province-wide. In either case, local input and flexibility was curtailed through provincial control of the purse strings and audit apparatus.

For the Review Panel, the religious movement provided the challenge of a coherent community manifestly opposed to the child welfare project. Despite The Review Panel's claim to be community-based, and its planned bias toward community advocacy, the religious movement represented an alternative and hostile model of community. In effect, the movement said: "You do not speak for us, but for the child abuse industry. Your goal is to promulgate your values in opposition to our own." In this clash of values, it is not surprising the Review Panel came out in favor of its own child welfare values; an activist state committed to assisting children to attain their full potential.

The Review Panel concluded communities might think they know best, but their knowledge is not necessarily trustworthy. It is the government that decides which communities possess values in keeping with the largely unspecified goal of protecting children from child abuse - itself an indefinable and indeterminate concept. Yet no matter
how unspecified, Review Panel members clearly had a tacit understanding of what was necessary to achieve child protection and believed communities could be “developed” in such a way as to prevent child abuse. Ideally communities determine their own course of development, but this development must be both resourced and overseen by government lest communities develop themselves in ways contrary to government-defined general values. Sexism, for example, is what government authorized community social service organizations say it is. And, if they say sexism is harmful for children, then sexism is harmful for children. For all the discourse of community values, therefore, the religious movement was correct to assert the inquiries were part and parcel of a social engineering project. And, like all liberal social engineering projects, self-governance is preferred, but where that fails the authority of the state and its monopoly of force is utilized to ensure compliance. In this sense, Etzioni’s claim that social work validates all comers is simply wrong. Where social work and Etzioni disagree is not about whether social work should be judgmental but what it should be judgmental about and what standards are appropriate and operative.

The religious movement may have been given to hyperbole, and it may have promulgated an absolutist view of morality out of keeping with liberal concepts of the self but it was right to locate the problem of community values and child abuse as a moral dispute. In this it had a clearer conception of what was at stake than most submitters. Taken as a whole, the submissions to all these inquiries contain very little social science and fewer general facts. Read collectively, the best that can be said of the submissions is that they contain a hope that with sufficient early intervention child abuse can be prevented. They tend to agree that preventative services should be locally designed and
provided. Yet, there is remarkably little specificity as to what range of services is necessary or how they should be organized.

This does not mean specific suggestions are absent from submissions – quite the contrary – but, as an informant (5) remarked, the problem with public inquiries is that people come to them needing to get their own part of the problem understood, whether that part be learning disabilities, abortion, low income, Attention Deficit Disorder, or grandparent rights. They need to convince the listener of the central importance of their particular issue before they are able to consider child abuse globally. In other words, communities may need a range of services, but they most certainly need the particular service submitters advocate. The result, as became obvious during Gove's focus groups, is that even amongst the experts no consensus could be achieved. So, for the problem of child abuse there can be no widespread consensus as to what it is, and what is to be done about it.

Community represents a similar problem. The ameliorative power of community to prevent child abuse can only be claimed to the extent the concept remains an abstraction. The Christian socialists that submitted to Korbin, and the religious movement dogging the Review Panel, confronted the inquiries with real and material communities. These communities had clear and obvious boundaries demarcating them from government and society as a whole. The inability of the inquiries to assimilate these communities and the silencing of their voices within inquiry reports suggests 'community' was a terminological resource only to the extent it was not specified. With no obvious boundaries around the definition of community, the word was used by any group interest wishing to draw on the positive connotations of the term. Community,
then, was deployed as a rhetorical abstraction to underwrite particular views about the appropriate relation between government and child rearing.

Real and material communities create secondary speech genres contained within thought collectives. These thought collectives know what they mean by child abuse but this is not the same meaning held in the primary speech genre of national life. Inquiry reports were directed to the province as a whole and, therefore, utilize the primary speech genre. The terms child abuse and community are drawn into the primary speech genre from the various participating secondary speech genres. As they enter the primary speech genre they lose their tacitly assumed specificity of meanings. In effect, the lack of clearly defined boundaries around the terms is exposed and, therefore, their inherent vagueness becomes manifest.

The meanings of child abuse and community examined by these inquiries are effectively kicked upstairs to government, whether this is government as purchaser of contracted services, as policy setter and auditor, or as community developer. In the end, and in the absence of any trustworthy consensus at the local level, it is government that makes the ultimate determination as to what constitutes communities, what they should be responsible for, and what child protective values they should hold. But, as we shall see, government is not monolithic and the search for consensus in government activity is as elusive as anywhere else.
In his essay, “Governmentality”, Foucault described a transformation in the rationale for the state from the problem of exercising force to secure territory to a problem of governing populations. Foucault hypothesized that the government of populations was an art, and that its principal concern was with: “How to govern oneself, how to be governed, how to govern others, by whom the people will accept being governed, how to become the best possible governor” (Foucault 1991, 87). None of these issues are amenable to any absolute interpretation or solution generated by a monolithic state – a “monstre froid” – or by conceiving of the state as a mere assemblage of functions.

But the state, no more probably today than at any other time in its history, does not have this unity, this individuality, this rigorous functionality, nor, to speak frankly, this importance; maybe, after all, the state is no more than a composite reality and a mythicized abstraction, whose importance is a lot more limited than many of us think. Maybe what is really important for our modernity – that is, for our present – is not so much the etatisation of society, as the ‘governmentalization’ of the state. (ibid., 103)

Foucault goes on to suggest the mentality of government is “both internal and external to the state, since it is the tactics of government which make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on” (ibid, 103). Hence, the governmentalizing of the state becomes an assemblage of techniques and arts for negotiating and ordering the relations and appropriate boundaries between the state and society more generally. However, the question of who and what are internal to the state,
and who and what are external to the state is, itself, open to contestation. In the case of social services in British Columbia between 1972 and 1996, the many complex alliances and relationships between providers and users of social services, and the various advocacy organizations, professional bodies, unions, and employer alliances, claiming to speak on their behalf, were perfectly capable of shifting rhetorical positions from inside and outside the state whenever such a discursive tactic furthered their interests. This was as true for individuals as for organizations. For example, informant (#6) complained that though s/he had done more or less the same work for both direct government and community agencies, earned seniority was not transferable from one sector to another. At the same time, this informant opposed the Korbin Commission’s plan to create a kind of master agreement for the contracting sector through a Public Services Employers’ Council (PSEC) because it would result in the “red circling” of his/her salary due to the proposed standardization of remuneration scales.

Insofar as inquiries are authorized by the state, they may be conceived as the means by which the state delineates and authorizes the exercise of its own agenda. As Bourdieu puts it, inquiries represent “the point of view of society” (Bourdieu 1998, 59), but they also play back into the population their own definition of what common sense really is. The issues and actors that are inquiries’ raison d’etre constitute inquiries but they also define those issues and actors through their discursive activities. Inquiries are both constituted and constituting. This process is perhaps clearest in Korbin’s observation that there was no such thing as a community social services sector until her commission discursively created it. However, the ability to discursively create a sector does not necessarily translate into the ability to define and control its borders – nor even that such
a sector is internally coherent. In the end, the attempt to exercise “top-down” state authority to rationalize the community services sector was rejected by this newly self-aware sector.

Even where the state did exercise its sovereign authority to organize social services as, for example, through the creation and dissolution of the Community Resource Boards and the later shift to contracting, it did not so much control government activity as create new configurations of interest groups. Certainly, at no point, did government ever control the discourse. Each exercise of state power created new sites of resistance to that power and the winners and losers in the struggle over boundaries and definitions were never more than temporary victors in a never-ending struggle. The same can be said for the inquiries. If inquiries were agents for the promotion of a preset state agenda, then they might be expected to reflect a coherent image of government. The three inquiries under study present no such coherent image. Instead, they suggest a tendency to outstrip their initial terms of reference and, most strikingly, considerable (and occasionally acidic) disagreement among themselves.

Yet, each of these inquiries attempted to establish their recommendations as a rational blueprint for change. From this perspective, the inquiries present a clear break with previous practices of child welfare organizations that had, by and large, and perhaps most noticeably during the creation of the Community Resource Boards, flown “by the seat of their pants”. Informant (#2) claims that a major accomplishment of the Vancouver Resource Board was the creation of a comprehensive accounting system that permitted government, for the first time, to clearly audit its social service expenditures. Yet it was the public perception, fostered by the new minister responsible, that Community
Resource Boards (in particular, the VRB) were financial sinks in need of centralized control. Whether one takes this view, or the alternative view that the CRBs represented a kind of governmental authority at odds with provincial and municipal authorities, it seems clear their vulnerability lay in their lack of a coherent blueprint legitimated by some type of formal and public procedure. The CRBs were never able to point to a public legitimizing process because they were never able to fully establish their electoral processes. Had they been able to do so, they might have avoided the perception that they were the creation of a small group of politically motivated social activists. In any case, the abolition of the CRBs was never a rational decision based upon an evaluation of their effectiveness. Rather, it was mechanism for drawing social services into government proper, which enabled government to control and order the extent and type of services provided.

If the dissolution of the CRBs was not the outcome of rational decision-making, much the same can be said of the contracting policies initiated during the 1980s. Contracting was not preferred due to any considered, empirical and rational demonstration of its efficacy, but because it fit the popularly received wisdom that contractors were more efficient and flexible than government. Contracting was not so much a rational programming decision as a reflection of the dominant privatizing ideology of the day (see chapter 4). The written contracting policy did not announce a new policy; it confirmed what was already an entrenched government practice.

The problems that contracting created were primarily administrative; it was not until Korbin commissioned a study of social service contractors that government had any idea how many of them there were, how many people they employed, what range of
services they offered, and what their remunerative arrangements were. The primary problem confronting each of the inquiries was how to rationalize what had become a mélange of social services that were not only beyond immediate government control but also, literally, beyond governmental reason. Under such circumstances, the question of which functions and activities were internal or external to the state had become so confusing and complex that it bordered on the ludicrous to suggest any person or any administrative body had any effective control – let alone the empirical capacity to decree a fixed boundary for the state.

The border between public and private agencies was equally confused within inquiry reports. While Korbin provided a definition of what constituted the social services sector based upon its contracting relationship with government funding, neither the Review Panel nor Gove were interested in fixed boundaries. The Review Panel’s conception of communities as supervising loci of control appeared to place communities outside government proper, while its insistence that government had a responsibility to develop and fund community activities and structures seemed to suggest a necessary interpenetration of community and government. In Gove, this interpenetration was specifically ordered through an administrative structure that placed government as the final auditor but also wanted government policies to be created through consultation with regional and local voices. Moreover, the broad definition of child abuse used by community social services (and approved by the Review Panel), and their preference for preventative services, was strengthened by the Gove Report’s faith in the efficacy of early intervention based upon the Hawaiian Healthy Start program. Each of these approaches suggested the need to penetrate the private sphere of the family almost from
the moment a child was conceived. Similarly, surveillance of the private sphere, either through the rationalizing of state recording apparatuses (as in Gove), or through a belief in communities' ability to monitor their membership (as implied by the Review Panel), was touted as in the public interest. The significance of these trends was not lost on the dissenting members of the largely religious movement who saw in these early interventions and increased surveillance not the helping hand of the community or the protective authority of a benevolent state but the malevolent hand of humanism and communism. And, to be fair, they were not alone. Submissions from legal associations such as the Canadian Bar Association and local Legal Services Societies also sought more stringent controls on state intervention within the private world of families (Review Panel, file CA 119; Notes, 99). They, like Mary Pride (1986), recognized that so-called voluntary services may have been voluntary in name only since behind those services lurked the heavy hand of direct state intervention through the removal of children from their parents.

Whichever inquiry or practice model has dominated the provision of social services in British Columbia over the past forty years, the issue has never been about whether such services are on one side or the other of a clearly delineated line between the public and the private – of what is internal or external to the state. It has never been a question of either/or but of which services, provided by which bodies, occupy what position on a continuum. As one submission to Korbin put it:

There is a need for both governmental and non-governmental social services. It is a complex question as to what should be the domain of government and what should not. This should be referred to an intensive review of the social service delivery system. (Korbin Box 14, file 5080)
In fact, the public/private divide is another example of a sorites paradox in which the concept of government is, ultimately, a vague concept. The suggestion above that the social services sector should be subject to a further intensive review—a review the Korbin Commission was, in fact, supposed to be conducting—suggests a supervaluative approach to resolving the boundary problem. In other words, an appropriate boundary can be found if only sufficient effort is expended in determining with precision what institutions are internal and external to government and who are private and public figures. However, it does nothing to resolve the problem of what evaluative model should be used to make such a determination. Insofar as community activists have become elected members of the government, and elected members of the government have become community activists, the paradox of vagueness reaches directly into Cabinet—the very seat of power in a Parliamentary democracy. In this sense, power is both real—it gets things like child protection done—but also dispersed amongst many interests and institutions.

*Governing the Conduct of Conduct:*

If constant negotiation and renegotiation of what is internal and external to government results in exposing government as a vague term, then the process of governance (which implies some sort of governmental apparatus) must be a vague process. Moreover, in the reports and their submissions, "partnership" and "arms-length" interactions become somewhat meaningless since both these terms suggest a transactional relationship between equal and independent parties. It is more accurate to describe the relationship between the group interests within the social services sector and the interests within direct government as interpenetrated. This interpenetration has always been a facet
of child welfare in British Columbia. Even prior to the Community Resource Boards, direct government and the nominally independent Children’s Aid Societies both practiced child protection under the same statutes. The formation of the CRBs represented an attempt by the provincial government to amalgamate all child welfare practices into a single apparatus but it immediately raised the question; who was governing whom?

For Foucault (1979; 1991), the liberal state eschews direct governance (police) of individual citizens in favor of setting parameters as to how the government of conduct is, itself, governed. The state, then, requires various institutions, apparatuses and practices that, while acting in a tutelary fashion, are independent of government proper. Hence, the formal and informal regimes that govern citizens’ conduct are ideally neither defined nor enforced by the state itself. Instead, the state supports tutelary apparatuses that draw upon discourses other than those of state force (for example, science, economics) to establish the constitution of normality and are, therefore, equally binding upon the state and its citizens. As observers of social work have often noted, this establishes an ‘in-between’ zone in which the work of the social – including the definition of normal – is done (Donzelot 1977; Hacking 1991; Margolin 1997).

The formation of the Community Resource Boards was a first attempt at rationalizing the conduct of conduct within a single administrative form. CRBs were, after all, creatures of statute and their activities and practices were regulated through their legislated governance structures. Nevertheless, and despite having no power with respect to income assistance or child protection policy and statute, the CRBs enjoyed a considerable degree of independence as to how services were organized and delivered at the local level. Since the CRBs were directed by locally elected representatives they
could claim to really represent the wishes and interests of their local constituency. And, as we have seen, this meant considerable variation as to what purposes the community grants program could be put.

For the provincial government, the CRBs were a source of irritation when they lobbied against government policies but they represented a kind of buffer between citizens and the state. When disputes arose either within Resource Boards or between them, they were expected to be resolved locally. In Vancouver, CRB disputes could and did go up a governance level to the Vancouver Resource Board but, as we have seen, the VRB went to considerable lengths to resolve its own problems. The provincial government determined the membership of the VRB and some of its members were provincial employees but there is no evidence that the province was ever asked to arbitrate between competing interests at either the local or VRB level. Nor is there any indication that VRB employees were interested in becoming provincial employees; this would have drawn them into the provincial bureaucracy and potentially lessened their influence both as employees and as actual or potential local CRB Board members. Similarly, there is no indication the clientele of CRBs were unhappy with the arrangement. If problems arose between staff and clientele, Board members were available to smooth the waters because they were local and, therefore, accessible, but also because individual clients could run for Board membership if they so desired.

All in all, there was no clearly demonstrable empirical reason to abolish the Boards. This is not to say internal problems did not exist but, on the whole, both staff and clients seem to have been satisfied with the Boards’ operations. According to the VRB’s Chief Operating Officer, David Schreck, its finances were in reasonable shape and fully
accounted for.¹ In his address to student social workers, Schreck (1981) asserted that despite directly asking the minister for a reason, he never did understand why the VRB was abolished.² The consensus amongst those interviewed was that, first, the CRBs posed a local and rivalrous threat to municipal government as alternative elected bodies and, second, were perceived by the newly elected Social Credit government as a source of political opposition led by advocates associated with the previous New Democratic Party regime. In short, what brought about the demise of the CRBs was the desire of the new provincial government to establish centralized control over policy and practice and, perhaps more importantly, the silencing of potential dissent.

Whether centralized child welfare was an ultimate goal or merely a temporary political response cannot be adduced from the material at hand. What is clear, however, is that the conversion of the child welfare system into a single and centralized bureaucracy lasted only a little longer than the Community Resource Board experiment. The 1982 recession, and the government’s decision to reduce spending as a response, once again decentralized the child welfare apparatus. Fortunately for the government, the vestiges of the community grants program and the agencies that were financed by it remained in operation. These agencies, combined with a number of ex-employee groups, became the contracted social services sector. However, a nagging question arose during this contracting out process: Were these contracted agencies truly outside government? And, if they were not part of government and governing – what were they doing?

¹ This is not to minimize the enormous anxiety felt by staff during the Resource Board’s formation. In particular, the decision to abolish the Children’s Aid Societies was upsetting to many employees and the former directors of those Societies. However, while the anxiety is acknowledged in VRB documentation, there is no doubt the issue abated over time.

² Schreck also asserted he was prepared to resign if his resignation would preserve the VRB (Schreck 1981).
As mentioned earlier, the privatizing of government services to contractors was primarily an ideological project. The documentation provides no empirical data to support the alleged cost-saving, efficiency and flexibility of the private sector in comparison to the public sector. Rather, these supposed attributes are presented as a common-sense agreement that transcended politics (Korbin Box 6, file 1570-1599; Box 9, file 3838). This ideological bias is consistent with the findings of several retroactive analyses of governmental privatization projects (Hodge, 2000; Sclar, 2000). Whether the privatization project was actually a more efficient and effective form of governance delivering better service for the cost cannot be known since no data were collected. The metrics would, in any case, have been difficult to capture since it was not so much that services were sold off, as that the government retrenched into an overall managerial position with respect to child welfare services while child protection continued in-house. Inquiry submissions often described government social workers as “child protection cops” and this characterization was accurate insofar as government retained sole responsibility only for the investigation of child abuse, subsequent court action, and guardianship responsibilities. Where children came into care, their lives were administered by government social workers but their day-to-day care was in the hands of foster parents or residential resources operated by private contractors.³

³ The exceptions were provincially operated juvenile detention centers, the two large hospitals for the mentally handicapped, and a residential adolescent psychiatric facility. Some mental health counseling of children remained within the provincial system, but most was privatized either to individual counselors (often funded through the Victims Compensation scheme operated by the Workman’s Compensation Board) or to non-profit counseling agencies. The latter seem to have been mostly targeted to specific populations such as sexually intrusive children. The mental health field appears to be the only programmatic area where direct government and contracted agencies were in direct competition for the same clientele.
workers had no effective control over any of the clinical planning for their clients (Notes, 37). Moreover, government social workers complained they lacked the staff to do anything more than crisis management and child protection investigations, yet the community consistently clamored for social workers to engage in preventative work and community development. Community agencies, in their turn, felt the ministry placed too much emphasis on after-the-fact intervention and did too little to alleviate instances of the broader definitions of child abuse they were developing. Contracted agencies argued the government’s contracting policies were not flexible enough for them to do the work they perceived needed to be done because the ministry was focused solely on child abuse.

Privatization of Social Services:

The problem with ideologically driven privatization projects is that they are typically vague as to what is being privatized and what objectives are to be met. This is particularly true of work that requires esoteric knowledge for which there is, in effect, no market. If it is agreed that the term child abuse is inherently vague, then it follows that practices and procedures designed to regulate child abuse are equally vague. For example, and as a practical empirical matter, how could any government demonstrate that privatization was a more efficient way to prevent child abuse when the definition of what is being prevented is vague?

If child abuse is a vague term without borders, then its prevention is logically impossible to measure. However, this is by no means the most pressing problem with contracted child welfare services. Contracts require supervision and where contracting has become the primary function of government, there has been a concomitant rise in the managerial class within both governments and agencies. “The biggest winners in the
organization appear to be executives and contract managers who attract higher salaries, whilst the losers are women and part-timers, who are now employed on a more flexible basis” (Hodge 2000, 141). Gender disparity was underlined in Korbin’s study of contracted services, which found that: “Of approximately 22,000 workers employed by the [large] agencies surveyed, 77% were women and 44% were employed part-time” (Korbin Box 18, file 6316). Since the object of the restraint program was to reduce the size of the civil service, the managerial staff charged with supervising contracts was insufficient. The union claimed one manager was expected to supervise some nine hundred contracts in addition to managing his own regular staff.5

As the Korbin sponsored Technical Review put it:

The potential for significant administrative overburden by supporting such a large number of providers – both in terms of administration within agencies and within contracting ministries – has been stated often, but has not been seriously addressed. (ibid.)

Contracting incurs opportunity costs that are not always apparent or accounted for. Supervision is a direct cost to government, but there are a variety of agency management activities that are outside of the cost of direct service. Participation in inquiries is one such cost and it is not surprising that the voice of the contracting sector tended to be dominated by those organizations large enough to absorb the expenses associated with management participation. This also explains their dominant role in

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4 Surprisingly, this is the only reference to the gendered nature of social service work in any of the submissions and supporting documents to all three of the inquiries and, since it appears in the Technical Review commissioned by Korbin, it may well be a reflection of Korbin’s own concerns. Equally surprising is that there are only three submissions to the inquiries that might be described as feminist in orientation and two of them appear to have been authored by the same person.

5 In fact, during the much-maligned “re-organization” of 1988 a new layer of management had been added. While this new layer was probably in recognition of the added burden of contract management it also led, in Gove, to a criticism that there were too many bureaucratic layers between clients and senior management.
organizing and maintaining larger multi-agency advocacy agencies. In Korbin, the bureaucratizing of community agencies is evident in the formation of a multi-agency Taskforce designed to advise the Commission on the positions of contracted agencies. The Taskforce was created from a group of representatives of professional, agency and employer organizations. Korbin's recommendation for a single-employer bargaining apparatus entrenched a province-wide bureaucracy designed to coordinate the contracting process and set remuneration rates, qualifications, staff training, and human resources in general. In short, the large government bureaucracy would be mirrored within the contracting sector. Community social services workers frequently argued that 'bigness' was an evil in child welfare; it is not surprising, therefore, that the proposal for a remote and bureaucratic representative organization failed to impress workers (informant #6).

Employees in the sector tended to oppose the PSEC proposal and this may be one of the major reasons why the government abandoned the attempt to create a province-wide rationalization of contracted social services.

Privatization literature suggests that most government contracting initiatives take as their model relatively simple tasks — the most common being cleaning and garbage collection (Hodge 2000; Sclar 2000). The advantages of contracting out, however, diminish the more tasks are characterized as esoteric and within the domain of professionals. There appear to be two main reasons for this loss of advantage. First, professionals employed by government tend to make less money than those in the private sector. For example, a study of social work in British Columbia concluded that professionally trained social workers avoid child protection social work in part because
they received higher wages from semi-autonomous organizations such as School Districts and hospitals (Notes, 51).

Second, it is also true that professional knowledge does not always exist outside government. The so-called “Yellow Pages” test (Sclar 2000) in which one looks for similar organizations and occupations in the telephone book to establish the existence of a competitive market overlooks logistical problems of scale and assumes no difference in the knowledge possessed by the private and public sectors. For child protection, this was to assume that any organization engaged in tutelary work with children and families possessed the same esoteric knowledge of child abuse as government social workers in the child protection system. This can scarcely be true when government employees tended towards a radically different perception and definition of child abuse than their counterparts in the private sector. Moreover, the social services sector and professional social work organizations tended to be of the opinion that government’s child protection work was distasteful and, possibly, unethical.

In any case, according to Rekart (1997): “There has been a proliferation of new agencies delivering services on the provincial government’s behalf since the early to mid-1980s. As for already existing agencies, they experienced a dramatic increase in government contract funding, which led to an increase in number of staff employed and number of contracts administered” (ibid., 14). This meant a steep administrative learning curve for community social service agencies either because they were building from scratch, or having to significantly expand their administrative systems to reflect sudden and rapid growth. In turn: “Non-government service providers have developed substantial expertise in community social service delivery” (Korbin Box 18, file 6316). However,
this developed expertise, funded as it was by government, came at a price. ‘Taking the
King’s shilling’ permitted community social services to expand their own organizations
and the field of opportunities in social services more generally, but it also constrained the
type of activities they could engage in. The observations of Taylor and Lewis (1997) on
contracting in the United Kingdom capture the dilemma.

What is new about the current funding environment is not
that voluntary organizations are receiving funds from
government, nor that they are taking their part in a mixed
economy of care (they have been doing both for a long
time), but that government has moved from investment to
purchase of particular services across a broad spectrum. As
such, voluntary organizations are placed in the position of
becoming alternative rather than complementary providers
and the state is increasingly in a position to determine the
conditions under which voluntary organizations should
provide their services without taking responsibility. (emph.
in orig. ibid., 45)

In her study of the effects of contracting on British Columbian voluntary
agencies, Rekart makes a similar observation.

It is clear from the inventory of services delivered that
these agencies offer services that government ministries are
willing and prepared to fund. It is also clear that many of
them, while still professing to be community-based, are in
effect extensions of the government and operate as
government service departments. In their bid to survive,
agencies found it all too easy to seek government funding
and to move into those service areas in which funding was
available.

In the past the advocacy role of non-profit agencies
contributed to mobilizing the government to provide
funding and services to different groups. However, in their
new role, these agencies are not able to carry out their
advocacy without jeopardizing their funding. It is no
coincidence that many of these agencies have moved away
from political advocacy and towards empowering clients to
advocate for themselves. As they work more closely with
the government and continue to participate in decision-
making regarding policy that affects them, their advocacy becomes increasingly muted and restrained. (Emph. added. Rekart, 1997, 51-2)

The move toward encouraging the empowerment of clients is significant because it implies that contracted social service agencies could no longer advocate directly for clients against government because these agencies were, themselves, governmental apparatuses. This is consistent with the government’s policy of “bringing government closer to the people” (Korbin Box 9 file 3838), and removes the governance of clients from direct government control and re-places it in the hands of community social service agencies. Empowerment of clients is not so much a technique justified on therapeutic grounds, as a necessary pedagogical goal for social services agencies because, in effect, clients no longer advocate against government, but against their former advocates now compromised by dependence on government funding.

If community social services are compromised by their acceptance of the King’s shilling, then legitimate advocacy can only come from responsible and prudent clients advocating on their own behalf. As Cruikshank puts it: “The mode of government links the subjectivity of individuals to their subjection, by transforming political subjectivity into an instrument of government” (Cruikshank 1994, 32). Where the tutelary relationship between community social services and their clients is conceived through the lens of empowerment, what is at stake is not merely therapeutic intervention to correct specific forms of deviance but the active construction of responsible citizens.

According to Rekart (1997), the more community social services agencies were invited into government, and benefit from government’s largesse, the less they came to represent the communities they claimed, and the more they came to represent their own
interests. The price of continued client advocacy, in comparison to merely becoming a
service delivery system, was the potential foreclosure of government funding and the loss
of financial security. Advocacy groups that chose to maintain independence by refusing
government funding found themselves dependent upon small and erratic philanthropic
donations. These could support only relatively small-sized organizations lacking in
professional expertise and prestige. Coalitions of agencies were dominated by larger
agencies with sufficient funding to absorb the opportunity costs of dedicating
administrative staff effort to maintaining them.

Nevertheless, it should not be assumed that because contracted social service
agencies formed coalitions to advance their own interests they abandoned advocacy
altogether. Submissions to the inquiries make it clear that community social services still
rhetorically positioned themselves as client advocates against government. Within the
relatively safe context of inquiries, particularly given the inquiries' embrace of non-
governmental practices, community social service agencies could speak their truths with
the assurance such criticism would not result in punitive governmental action. In
addition, because their larger budgets permitted more flexibility, administrators of large
service agencies directed some of their effort toward creating and operating advocacy
organizations separate from their employing agencies. Comparing, for example, the
membership of the community social services Taskforce formed by Korbin, with the
membership of the advocacy group First Call for Children, one cannot help but be struck
by the similarity in membership. While agencies may have had their advocacy role
curtailed, their administrative employees were free to act. Hence, as was the case during

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6 Both the Review Panel and Gove made it clear they would meet with submitters in private if they feared
reprisal. In any case, only inquiry employees read submissions.
the Community Resource Board era, administrative employees could move between
different forms of organizations and different rhetorical positions depending upon the
issue at hand.

However, there is a significant slippage in what is meant by advocacy. Large
multi-service and multi-agency advocacy groups could no longer advocate on behalf of
particular individuals. Their interest was not in the promotion of the best interests of
specific individuals, but in a social policy critique affecting classes of persons. Rekart’s
observations about the central place of empowerment in community social services’
therapeutic technique are salient here. If her insight is correct, then community social
services advocacy transformed into advocacy for empowering policy and regulation: that
is, policy designed to permit self-responsible liberal citizens to become self-advocates. In
a paradoxical sense, the mission of community social services agencies was not to create
communities composed of affective webs of interdependence, but to create normalized
and independent liberal citizens whose subjectivities were meant to be self-advocating
against all forms of government – including the community social services that were
partially responsible for creating them (See also Rose 1996; 1999a).

Contracting and Trust:

A final point needs to be made about contracting. Contracting of government
services in general, and social services in particular, requires a great deal of trust because
the danger of contractors acting in an opportunistic manner is high. Esoteric and
professional services are often difficult to specify and their efficiency is not ordinarily
measurable against an absolute standard of output. “A major area of difficulty lies in
setting out specification of requirements in the contract, and monitoring what is actually
provided – usually involving a series of complex judgements. One of the first judgements to be required is *how much* of the services is needed” (emph. in orig. Watt 1998, 190).

Moreover, where performance measures are articulated, there is still no guarantee they will not be manipulated. “For example, if the government rewards some form of measurable improvement in client status, the contractor can adopt policies that discourage difficult cases from seeking treatment (cream-skimming). Those non-profit organizations that were more scrupulous would likely have higher costs because they would not be willing to cut corners or cream-skim” (Steinberg 1997, 166-7). Then again, annual contracting can place both parties in a bind since, on the one hand, community social services are faced with opportunity costs relating to start-up, staff training and capital costs while, on the other hand, where government assists in those opportunity costs it cannot change suppliers without absorbing the costs of the original outlay and possibly replicating them when it contracts with another supplier. Hence, both government and contractor are locked in a kind of interminable dance in which unless one or both parties are prepared to swallow considerable financial and knowledge losses they are effectively forced to get along.

Privatization literature refers to this form of contracting as “relational contracting” because, in the main, government contracts are not legally enforceable in any practical sense (Hodge 2000; Sclar 2000; Watt 1997). The services required defy precise measurement. Any attempt to closely define services defeats gains from the private sector’s supposed flexibility and ‘cutting edge’ knowledge because those characteristics would be the very characteristics defined out of a closely specified contract. In addition, the British Columbia government was attempting to create a competitive market where
none had existed before. Contracting agencies and the government administrators they dealt with held varied opinions and developed varied practices in line with either their understanding of what was being asked, or their own personal biases on the desirability of contracting.

The philosophy guiding the early stages of provincial contracting for community human service was clear and purposeful: government would maintain an "arms length" relationship with its contractors and would attempt to obtain the best service at the lowest cost. In contracting policies and procedures, there was no distinction between contracting for commercial goods and services and contracting for community social services.

The implementation of this model has taken a different course. Some program or contract managers now specify wage rates and expectations for staff qualifications; others require agency staff to participate in specific training courses. Some contract managers hold to the lowest cost approach and others make allowances for wage differences between agencies, particularly where these are negotiated with a public sector union. (Korbin Box 18, file 6316)

Submissions to the inquiries from community social service contractors report variable levels of trust between the contracting parties. This lack of trust leaked out from the contracting process proper and into personal relationships between government employees and the contracted counterparts. Moreover, no matter how desirous of an arms length relationship both parties may have been, they were locked into a fiduciary relationship in law with respect to their clients. The principle of vicarious liability holds that the government is ultimately responsible and liable for any harm due to negligence to children in its care, and to the clients of agencies contracted by government. This principle was affirmed in A. (C.) v. Critchley (1998) and has since been upheld in at least
two other instances (Bazley v. Curry, [1999]; J. (K.) v. Nisha and British Columbia [1979].

The vicarious liability principle, while never directly mentioned in submissions to the inquiries, must have overshadowed the contracting process. In this sense, government administrators who inserted specific terms with respect to the duties, training and qualifications of contracted employees were not simply being meddlesome but were, in fact, protecting the government from potential liabilities. Nevertheless, provincial administrators were clearly overburdened supervising a plethora of contracts and could not have ensured that the practices of contracted agencies were such as to minimize exposure to liability. In any case, contracted agencies were no longer advocating for their clients but teaching clients to advocate for themselves; liability was collectively held by both government proper and its contractors. To sue the government also necessitated suing contracted community social service agencies. Whether or not these contracted social service agencies wanted it, they were in a “joint and several” relationship with government proper and, as the saying goes, the enemy of my enemy must be my friend.

Governing from a distance – arms-length or otherwise – hinges on a risk calculation of the relational trust between the parties. Moreover, where contracts are either fundamentally unenforceable because of their ambiguity, or where it is simply too expensive to terminate or litigate contracts, the resolution of dispute depends upon the ability of both parties to negotiate in good faith when conflicts arise. Since no contract can anticipate all possible sources of conflict it is reasonable to suppose all contracts require some form of negotiation external to the contract proper. Of course, this does not necessarily mean negotiations are between equals, or even fair, but some sort of
negotiation is always necessary. According to their own narrative, contracted community social services were always at a disadvantage – whether felt or actual – when negotiating with government. While they may have trusted individual government administrators, they did not trust government as a whole. The inquiries presented a different forum, and a different format, for renegotiating the relationship between contracted community social services and government proper.

*Governing through Audit:*

The problem of accountability is a persistent theme throughout all three of the inquiries under study. However, accountability is not so much a single theme as a group of questions. To whom are child welfare systems accountable? For what are they accountable? And, perhaps most importantly, what kind account is trustworthy? By statute, inquiries are required to give an account of the object of their inquiries as set out in their terms of reference. Hence, all inquiries provide a kind of partial snapshot as to ‘the way things are’ and then proceed to give a blueprint of ‘the way things ought to be’. Since all three inquiries used different techniques to establish the way things are, and focused on different aspects of child welfare and child protection, it is not surprising that the snapshots they provided of the way things ought to be contained similarities but also significant differences.

For Korbin, the principal issue was one of cost and benefit control. How big was the community social services sector? How was it organized? How many people did it employ? What did they do? Since there were no data to answer any of these questions, Korbin concentrated on acquiring data and then used it the basis for making
recommendations for rationalizing the contracting system both within government and within the contracting sector.

The Review Panel's account tended to eschew specificity on the grounds that specifying terms such as child abuse and community is essentially a pointless exercise. Perhaps more accurately, the Review Panel was concerned about principles of access and worried that close definitions would stigmatize families and therefore discourage those in need of assistance from seeking help. The Review Panel sought a departure from the "residual" model of child protection. They wanted a more expansive and legislatively mandated preventative model wherein child abuse would either be prevented, or redefined from a problem requiring authoritative intervention to one of welcomed offerings of tutelage. Since this tutelage would be community based, clients would not perceive it as state violation of the private realm, but neighborly intervention by one's fellow community members. As the Review Panel put it, "we believe also that when social workers are well connected to the community, their approach to dealing with families will be different" (Review Panel, 132).

As a practical matter, the Review Panel recommended that reviews occur at all levels of the child protection process and that these reviews be conducted by a "community tribunal". This body would adjudicate on whether children needed to be removed from their parents, and also review future social work plans for children with whom the child protection social workers were involved (ibid., 186-8). Further: "Criteria must be developed to assess social workers' skill and competence in the area of child protection. Receiving delegated authority to conduct an inquiry must be dependent upon meeting these skill and competence criteria" (ibid., 186). While the Review Panel gives
no practical direction as to how these criteria would be selected, or by whom, it does
present a strong argument for a province-wide Family and Child Advocate. The Advocate
would not only advocate on behalf of specific individuals, but would also “monitor and
audit family and child services provided by provincial ministries” (ibid., 51).

Of the three, the Gove Inquiry is by far the most explicit with respect to
accountability practices and audit structures. At the practice level, and as indicated
before, Gove was much enamored of Hawaii’s Healthy Start program which reportedly
began a risk assessment process at the time of every child’s birth. This initial assessment
determined whether support services should be offered to families and permitted those
services to remain in place for up to five years. That is, until the child entered the school
system and, presumably, could be monitored and assessed by school personnel. In
addition, Gove recommended the utilization of a formal risk assessment at the start – and
throughout the life – of any child protection intervention and subsequent guardianship of
children. Such a risk assessment was created and has since become integral to British
Gove also recommended a matrix of qualifications and credentials that all child
protection workers must achieve before practicing child protection. In particular, before
child protection workers could gain employment, they should possess a minimal
educational attainment of a Bachelor of Social Work degree (Gove, 2: 158) and have
completed a twenty-two week orientation course that would include a test for competency
(ibid., 175-84).

Moreover, in Gove, the major concern was to separate those responsible for the
practice of child welfare and child protection from structures of accountability. It was,
after all, initial press reports of a 'cover-up' of Matthew Vaudreuil's death by government officials that had sparked the Gove Inquiry (Hunter 1994a, 4[A]; Tait 1994, 10[B]). In Gove's model, the separation of practitioners and audit structures was to be institutionalized by placing responsibility for practice within the Regional Boards, while reserving to the central provincial ministry the determination of practice standards, licensing, practice audits, review of administrative decisions and investigation of child deaths and serious injuries (Gove, 2: 267). To entrench this separation and make it trustworthy, the Child and Youth Advocate and the proposed Child Welfare Review Board,⁷ were endorsed by Gove along with the establishment of his own recommendation of a Children's Commission.

The Children's Commissioner, in addition to appointing the complaints investigator, also would have responsibility for ensuring that Children's Centres establish a fair process for receiving, investigating and responding to complaints. Although independent of direction from the Children's Commissioner, the Child Welfare Review Board [responsible for reviews of rights violations of children in care] could be located and managed as a part of the office of the Children's Commissioner who would also provide the board with administrative support.

The Children's commissioner would also have responsibility for annually reviewing all continuing-care orders for children in care, and for reviewing all serious injuries to children and all deaths of children in care of or in receipt of services from or known to a Children's Centre or Ministry for Children and Youth.....

To ensure the objectivity and independence essential to the role, the Children's Commissioner should be entrenched in legislation and appointed by the Lieutenant Governor in Council for a fixed term. (ibid., 282-3)

⁷ The Child Welfare Review Board came out of the deliberations of the Review Panel and flowed from the proposed legislated entrenchment of a rights regime for children in care. These rights became law when the CF&CS was passed in 1996.
These new audit systems external to the ministry were in addition to the Office of the Ombudsman (who had already issued two Reports specifically concerned with child welfare – Numbers 22 and 24). Finally, Gove charged the Ombudsman with ensuring the recommendations of his Report were actually implemented. While debate continues as to how much, and how enthusiastically, Gove’s recommendations were implemented in practice, all of the review and audit mechanisms proposed and endorsed by his Report were implemented.

The most immediate result of these new layers of audit was confusion over how the independent audit bodies would sort out their fields of responsibility without infringing on one another’s territory. In the general sense of advocacy, the problem lay in whether all of these auditors were equally responsible for systemic advocacy, individual advocacy on behalf of specific clients, or both. For example, while the Child and Youth Advocate tended to concentrate on advocacy on behalf of specific clients, this did not prevent her publicly criticizing the child welfare system in her Annual Reports and in the press coverage that accompanied them (see, for example: Danard 1999 1[A]; Advocate 2000). Moreover, as with the most publicized of the Child Welfare Review Board’s Tribunal hearings, the Advocate assisted specific clients during Tribunal hearings with respect to alleged breaches of children’s rights (Children’s Commission 2000).

8 The Ombudsman’s Report on implementation, Getting There, was released in 1998. She states: “I believe that government’s efforts to date are appropriate and will ultimately result in a better system of service delivery for children and youth and their families.” When I asked my informants if they believed that Gove’s recommendations had been “substantially implemented” their reactions ranged from skepticism to outright laughter; most seemed to think that senior management had pulled the wool over the Ombudsman’s eyes. With respect to the Children’s Commission, perhaps the most significant difference between Gove’s recommendations and the Commission as constituted in law was its lack of independence. The Children’s Commissioner did not become an Officer of the Legislature but, instead, reported to the Attorney-General.
The functionaries of audit bodies were drawn from a relatively small body of people already networked through their involvement with the inquiries. The Child and Youth Advocate was a former member of the Review Panel while, for the case mentioned, the chair of the Tribunal hearing had been a member of the Gove Commission's senior research staff. Meanwhile, among the members of the multidisciplinary team that met “regularly with the Children’s Commissioner and the Chief Investigator to provide advice regarding findings and recommendations made in fatality reports”, two were former researchers from the Gove Inquiry’s staff and at least one was a prominent physician who had made submissions to both the Gove Inquiry and the Review Panel (ibid., 42-3).

Since the contracting system had reduced the opportunities for community social services to engage in direct advocacy on behalf of clients, both the Office of the Advocate and the Office of the Children’s Commission presented ongoing forums outside of government proper for representatives of those organizations to pursue their advocacy claims. This could take the form of ‘empowering’ clients to self-advocate through these forums, but also through appointment of community social services representatives to positions of authority and influence within the forums. So, for example, the 1999 Annual Report of the Children’s Commission lists seventeen Tribunal members of which seven are senior administrators of community social service agencies (Children’s Commission 1999, 65-6). Of the others, four were academics, three were lawyers, one represented business, one is titled “youth advocate” and the last “social worker”. One of these Tribunal members, writing as a community social service agency executive, also published a Vancouver Sun article in which he provided a scathing
criticism of the government’s attempt to rationalize community social services (Hardy 1997, 21[A]).

Between them, the Advocate and the Children’s Commission had considerable rhetorical resources to review and criticize the government’s general structural arrangements, policy practices, and individual case management (if not, strictly speaking, the legal authority to challenge them). The two governmental organs were heavily influenced by the contracted social services sector, so it is not unreasonable to claim that the external auditing of the child protection system was largely in the hands of non-governmental social services representatives. In effect, if community social services had lost their advocacy role in the community, they had resuscitated that role within the offices of the Advocate and Children’s Commissioner. Not surprisingly a showdown eventually occurred and in what might best be described as a ‘split-decision’, community social services established a temporary ascendancy during the highly publicized Tribunal decision #PD-00-08 of 2000.

In this showdown, two foster parents challenged the Superintendent of Child Welfare’s management of the foster children in their home. With the assistance of the Child Advocate they brought a complaint before a Review Tribunal conducted by the Children’s Commission. The tribunal found in favor of the foster parents but the superintendent refused to comply. After an exchange of pointed letters between the commission, the superintendent, and the minister, the minister removed the superintendent from the case and replaced him with Cynthia Morton. Cynthia Morton

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10 And, of course, his organization had also made submissions to the Review Panel and the Gove Inquiry, both advocating a larger role for preventative community services.

11 Ministerial removal of the superintendent from a single case is unprecedented in British Columbia. In theory, the Superintendent of Child Welfare is supposed to be independent of the government and its
was the first the Children’s Commissioner and had only recently left the post. She duly approved the Tribunal’s recommendations. The incident did not establish the Tribunal’s legal supremacy, but it did demonstrate which apparatus wielded the most political influence.

One way of thinking about the activities of the Advocate and the Children’s Commission is to consider of them permanent extensions of the inquiries that recommended their establishment. In this sense, the Advocate was the legacy of the Review Panel while the Children’s Commission was Gove’s legacy. Each reflected the interests of their founders; the Advocate was primarily concerned with “[I]ndividual advocacy services (working directly with children and youth who are having problems with regard to services they need from the Ministry)” and “Local advocacy development (working with communities to promote and support local advocacy)” as well as “systemic advocacy” and “fair complaint process[es]” (Advocate 2000, 27). The Children’s Commission, meanwhile, was a much more legalistic organization both because of its jurisdiction over Review Tribunals, and because of its forensic approach to examining children’s deaths and other critical incidents. The latter’s focus on fatalities, in particular, resemble nothing less than mini-versions of the first volume of the Gove Report.

In his review of auditing and accounting practices, Power (1997) emphasizes that external audit processes, while never pure in their effects, can fail in one or both of two ways:

The first type of failure is that the audit process becomes a world to itself, self-referentially creating auditable images of performance. The audit process is _decoupled_ or compartmentalized in such a way that it is remote from the bureaucracy although, practically speaking, the superintendent’s actual independence has often been violated informant #1).
very organizational processes which give it its point. The second type of failure is that, regardless of intended changes to the audited organization, the audit world spills over and provides a dominant reference point for organizational activity. Organizations are in effect colonized by an audit process which disseminates and implants the values which underly and support its information demands. The audit process can be said to fail because its side-effects may actually undermine performance. (emph. in orig. ibid, 94-5)

The first question one may ask, of course, is did these various audits actually fail? For one thing, both the offices of the Children’s Commission and the Advocate were abolished by a new Liberal government after its election in 2001 and, therefore, have failed to survive. However, their final reports seem to suggest the new external audit regime had failed to improve the government’s child welfare practices. The Advocate is scathing in her critique of child welfare services both for their accessibility and their actual practices. The titles of her last two Reports, Not Good Enough (1999) and Get On With It (2000) give a fair impression of their contents. The last Children’s Commission Report was more restrained in its criticism but says: “This is a start – but we are still a long way from the kind of system that we need for a healthy future and that the children, youth and families of this province are entitled to” (Children’s Commission 2000a, 1). Indeed, the system is so far from being successful, the Report is entitled Blueprint For A Better Future – yet another blueprint to fix a failing system. Press reports from the late 1990s echo this pessimism and tend to focus on the constant change and upheaval the system experienced in the wake of the releases of the inquiry reports under study (Hamilton 1997, 8[A]; Brook 1997, 21[A]).

Both the Advocate and the Children’s Commission were certainly “decoupled” from the Child Welfare system. They were, after all, entirely different organizations from
the organizations actually responsible for delivering services.\textsuperscript{12} While their criticisms
could be devastating at both the individual practice and ministerial policy levels, the
recommendations that flowed from those criticisms had nowhere to go because they were
not binding on the child welfare system. The problem is illustrated by a section title in the
reporting format adopted by the Children's Commission for its investigations of child
fatalities and critical incidents; “What the Commission Learned From This Review”.
Since the Commission had no responsibilities for the actual delivery of services, it would
have seemed more germane to ask what child welfare practitioners had learned from each
of the many hundreds of tragedies the Commission reported on.

The inability of new audit systems to immediately colonize the child protection
system came to a head in the small rural town of Quesnel during late 1997 and early 1998
(Children's Commission 1998) when some 71 children were removed from a single
community in just over two months. The presiding judge speculated that this unusually
large number of removals was the consequence of an internal practice audit conducted by
the ministry on the local office. As it turned out, this speculation was largely correct
because “50 of the 71 removals were cases identified from the audit process in Quesnel”
(ibid., 7). The internal audit had been prompted by a child's death that had occurred
sometime earlier and been reviewed by both the Children's Commission and a Deputy

\textsuperscript{12} I am aware that auditors are supposed to be outsiders to the organizations they audit. This is one of their
guarantees of objectivity and fairness. There is, however, a difference between compliance audits and
practice audits. Compliance audits ensure that required procedures have been followed, practice audits
determine whether appropriate professional decisions have been made. The distinction between the two
forms of audit is not made within Children's Commission audits. Further, the Children's Commission did
not employ professional auditors. Instead, it employed former social workers, a police officer, and other
professionals. Audit of social work practices, then, tends toward a second-guessing of worker practice. See
Cradock (forthcoming) for a fuller treatment of this problem.
Director within the ministry. Both systems of review concluded that a full audit was required although whether the conclusion was reached independently or negotiated by the two systems is not stated. Although there are the usual concerns about staff experience and education, both the internal ministry audit and the Children’s Commission’s comments focus on the lack of adherence to auditable protocols and risk assessments.

The general picture given of the Quesnel child protection office is that it functioned through a series of informal consultations on an as-needed basis rather than by adherence to standard and province-wide procedures.

In any event, in the fall-out of the audit, both the Acting District Supervisor and four of the staff went on “medical leave”. The large number of removals that surprised the judge was actually done by a group of social workers from other areas specifically imported for the purpose. The Commissioner notes a “failure to develop care plans in consultation with family and community was due in part to the high staff turnover in the last months of 1997” (ibid., 3). In fact, the Advocate’s office was also involved by “working with MCF, children and families to ensure plans of care are in place for the Quesnel children in care” (ibid., 3). This function was consistent with the Advocate’s goal of “[L]ocal advocacy development (working with communities to promote and support local advocacy)” (Advocate 2000, 27).

While the actual chain of events is not entirely clear, even in the Commission’s Special Report, what does seem obvious is that a child’s fatality had set off an audit chain in which the ministry’s internal audits seemed to have been attempts to head off further external audits. As these audits came, one after another, staff became increasingly

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13 For confidentiality reasons, the Commission does not give the date of the child’s death or when its Review Report was made public.
bewildered as to what and whom they were supposed to satisfy. Inquiries and audits often state that their purpose is to identify problems and learn from them, but if a result is that the majority of professional staff ends up on medical leave it is doubtful that the staff saw learning as a primary audit objective. Moreover, no matter how competent or incompetent this group of staff may have been – either individually or as a working culture – they must have had more local knowledge than those workers parachuted in for the occasion. Yet, there is no indication that those imported workers turned to their erstwhile colleagues for advice or direction.

It seems then, the quest for audit compliance trumped what had been a key observation of the Review Panel: “we believe also that when social workers are well connected to the community, their approach to dealing with families will be different” (Review Panel, 132). If connectedness resulted in difference, this difference could only be tolerated if it was either compliant with audit procedures, or effectively invisible because not subject to audit. So, for example, what actually became of the 71 children at the center of this controversy is unknown – no follow-up information is available. Nor, for that matter, is it known what happened to the workers. But for those interested in finding out whether auditable practices have improved, ministry practice audits are now publicly accessible and available on the web. One can learn precisely what Quesnel’s, or any other offices’ compliance ratings are, but nothing of the actual face-to-face practices behind the numbers. One cannot know, for example, whether the Advocate’s labor to build bridges of trust and respect between the ministry and the community during that period of crisis have been sustained over time. Indeed, one cannot even know if the
Advocate's efforts were successful at all, since building trust with community is not an audited value.

Irresponsible Governance:

Weber (1946) described governmental bureaucracies as impersonal machines composed of many interdependent cogs of experts. For Weber, the machine rolled on irrespective of who the bureaucratic managers of "objective" expertise were or, indeed, the nominal political masters temporarily expressing the will of the state. He argued that bureaucracies are always necessary for modern societies because they are the only rational means of coping with the objective problems created by them. However, the problem of protecting children from abuse, and of constructing a child welfare system more generally, does not rest upon a singular and objective expertise that can be safely housed within static and all-powerful governmental apparatuses. Instead, as Rose notes:

The paranoid visions of some social analysts, who see in the expansion of the therapeutic a kind of extension of state surveillance and regulation throughout the social body, are profoundly misleading. The new sphere opened in our reality allows the play of values and aspirations from widely varying ethico-political positions. The central feature of these new apparatuses and techniques is the decoupling they effect between the central powers and the regulation of the internal worlds of institutions, families, and individuals. Their importance flows from the pluralization of the agencies and mechanisms of regulation of individual and group life, the heterogeneity of the assemblages of power in modern societies which have come to operate through the element of subjectivity. (Rose (1999 [1989]), 261.)

In British Columbia the past thirty years has seen a vast array of "agencies and mechanisms" concerned with child protection and yet no consensus has been achieved on even the most basic terms, let alone practices. For all the inquiries, blueprints, audits,
submissions the child welfare industry has produced, it is striking how persistent and attractive the notion of programmatic perfection remains. If government could only somehow 'strike the right balance' between all the competing interests, definitions, and practice ideologies, a perfecting child welfare system would emerge or be founded. The irony is that the more government attempted to take advice and create such a system, the more chaotic the system became. Moreover, it is noticeable that the more ascendant and influential particular interest groups become, the more they are decoupled from the actual labor of child welfare. Far from bringing governance closer to the people; events of the last several decades have tended to withdraw governance within a kind of pyramid of audit in which those who audit child welfare practices and produce myriad recommendations for improvement are the least responsible for practicing child welfare remedies.

For example, service providers have issued persistent and repetitive call for more community and preventative services. These have been relayed within inquiry reports and the auditing systems that are their offspring but they are conspicuous for their lack of specification as to what services are necessary, and how those services would improve conditions for individuals, families, or communities. The actual design and delivery of services remains in the hands of those on the ‘front line’ – the audited. The assumption seems to be that a rational and coherent bureaucracy can master this presumed objective knowledge and create systems through which it can be applied to prevent child abuse. It makes no real difference if this bureaucracy is located at the provincial or community level; the necessity to separate audit from practice, judgment from responsibility, manufactures the same ironies and paradoxes.
Nor is it the case that individuals are immune from this spiral of audit. As Cruikshank (1994) and Rose (1996) have noted, social service clients are no longer passive receivers of direction and tutelage, but are now "empowered" to become self-responsible agents measured against an expert-defined notion of normal. But this expert domain is itself polyvalent and contradictory because it is created by multiple arrays of welfare functionaries. Clients who ask the simple question: "What is child abuse?" cannot expect a singular answer. Instead, they must use their empowered status to advocate for their own definition. Whether they are heard or not depends not so much on whether their definition is coherent, but to whom they are speaking and whether that person or group is temporarily ascendant within the shifting power relations contesting the definition of the term.

As government retrenches into audit functions, it also becomes a blaming and scapegoating machine. The more government is released from the responsibility of actually providing services, the more it is free to criticize and find fault with those that do (Parton 1997). The audit personnel who descended on Quesnel no doubt had the objective of improving child protection practice. However, its unintended consequences included community upheaval as strangers removed an extraordinary number of children from their homes. The very notion of strangers was antithetical to all the glorification of community that had gone before. Also unintended was the sickening of line staff who required medical leave to recover from their ailments. As one former social worker described it to the Gove Inquiry, child protection workers are treated so badly, and held so responsible for their actions, that they resemble the abused children they are supposed to be protecting (Notes, 186).
Scapegoating is an ancient practice. The worker referred to had been fired a decade before any of the inquiries were commenced. So it is not the act of scapegoating itself that is new, but the multiple opportunities for scapegoating created by multiple audit apparatuses and the relative distance between audit mechanisms and the processes they are auditing. Multiple masters create multiple opportunities for failure by one standard or another. In the process, any attempt to articulate a clear boundary between what is and what is not 'the government', becomes impossible. The boundary between government and not government continually shifts as groups gain temporary victories in the never-ending quest to control vague terms.

In a world where multiple audit systems create the opportunity for everything to be a failure, everyone needs a hedge or an excuse. And, if everything can be construed as a failure by some standard, and if that failure – from failing to fill in a risk assessment accurately to failure to develop a functioning community – can be assigned to government, then everyone has an interest in defining him or herself out of government. After all, it was not Verna Vaudreuil who failed her son, but the governmental ‘system’ that failed Verna Vaudreuil. Insofar as Vaudreuil was culpable, it was in her failure to self-advocate for appropriate preventative and support services.
Chapter 9
Governing Through Vague Terms

Ian Hacking has provided one of the most eloquent descriptions of the dilemmas child abuse poses.

Is there nothing we can know about child abuse? We would like our interventions, our official agencies, our courts, our teachers, our doctors, our people on the street, and indeed ourselves to act caringly, helpfully, prudently, wisely, justly, from knowledge. Is that a vain hope, because the object of knowledge is always changing, and because the terms to express the knowledge are evaluative, not only at the base level ("child abuse") but also at the metalevel ("normal")? It is vain only if the knowledge is knowledge of chemistry and tissues and organs. Yet it is almost impossible to escape the medical mode, not because of the overt power of the medical profession, but because of the covert power of the organizing ideas, right back to normalcy, which that profession fostered on the Western mind. (Hacking 1991, 288).

In British Columbia, the medical profession (with a few individual exceptions to prove the rule) has been remarkably absent from child abuse discourse. Of those who have ventured an opinion, perhaps the most striking came from the pathologist who conducted the autopsy on Matthew Vaudreuil’s body. She rejected the model of child abuse as pathology and stated flatly that child abuse was a symptom of the larger problem of poverty. The overt power of the medical profession was seldom exercised, but the idea of normal childhood has, however, been felt throughout the discourse of child abuse, parental rights and responsibilities, the nature and purpose of community, and the role of government in establishing and enforcing normalizing practices and procedures.

The principle of normalcy as an organizing idea, and its implied opposite of deviance, explains why no one concerned with child abuse has ever claimed child abuse
does not exist or that it is not a problem that ought to be addressed by some persons or some mechanisms. Yet it is clear that an organizing idea is not the same as a specified idea. Child abuse, as an idea, represents something but no satisfactory definition of it has emerged over the past forty years. Since child welfare practitioners commonly use tacit and experiential knowledge rather than scientifically or legally specified knowledge, child abuse tends to be both an evaluative and subjective term. The question then becomes: is the term, and the practices it engenders, evaluative and subjective because of failings on the part of child welfare practitioners, or is the evaluative and subjective nature of child abuse a consequence of the inherent vagueness of the term? The prevention of child abuse seems a clear and straightforward problem, yet it consistently defies any obvious solution. Hence, some five years after the release of the Gove Report, an article appeared in Victoria's *Times Colonist*:

The upshot [of Gove] was B.C. came to grips with a shameful state of affairs involving our children and the government decided, with the full support of nearly everyone, to remedy the situation.

So it's a shame to learn Tuesday, through Child Advocate Joyce Preston's annual report, that something has gone wrong. The drive to tackle the problem seems to have stalled. That rarest of things in B.C. – strong public support across all lines for a policy – seems to have been frittered away. (Leyne 1999, 10[A].)

The article then goes on to suggest the “frittering away” of this public support was a consequence of a weak minister and a fumbling bureaucracy. However, the assertion that the Gove Report garnered the “full support of nearly everyone” is not so much a statement of fact, but a reflection of the laudatory press coverage of the Gove Inquiry and the lionization of Gove that continues to this day. It should be noted that Preston was a
member of the Review Panel – a Panel of which one member, after reviewing the new legislation, was self-described as “not a happy camper”, and that a co-chair of the Review Panel described Gove’s approach as “ridiculous”. Moreover, whatever “full support” meant in the abstract, press reports in the wake of Gove demonstrate more or less continuous disagreements (often described as “turf wars”) between factions within and between government and non-government agencies (Editorial 1997, 8[A]).

Some individual members of the press, although continuing to lionize Gove, changed their minds over the years. For example, in the run-up to the establishment of the Gove Inquiry, Kathy Tait wrote a vitriolic article in the *Vancouver Sun* demanding an independent inquiry into the events surrounding Vaudreuil’s death and suggesting the workers involved in the case did “damn all” to protect the child and should be held “criminally responsible” (Tait 1994, 10[B]). Yet five years later, noting that the number of children in ministry care had gone from approximately 6,500 in 1995 to a “staggering 10,000 at the end of February [1999]”, and that the ministry was projected to overspend its budget by fifty million dollars, Tait asked the questions: “Are more children being scooped than necessary or desirable? Do protection authorities have too much power?” (Tait 1999, 6[A]) Tait was simply noting the “horns of the dilemma” described by the British Columbia Association of Social Workers in their submission to the Gove Inquiry. How can child protection social workers reconcile the two roles of statutory enforcer and therapeutic helper? Furthermore, given the events in Quesnel during 1997/98 (chapter 8),
the rising number of children in care could scarcely have been surprising to anyone familiar with British Columbia’s child welfare apparatuses.¹

Child protection social workers were simply employing a ‘safety first’ strategy which was ethically supported by the government’s adoption of Gove’s child centered philosophy, itself predicated upon the paramount legal principle of children’s safety that Gove insisted upon. The fact that child protection work practices were now under close scrutiny by multiple audit bodies underlined the fact that, for protection workers, making children’s safety paramount was the only way they could ensure their own safety.

If, as Bourdieu (1998) claims, government inquiries create a kind “voice of the people”, then this voice is comprehensible only when expressed as if it were a kind of primary speech genre. However, a term such as child abuse is secure and bounded only by virtue of this misleading feature and not as an actual referent in the real world. The kind of child abuse reported by the popular press is necessarily scandalous since, if it were not, it would have no news value. But specific as those events may be they are, by definition, exceptional and bear little resemblance to most allegations of child abuse. Newspapers do not report stories such as Mrs. Smith being late picking up her child from daycare, or little Johnny showing up to school without a packed lunch. Yet, a child forlornly waiting for its mother to show up, or seemingly lacking adequate daily nutrition, could be construed as suffering actual or potential harm from emotional abuse or child neglect. Is it adequate for Mrs. Smith to explain she’s been stuck in traffic – especially if she’s been stuck in traffic several times before? Is it sufficient for Johnny’s mother to explain Johnny doesn’t like peanut butter but that is all she can afford?

¹ In December of 1995, Tait’s newspaper had run an Op-Ed article by two University of British Columbia law professors that specifically predicted a “drastic increase in apprehensions” in the fall-out after the Gove Report (Grant and Mossoff 1995, 19[A]).
These examples may seem trivial, but it is precisely these sorts of reports that comprise the majority of child protection investigations. In other words, most child protection investigations are not into obvious cases – from whatever perspective – they are almost always into borderline cases, which may be abusive and not abusive at the same time.

The solution to borderline cases proposed by the Review Panel was to proceed from first principles. Close definitions, the Panel concluded, were not only impossible to achieve but might be counterproductive to the Panel’s larger project of expanding preventative services to those families who, though in need of assistance, might be intimidated by a social service sector dominated by a concern with child abuse and quick to apprehend children. Their approach was similar to Sainsbury’s (1996 [1990]) approach to vagueness. Since bounded definitions could not be achieved, the issue of child abuse was reformulated as a problem of principles. Yet, in the end, the Review Panel still sought a supervaluationist solution; they appealed to community standards in an apparent belief that communities were capable of providing the appropriate “sharpenings” required to determine boundaries. For his part, Gove tended to avoid the question of definition but his appeal to formal risk assessment procedures is more akin to a “degree theory” approach. Risk assessments guide child protection workers’ judgments through a series of

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2 In 1991/92, the ministry conducted 25,626 investigations. Of the 5,637 children it took into care, 3,015 were deemed to require protection. The ratio of investigations to children requiring protection is lower than these figures indicate since children often come into care in sibling groups. Consider also that in 1993/94 the ministry received 27,415 protection reports but completed only 18,460 investigations. In 1999/2000 the ministry received 34,700 protection reports and completed 24,321 investigations. The ratio of complaints to investigations is roughly the same throughout the intervening years (Annual Reports 1991/1992, 1999/2000). The raw data are only marginally helpful (they do not, for example, identify how many children’s situations were subject to multiple investigations) but they do suggest roughly a third of all allegations are never investigated and only a small minority of investigations discover facts serious enough to warrant child removal.

During 1991 and 1992 I was a member of an intake team responsible for all investigations within a ministry area. Each of five workers in the office completed an average of two investigations per day but child removals were rare – perhaps no more than a dozen in a year.
detailed enumerative values set within predetermined categories. Those being evaluated score as high risk, medium risk, or low risk.

Since no primary speech genre, formed as it is in the abstraction of language, can capture all the subtleties of supervaluationist or degree theory approaches, what is needed is a secondary speech genre, located within a specialist thought collective, within which acceptable values are calculated, debated, and eventually become tacit. Both the Review Panel’s appeal to abstract principles, and Gove’s insistence on a child centered philosophy that would, ideally, reverberate and guide practices throughout the child welfare “system”, are attempts to create such a secondary speech genre while, at the same time, implying that this created speech genre is coterminous with the primary speech genre of everyday speech. Even in the Korbin Report, the belief that enclosing relatively disparate, and in some cases rivalrous, players within a single sector suggested a belief that a single secondary speech genre would emerge if the parties possessed sufficient good will to create a consensus.

The problem was, of course, that the various inquirers were not entirely objective – they were not voices from nowhere. In the case of Korbin, child abuse was simply not her concern and, therefore, no definition was necessary. For the Review Panel, the bias of its members toward the community social service/advocacy sector was clear from the start so their definition of child abuse turned out to be expansive and more or less without limits. In Gove, there is a clear assumption that child abuse is discoverable through an interlocutory model in which, ultimately, all definitional problems are resolved with reference to the judiciary – but always grounded in the science of risk assessment. Thus, the inquiries themselves create not one, but several secondary speech genres, which are
themselves reflections of already extant multiple secondary speech genres. The division between the preventative and community social services-based genre, and the governmental, child protection-based genre is but the most obvious example of the way genres conflict. The ambition of each of the inquiries to create a single secondary speech genre inclusive of all participants in the child welfare project and to make that speech genre more or less transparent to users of the primary speech genre (the public) was doomed to failure.

As Bakhtin points out, secondary speech genres are largely tacit genres. They are not so much acquired as absorbed in the day-to-day usage and recapitulations of utterances that occur within a specific genre history and with an eye to a common future. The problem with child abuse is that it is a term that can be found (and is found in inquiry submissions) within all manner of secondary speech genres – the anti-smoking lobby, the Judeo-Christian values’ lobby, the grandparents’ rights lobby, the divorced single mothers’ lobby, and so forth. The list seems endless. Insofar as inquiry reports constitute and valorize a single secondary speech genre they create the illusion of support by “nearly everyone”. But this support tends to evaporate as other secondary speech genres come under pressure to conform.

It is not simply the case that secondary speech genres create special interest groups anxious only to protect themselves from outside encroachment – although this may occur. Rather, each genre is reflective of the particular environment in which its tacit understandings operate. For example, when foster parents argue that too many children are returned to unsafe family environments they are not arguing on behalf of their own interests, but are voicing a set of tacit understandings about what constitutes safety within
the thought collective of foster parents. This voice is articulated against other speech
genres located in other thought collectives (for example, the advocacy movement) with
very different understandings of what constitutes safety. Safety simply does not mean the
same thing within all the various “front line” discourses contained within the general
discourse of child welfare and child protection. Hence, everyone agrees child abuse is a
bad thing, but no one can agree on what it is other than in the abstract and, therefore,
cannot agree upon a means of deciding borderline cases.

*Whose Community or Community for Whom?*

Recall Williams' (1976) observation that there is no positively defined opposite to
community, and that community is always defined as a good. In such circumstances, it is
understandable that community is offered as an antidote to the universally recognized evil
of child abuse. But the question of what constitutes a community is as elusive as the
question of what is meant by child abuse. As we have seen, the past thirty years of child
welfare discourse have presented many possible descriptions of community. The
Community Resource Board (CRB) communities were, more or less, neighborhoods or
municipalities. Conspicuously, CRB documents almost never used the term community,
favoring the terms neighborhood or area. Moreover, the CRBs tended to mistrust
communities of interest because such interests presented themselves as possessing
superior expertise in their particular sphere of activity. They worried that such expertise
would trump the local knowledge possessed by the CRBs themselves.

Despite the vigilance the CRBs exercised over the principle of localism they were
forced to accept that some non-local expert services, and some access to non-local
resources was necessary to meet the needs of their local residents. Nevertheless, for the
CRBs, authorized knowledge was knowledge accumulated and advanced by lay Boards whose single most distinguishing feature was their election by local citizens. Effectively, the CRB community was its electing citizens.

In the wake of the dissolution of the CRBs in 1976, the term community disappears from British Columbia’s child welfare discourse until its reappearance as the site of flexible and cutting edge practices in the privatization initiatives of the 1980s’ restraint program. Whether the claims made for community were accurate was unclear because the community social service sector was relatively small and no research to support the claims was ever advanced by government. Instead, the efficacy of community delivery of social services was presented as an achieved consensus across the political spectrum and there appears to have been no significant questioning of the assumption. After all, if community is always a good, who would argue against it?

However, for a privatizing government community did not turn out to be the recruitment of something already extant, but something created through the instrument of Purchase of Service Contracts (POSCS). Since POSCS were a universal mechanism for government to acquire goods and services, communities were contractually no different from consultants possessing specialized knowledge or a local small janitorial service contracted to empty wastebaskets. Policy directives concerning contracted community social services agencies emphasized the necessity of creating a sound business relationship with service providers. As government contract managers discovered, however, communities are not businesses; a great deal of managerial effort had to be spent on teaching community-based agencies basic business skills in order to create a partnership believed to bring government closer to the people.
But, is a contracted community social service agency the same as a community? Objectively, this can only be so if the definition of community expands to the point where it is meaningless. The multitude of community agencies created by the POSCS system was so diverse (including, for example, for-profit private enterprises) that for all intents and purposes, community was merely a byproduct of government contracting practices. And, as we have seen in the case of the Christian Socialist community and religious movement fueled by Mary Pride and the Citizens’s Research Institute, some saw the involvement of government in self-defining communities not as benign support, but as an outright threat.

The era of inquiries brought the independence of claimed communities and their relationship to government structures into high relief. Predictably, none of the inquiries was prepared to threaten the concept of community. True, for the most part Korbin did not see the definition of community as a problem in itself. For her, community was reduced to those local organizations receiving government funding in what was, admittedly, an ill-defined community social service sector. In the end, what mattered for Korbin was that government was purchasing services and that those services were generally locally-based and not, technically speaking, internal to government. Literally, the defining features were that the contracted services were not being provided in government offices or directly supervised by government employees. Outside of that, Korbin expected communities to sort out amongst themselves who and what they were. However, she insisted that when community social services presented themselves to government (over such issues as uneven contracting practices), they did so with a united and sectoral voice.
For the Review Panel, community was primarily the location of standards and oversight structures that were trustworthy only insofar as they met certain legal and practice standards developed and defined by government (albeit in consultation with the very communities government was responsible for developing). For the Review Panel, communities were the only site where sensitive and effective child welfare practices could be located. At the same time, however, communities could only be developed and made effective with the assistance – both in terms of funding and expertise – of central government. In the end, for both Korbin and the Review Panel, community standards meant standardizing communities.

The Review Panel’s notion of standardized communities was relatively loose – or, perhaps more accurately, relatively unspecified. The need for communities to be the appropriate site of governance is more explicit in Gove, yet more superficial. In Gove, communities are more knowledgeable but fundamentally less trustworthy. Gove’s solution was to create a complex audit system in which responsibility for the delivery of social services is devolved to a group of community governance structures that are somewhat smaller than the provincial government and clearly separated from its central ministry. In Gove’s model, community (or its administratively constructed facsimile) is responsible. Community must deliver services, it must advise the capital of its needs, but its responsibilities must be governed by extensive systems of external accountability – that is, to the standardized auditing apparatuses and technologies internal to the provincial government. In Gove, communities are not sites of self-generating power, they are sites to be constructed, disciplined, and above all, surveilled by centrally located knowledge structures.
It is significant that of all the submissions to all the inquiries of the early 1990s only one group brought the term community into question. This group, composed of professionals of various government and local agencies, responded to Gove’s question about community standards by flatly stating there was no community in their jurisdiction. This group were not cynics, nor were they from a particularly fragmented area of the province. Rather, they recognized that their area possessed all manner of communities along the lines defined by the British Columbia Association of Social Workers and acknowledged by the Review Panel. Their problem was not that there were no communities, but that there were so many communities it was unhelpful to think about the problem of child abuse from the perspective of community at all. If community is held to be similar to thought collective, and if thought collectives are notable for their alleged emotional neutrality (Fleck 1979 [1935]), but community is simultaneously also a site of emotional transcendence (Frazer 1999), then the term becomes another kind of sorites paradox. In other words, is child abuse understandable to community in emotionally charged deontological terms, or is it best understood in scientifically derived consequential terms? Placing the problem onto the shoulders of communities – which may or may not exist and which may or may not be a creation of government – is not so much a process of specification as a responsibilizing of an abstract social category. If communities are ultimately responsible, but no one knows for sure what a community is, then responsibility simply evaporates into an ethereal world; a world of the purely abstract.
The Responsibility of Government:

While most submissions to the inquiries took pains to locate themselves outside government, and consistently painted government as too big, too insensitive, and too rule bound to be effective, it is striking that they nevertheless always turned to government to solve vague problems. For example, virtually all the child welfare interest groups, from ‘line’ social workers to community social services practitioners to special interest advocacy groups, acknowledged that no clear definition of child abuse existed. Nor did they agree upon what standards of evidence constituted proof of the occurrence of child abuse. One end of the spectrum (for example, children in care) claimed more children needed to be removed than social workers knew, the other (for example, parental rights groups) argued children were being removed from families experiencing normal and temporary difficulties. Almost universally, the call was for government to either loosen or tighten the contemporary definition of child abuse.

The story of community is similar. While no community group ever argued community was a bad thing, it is conspicuous that of hundreds of submissions to the inquiries only two advanced a rigorous definition of community. Like that advanced by the Review Panel, these definitions attempted to encompass both multiple communities of interests, and geographically defined communities. Moreover, these definitions acknowledged that people necessarily have membership in multiple communities. The diversity of community membership is reflected in the number of people who authored or coauthored multiple submissions utilizing different community voices. As with child abuse, the meaning of community, and the problem of community’s relationship to government, tended to be deferred to government. Communities were apparently unable
to define themselves, or develop themselves without government assistance so, for example, we have the Review Panel’s confusing recommendation that government consult with identified communities while it was simultaneously creating them. Or, as in Gove, the creation of communities by government fiat, structured as local government apparatuses responsible for delivering services, informing the capital of their needs, and always subject to disciplinary review by the capital. In neither case are communities posited as a universal good. Both the Review Panel and Gove recognized that independent communities might develop idiosyncratic practices contrary to the dominant child welfare ethos – whatever confused mass of legislation, practices and policies that ethos might include.

By the time of the inquiries, it was an open question whether the community social service sector could be considered outside government. The overall effect of the POSCS system had been to blur the lines between government and not-government such that what passed for community social services could be interpreted as an extension of government proper. Arms-length perhaps, but always within arms’ reach. Moreover, with the ascendance of community social service and advocacy groups (often comprising the same people operating from different discursive positions) within government’s own audit bodies, confusion inevitably arose as to who was auditing whom and to what effect. Where was the boundary between government and not-government?

It seems clear that attempts to draw boundaries between what is internal and external to government, what is private and what is public, are always going to be failures from one perspective or another. Even the communitarians and the version of the communitarian ethos advanced by the religious movement do not claim government is
unnecessary or that it has no place in “supporting” or “developing” communities.

Everybody in the inquiry process could agree about that; what could not be agreed was
the question of what was inside and outside government – where the boundaries were
located. If the religious movement saw government as verging on morally intrusive
humanism and communism, the community social services sector saw a remote and
overly conservative state locked into a residual model of child welfare. That government
could be both things at the same time gives some sense of the elasticity of the term.

Government becomes all things to all people, and any vague problem can always be
located within government’s unwillingness to take a stand, or its inability to create
boundaries acceptable to some proportion of the population it is responsible for
governing.

_Governing Through Vague Terms:_

This dissertation has chosen to focus on three vague terms: child abuse,
community and government. However, the reader will have noticed that the supply of
vague terms is potentially without end. A short list might include: harm, danger, risk,
support, standard, policy, parent, and child. If these terms are truly vague in the sense of
possessing no boundaries, then the Foucauldian observation that the birth of the modern
state has meant an endless negotiation of the relationship between government and its
citizens may be connected to the use of vague words and the concepts they represent. No
permanent resolution is possible. Does one, then, throw up one’s hands in despair? If we
can never know for sure what child abuse is, then is there any point in doing anything?
Alternatively, might one take the view of some social work texts that given the
interminably contested state of child protection the best advice is for social workers to
simply do the best they can (e.g. Margolin 1997; Swift 1995). This advice seems helpful only if social workers can know for sure against what standard their “best” will be measured. If those standards are inherently vague because they are based upon inherently vague terms, then this advice seems at best worthless and at worst outright dangerous to social workers’ health.

Vague terms are problematic only if they are seen as a problem to define. In other words, much effort can be wasted trying to find boundaries that simply do not exist. It is far more useful to see vague terms as resources to be used. If a term can be conceived to contain almost anything, then its appropriation and deployment by group interests can be understood as an attempt to gain advantage. Terms can be vague, without being worthless. They can, in fact, accomplish an enormous amount of rhetorical work and, insofar as that work finds its way into the practical day-to-day world of child welfare, they are significant. However, any group that finds itself in temporary control of vague terms is immediately open to attack by other groups because vague terms are impossible to contain and control. They leak out from whatever secondary speech genre currently claims ownership, while other groups simply await the opportunity to prove them unable to master the term through all cases (extensions). Meanwhile, in the secure and abstract world of the primary speech genre (for convenience sake, we will call this the ‘public’), failure on the part of a secondary speech genre is perceived as a failure of common sense. In other words, since the primary speech genre knows what child abuse is, the inability of any particular secondary speech genre to prevent abuse through all extensions indicates a lack of will, incompetence, or at its worst, criminal negligence. Doing the best one can
seems a poor defense when one’s best is by somebody’s definition the commission of a crime.

The only practical antidote to vague terms appears to be tacit knowledge. If this proposition is accepted, then it must follow that tacit knowledge varies indefinitely amongst its holders. That is, different experiences within different speech genres create different types of tacit knowledge. It is not thus a question of who occupies the child abuse front line, but of recognizing there is no front line. Knowledge cannot be privileged simply because of the location of its genesis. The problem with inquiries as a solution-generating mechanism is that, no matter how well intentioned they are, they cannot contain all possible tacit knowledge and, therefore, ultimately unravel during their practical application. Child abuse, community, and government are simply too big, too vague, and too subject to the rhetorical machinations of group interests, to supply the solutions inquiries claim to have created. This is why anyone familiar with government inquiries into child protection knows that, fundamentally, they all say the same thing – although what they say is always couched in vague terms. They all want to stop child abuse, strengthen community, improve communication, enhance worker education and training, provide more services, and so forth. Indeed, one inquiry into the state of youth services in British Columbia was titled “You Have Heard This Before” indicating a level of fatalism bordering on the cynical (Chand et. al. 1997).

The most common mistake of those who criticize government child welfare programs is their assumption that the failure to create a perfect (or nearly perfect) child welfare system reflects a political problem of either competence or will. Government bureaucracies are seen as obstructive, or government ministers are seen as lacking the
political will to make inquiry recommendations operational. It is as if government is thought to have some sort of magic wand able to make the various group interests, each with a stake in their particular strategy to defeat child abuse, simply disappear.

Responsibility, and its avoidance, is a central issue here. If groups are able to demonstrate that government has failed to incorporate their version of child protection into its conduct (and, of course, it always will), then they can place themselves outside of government proper. Therefore, when failures such as child fatalities occur, it is government that must take the blame.

On the other hand, if government is successful in making communities responsible for child protection, then responsibility shifts to communities. But, since communities are simultaneously outside government yet creations of government, the rhetorical placement of responsibility within communities is not a particularly useful strategy. Anyone can claim that they accept community responsibility – but not the kind of communities created by government. But if adults mistreat children, surely it is those adults who bear the ultimate responsibility? This certainly seemed to be the opinion of the judge who convicted Verna Vaudreuil for the death of her son. However, the outcry following the conviction – and particularly the assertion that it was not Verna Vaudreuil who had failed her child, but the “system” that had failed her, immediately led to a scramble amongst child welfare interests to ensure it was not they who had failed, but somebody else. Ultimately, blame for the death of Matthew Vaudreuil – and all the other major and petty failures recounted to the inquiries – was settled on government, a vague term suitable for all since everyone could claim they were not the government or, in the
alternative, that everyone is the government, therefore, no particular person or group was actually responsible.

It seems to me, the error of government inquiries is to presume that child welfare is a system. Calling child welfare a system implies that it is systematized and, therefore, that a single speech genre – complete with precise categories – applies across the system. But child welfare is not, and never has been, a system. At best, it is a loose agglomeration of interests with a vaguely similar concern. Attempting to transform government through comprehensive inquiries is doomed to failure because government is simply too big and is itself too vague to be captured within what are always, to a greater or lesser extent, arbitrary boundaries. In the circumstances, doing the best one can to ameliorate child abuse is to utilize one’s tacit knowledge to the best of one’s ability. Abilities, like the knowledge upon which they are based, are vague in some measure.
Part Four
Chapter 10

Governing Child Abuse

During the summer of 2003 forest fires raged throughout British Columbia. Thousand of acres of forest burned and so did several communities. The Ministry of Forests coordinated the campaign to put out the fires. As of this writing, fires continue to burn and the government has announced an inquiry to investigate whether its fire-fighting response was adequate.

Forest fires have variable causes but the specific cause of a particular fire is often discovered with a high degree of accuracy. We know, for example, that one of the more devastating fires this summer was caused by a cigarette. We know lightning caused others. Questions have been raised about whether government policies may have contributed to the severity of the fires, and whether firefighters were deployed quickly enough, but, for the most part, it is understood that a combination of unusual drought and natural forces led to prime forest fire conditions. Forest fires are a force of nature and their effects are demonstrable. There is nothing vague about either fire or its effects.

In British Columbia, forest fires are a provincial government responsibility because the forests are a provincial resource. No one has advanced the suggestion that individual communities should fight their own fires. This is not to say that municipal authorities have not played their part in fighting forest fires, or that private contractors have not been employed to fight forest fires, but there has been no questioning of where lies the responsibility for fighting forest fires. There is nothing vague about firefighting responsibility.
The men and women who fight British Columbia’s forest fires are professionals. Throughout the summer, the press has lionized them as heroes. Recently the government published full-page newspaper advertisements thanking them for their effort on behalf of the province’s citizens. No one has suggested firefighters are poorly trained or educated, that their decisions were subjective and biased, or that they were somehow culpable when fires periodically defeated their protective measures. Firefighters are knowledgeable experts with a clear task. They are fighting one of nature’s most powerful forces. If they fail, it is because mere human beings are helpless before nature. There is nothing vague about firefighting knowledge and no untrained member of the public would seriously dispute the efforts of firefighters.

The announced inquiry will investigate the provincial government’s response to the fires but it will not question what forest fires are. Probably, the inquiry will suggest improvements in government practices – both preventative and ameliorative – but it will not conclude that the provincial government ought not fight fires because communities are inherently more able firefighters. Finally, while it is possible that expert opinion as to how the fires were fought may prove diverse, it seems unlikely that firefighters will be dismissed as self-serving bureaucrats wanting to advance their own group interests: No one will claim firefighters invented forest fires.

**Child Abuse**

There is nothing inherently vague about a forest catching fire; therefore, there is nothing vague about what the term forest fire means. Because of the clarity of the term, the decisions about what to do about forest fires, and the apportioning of responsibilities consequent to forest fires, have a degree of solidity. By contrast, child abuse is a vague
term and this means the question of what to do about it, and where responsibilities appropriately lie, is permeated with vagueness.

Because child abuse is a vague term, no single group interest can claim ownership of the term. For, as we have seen, there are a plethora of interests who claim professional, vocational, and lay knowledge of what child abuse means and what should be done about it. In obvious cases, very little disagreement occurs between these groups. However, the vast majority of allegations of child abuse are not obvious cases and so disputes predictably arise. In such borderline cases there is no equivalent to a soot-blackened and equipment-laden firefighter to make a determination of what is, and what is not, a dangerous circumstance.

Nor is it simply a question of degrees of caution. Firefighters may unnecessarily evacuate a village due to an over-abundance of caution or wait too long due to an underestimation of a fire’s potential, but the materiality of the fire always provides a non-vague base for decision-making. By contrast, the various group interests deploying child abuse have no such materiality to call upon. This would not be the case if child abuse were only Kempe’s broken bones. But the term child abuse contains infinitely more than just broken bones.

Child protection social workers do not protect children from child abuse. They negotiate the meaning of child abuse in each and every case. They do this with actors in the immediate situation, but also with group interests that are not immediately present but are, nevertheless, discursively present in any protective action. The secondary speech genre of child protection social workers does not, and cannot, contain the answer to the
question: Is this child abuse? Instead, each protective act is a new intersection of what Gilles Deleuze has called "lines of mutation" (in Donzelot 1979, x).

These lines come from multiple sources, now powerful and now in abeyance, and each shaping the meaning of child abuse for any particular situation. When child protection social workers do the best they can, that best is to be understood as an anticipation of all the interests at play and their successful negotiation. Whether a child is protected or not is not the central issue since for borderline cases this cannot be known. What is at issue is whether the various group interests will be satisfied with the social worker's decision. Contrary to the assertion of those like Gove and Koch who would remove politics from child protection, every child protection decision is a political decision because it is a weighing of group interests and the power they are able to mobilize.

Child protection social work is confusing only if one perceives the influences of group interests as divergent from a central narrative – a sort of super speech genre – capable of capturing the truth of child abuse. And, faith in such a narrative is sustained only if one also believes it is a narrative of teleological progress. The theme of progress is posited on a belief that the elimination of child abuse is a practical possibility. But it is surely impossible to eliminate a concept that has no boundaries. When new forms of child abuse are constantly invented, and when present forms of child abuse are constantly argued over, the notion of progress is unsustainable. The best that can be said is that the dominant meanings of child abuse are different from what they were, and they are different from what they will become, and that dominant meanings do not mean consensual meanings.
Community

It is precisely because child abuse has such an insecure meaning that the question of how we govern it becomes crucial. When Tönnies noted the decline of community and its characteristic close-knit web of relations he was pointing to the reason why a child protection apparatus was to become such an intrinsic part of modern government. Neither states nor the market create the conditions under which children will be naturally protected by adults concerned for their well-being. The decline of community solidarity identified by classical sociologists and acknowledged by contemporary communitarians has led to calls for the resuscitation of community as a bulwark against the encroachment into the family of state and market sensibilities. Communities are not communities of individuals, each seeking their rights or their personal advantage, but memberships composed of inter-subjectivities concerned for their fellow members. This concern is not for gain, or for the protection of individual rights, but a genuinely emotional link that seeks no reward other than the preservation of the community.

The sentimentality of the communitarian impulse is exposed by its inability to clearly articulate itself in opposition to the norms maintained and promulgated by professional and state apparatuses. As we saw with the religious movement, community is valued only insofar as it is the kind of community a state can tolerate. No matter how open and sympathetic a government inquiry may be to community values in the abstract there will be material communities that directly challenge state sanctioned normative values. Moreover, it is not simply that the state imposes its norms because of its own interest or will to power, but because other group interests within the state exert pressure for the state to act. Communities are valued, but they are also potentially untrustworthy.
They must be monitored by the state to ensure their values and practices do not exceed tolerable boundaries. Where those boundaries are located is subject to the negotiation and circulation of power. To the extent values and practices entail the use of vague words negotiations are potentially conducted without the creation of common meanings.

*Predictive Properties*

The art of governing child abuse in British Columbia is the art of balancing identifiable group interests. This balancing is particular to each child abuse investigation and general in articulated polices, child welfare apparatuses, and written legislation. Government may choose to be directed by public opinion through inquiries but insofar as those interests are often creations of government activity, government also shapes the direction groups will give. The government of British Columbia has actively created local interests and has had to defend itself against those interests. Group interests are relatively easy to predict, however, it is not always easy to predict the outcome of their interactions.

Because of its vague characteristics, and because of its emotive power, child abuse as an issue in British Columbia has suggested one clear dynamic about group interests. Groups strive for power, but they do not necessarily strive for responsibility. Groups wish to direct; they do not wish to engage in practices requiring direction. Groups will strive to place themselves outside government in order to avoid responsibilities they claim are properly the domain of government. In return, government seeks to return responsibilities to the local while retaining the power to direct. For example, when government acknowledges the importance of communities it does so with an eye to off-loading its responsibilities while retaining its coercive power. Activists who demand empowerment may find themselves, instead, responsible for delivering government
services under the direction of government. The criticisms they used to level at
government will now be leveled at them.

Not everything government does depends upon vague terms. Building highways,
maintaining ferry schedules, issuing speeding tickets, operating dams for hydroelectric
power, and issuing Christmas tree cutting permits are not vague. This does not mean that
disputes cannot arise in these areas. One may question a speeding ticket on the grounds
the police inaccurately calculated rate of travel, but one cannot question that exceeding
the posted speed limit is speeding. Groups may dispute whether a highway is necessary,
or why a needed highway has not been built, but no one disputes what a highway consists
of or what it does.

On the other hand, a contract for highway maintenance may be vague and
questions may arise as to how much maintenance is enough. A more stringent contract
might be a solution, but the problem may also be framed in discourses of risk and safety.
When this occurs, the issue becomes how safe is safe enough? As well, disputes may
arise as to vague application or intention. Not everyone who speeds gets a speeding ticket
and highways may be built to garner votes as well as speed transportation.

Child protection poses a particular kind of problem because it is a vague problem
‘all the way down’. Recognizing this aspect of child abuse suggests that where
longstanding governmental disputes arise, they arise around vague terms. In other words,
vagueness has certain predictive properties for government. Philosophers worry about
vagueness because of the challenge it poses to logic. Governments worry about vague
terms because of the challenge they pose to government rationality. This is particularly
true of child abuse because not only is it impossible to articulate a meaning, it is also a
highly emotive subject. The lack of boundaries around child abuse means that no government can defend itself against the accusation it is not doing enough. No government can do enough when the problem at hand cannot be rationally articulated.

This leads to a second predictive value of vague terms. Where vague terms become matters of public concern all group interests will endeavor to place themselves outside government in order to place responsibility for the vague term within government. As a counterforce, government will attempt to place responsibility for vague terms outside its own apparatuses. Community is ideal for government's purpose because it is an equally vague term. In this argument, the cause of child abuse is not lack of government resources but lack of community. Since the communitarian movement holds that government threatens community, the cause of smaller government becomes a rationale for empowering community as the only means of preventing child abuse.

A third predictive value of vague terms concerns networks of relations. The meaning of vague terms is manifested in the activities of networks of related individuals. Often, these individuals have longstanding relationships that may have cross-disciplinary boundaries but are networked through combined activities. Inquiries are ideal for this purpose, as are multi-disciplinary institutions such as the Community Resource Boards. Networks create their own secondary speech genres containing common tacit knowledge upon which action is based. The speech genre survives the institutions and the particular relationships that created it and becomes coded as a common sense. But, because these networks operate as a secondary speech genre of a particular thought collective they can always be challenged by a different speech genre. Since vague terms manifest in a potentially unlimited supply of secondary speech genres (one for every division between
tall and short) there is a potentially unlimited supply of meanings. This suggests vague terms are inherently contestable and, therefore, are always potentially political.

A fourth predictive value of vague terms is that they will be couched in arguments of competence and will. Vague terms short-circuit value arguments because, superficially, they are not value disputes. Vague terms permit everyone to agree about generalities. Just as no one would dispute that there are tall men, no one would dispute child abuse is a bad thing. Child abuse does not admit of a value conflict. Similarly, if everyone agrees that community is a good thing, then there is no value conflict over the necessity of promoting community. These broad agreements are possible because child abuse and community are terms within the primary speech genre of language. However, when particular people are required to make particular judgments about whether a particular instance is child abuse or not child abuse, community or not-community, then they are immediately confronted with a problem of value. Their interpretation of the value of any particular instance can always come into conflict with others’ valuation of general instances. This leads to the paradox of child protection workers being accused of causing child abuse – or not caring about children.

Vague terms, then, are convenient mechanisms for obscuring value conflicts. Where there is no value conflict, the failure to promote universal values will be described in terms of a lack of will – child abuse can be prevented but social workers and/or the government do not care enough, or are not motivated enough to do the obvious. Or, the value conflict will be resolved through accusations of incompetence – solutions are available but social workers and/or the governments are universally incompetent and should be replaced. Certainly the will/competence argument fueled many of the
privatization initiatives in British Columbia without any discernable effect on reducing conflicts over child abuse or reducing the incidence of child abuse.

**Further Research**

This dissertation has treated British Columbia as a test case for how group interests deploy vague terms to advance their interests. It has used child abuse as a theme for inquiry both because it is a vague term and because the three inquiries studied provide a convenient and comprehensive snapshot of a particular place during a particular moment in time. The research has led to the articulation of several predictive values about the relationship of government to the populations it governs. However, it is possible that British Columbia is unique. Perhaps child abuse is not as vague in other jurisdictions. The plethora of child abuse inquiries in other provinces and states suggests this is not the case but the next logical step is a comparative analysis with another inquiry in another jurisdiction.

The dissertation has also claimed that child abuse is just one vague term amongst a potentially endless supply. Studying another vague term perplexing state/citizen relations could determine whether government responds to all vague terms in a similar fashion or if there is something unique to child abuse. One might hypothesize, for example, that inquiries into reproductive technology would employ many of the same techniques utilized by child abuse inquiries and that group interests would deploy vague terms in order to bolster their arguments.

A comparative historical study might also prove useful. This dissertation has implied that there is something different about child abuse in British Columbia after the release of the CELDIC Report in 1969. It has not, however, questioned why British
Columbia felt the need to protect children after the turn of the twentieth century. True, child protection legislation expanded rapidly throughout the English speaking world after the discovery of Mary Ellen in New York, but this observation does not tell us why Mary Ellen was not seen as a victim of New York, rather than adults in general. If, as seems likely, inquiries played a part in the spread of child protective legislation and practices then research utilizing a similar methodology would also provide an opportunity for comparative analysis.

Comparative analysis in either or all of these ways ought to provide support or disprove the predictive values I have described. It may also lead to further predictive values not obvious from the present study.

Final Comment

I began this dissertation by asserting that child abuse cannot be understood without reference to government and community because the three terms are so intimately linked. I began this chapter with a short observation on the difference between child abuse and forest fires because I want to illustrate the point that some things are taken for granted as part of the natural world. Fires are not independent of human activity but they are recognized as a part of nature and, therefore, have a quality of inevitability and fatefulness. By contrast, to the extent that child abuse is also created in nature – or at least the nature we create in modern society – the acceptance of its inevitability is generally suppressed.

Then again, because of its vagueness, much of what is called child abuse can be made to appear or disappear simply through discourse. One person’s assault is another person’s discipline. One person’s runaway is another person’s victim of emotional abuse.
It is not that there is no reliable way to tell for sure if something is child abuse, but that the very term is unreliable. In a perfect world perhaps we could stop using the term and start again from scratch but that would be to miss an important function of vague terms such as child abuse. Precisely because no vague term can ever be permanently closed off they represent a creative discursive force. An inability to articulate a precise meaning for child abuse means it is possible to employ disparate meanings to address disparate situations. This is not a tale of progress but a tale of choices. Child abuse is an accepted phenomenon, but what counts as child abuse is always a choice.

I was once described as “an experience looking for a theory”. I trust this dissertation has made a contribution to the theory I have been looking for to articulate that experience.
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Informants


(#2): A former senior manager of the Vancouver Resource Board.

(#3): An analyst for a public advocacy organization.

(#4): A former provincial minister responsible for child protection in British Columbia.

(#5): A member of the Review Panel.

(#6): A submitter to the Review Panel and participant in a focus group organized by the Gove Inquiry.
Appendix
Children's Rights as Proposed by the Berger Commission:

New legislation should contain a statement of twelve rights of children which are universally applicable, practicable and enforceable.

1. The right to food, clothing and housing in order to ensure good health and personal development.
2. The right to an environment free from physical abuse, exploitation and degrading treatment.
3. The right to health care necessary to promote physical and mental health and to remedy illness.
4. The right to reside with parents and siblings except where it is in the best interests of the child and family members for the child to reside elsewhere.
5. The right to parental and adult support, guidance and continuity in the child's life.
6. The right to an education which will ensure every child the opportunity to reach and exercise his or her full potential.
7. The right to play and recreation.
8. The right to be consulted in decisions related to guardianship, custody and determination of status.
9. The right to a competent interpreter where language or a disability is a barrier in relation to all decisions affecting guardianship, custody or a determination of status.
10. The right to an explanation of all decisions affecting guardianship, custody or a determination of status.
11. The right to be informed of the rights of children and to have them applied and enforced.

British Columbian Child Protection Statutes: Sections pertaining to the apprehension or removal of children.

Infants Act, 1911

Part IV

Section 67. Any constable, policeman, or officer of any children's aid society duly approved by a Superintendent, or the Superintendent of Police, may apprehend, without warrant, and bring before the judge, as neglected, any child apparently under the age of sixteen years who is within any of the following descriptions:

(1) Who is found begging in any street, house, or place of public resort:
(2) Who is found sleeping at night in barns, outhouses, or in the open air:
(3) Who is found associating or dwelling with a thief, drunkard, or vagrant, or who, by reason of neglect or drunkenness or other vices of the parents or guardians, is suffered to grow up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life:
(4) Who is found in any disorderly house, or in company of reputed criminal, immoral, or disorderly people:
(5) Who is a destitute orphan, or who has been deserted by his lawful parents or guardians:
(6) Who is found guilty of petty crimes, and who is likely to develop criminal tendencies if not removed from his or her surroundings:
(7) Who is found wandering about at late hours and not having any home or settled place of abode or proper guardianship


Protection of Children Act 1943

Section 7

The Superintendent and every person who is authorized in writing by the Superintendent, every constable of the Provincial Police or any municipal police, and every Probation Officer, may apprehend, without warrant, and bring before a Judge, as needing protection, any child apparently under the age of eighteen years who is within any of the following classes or descriptions:

(a) Who is found begging in any street, house, or place of public resort, whether actually begging or under pretext of selling or offering anything for sale:
(b) Who is found sleeping at night in other than proper housing accommodation and without proper adult supervision:
(c) Who is found associating or dwelling with a thief, drunkard, or vagrant or who, by reason of neglect or drunkenness or other vices of the parents or guardians, is suffered to grow up without salutary parental control and education, or in circumstances exposing such a child to an idle or dissolute life:
(d) Who is found in any disorderly house, or in company of people reputed to be criminal, immoral, or disorderly:
(e) Who is an orphan without adequate protection for his upbringing. Who has been deserted by his parents: Who is found guilty of petty crimes, and who is likely to develop criminal tendencies if not removed from his surroundings:
(f) Who has been deserted by his parents:
(g) Who is found guilty of petty crimes, and who is likely to develop criminal tendencies if not removed from his surroundings:

(h) Who is found wandering about at late hours and not having any home or settled place of abode or proper guardianship:

(i) Who is, whether residing with his parents or not, incorrigible or who cannot be controlled by his parents:

(j) Whose only parent or whose parents are undergoing imprisonment:

(k) Whose home by reason of neglect, cruelty, or depravity is an unfit place for the child, or who has no proper guardianship, or who has no parent capable and willing to exercise proper parental control:

(l) Who is subject to such blindness, deafness, feeble-mindedness, or physical disability as is likely to make him a charge upon the public, or who is exposed to infection from tuberculosis or from any venereal disease where proper precautions to prevent infection are not taken, or who is suffering from such a lack of medical or surgical care as is likely to interfere with his normal development.

(m) Who, by reason of the action of his parents or other wise, is habitually truant from school and is liable to grow up without proper education:

(n) Who is neglected as to be in a state of habitual vagrancy or mendicancy:

(o) Who is ill-treated so as to be in peril in respect of life, health, or morality by continued personal injury, or by grave misconduct or habitual intemperance.


**Family and Child Service Act 1980**

**Interpretation**

"in need of protection" means, in relation to a child, that he is

(a) abused or neglected to that his safety or well being is endangered,

(b) Abandoned,

(c) Deprived of necessary care through the death, absence or disability of his parent,

(d) Deprived of necessary medical attention,

(e) Absent from his home in circumstances that endanger his safety or well being:


**Child, Family and Community Service Act 1996**

**Part 3 – Child Protection**

**Division 1 – Responding to Complaints**

**When protection is needed**

14 (1) A child needs protection in the following circumstance

(a) if the child has been, or is likely to be, physically harmed by the child’s parent;

(b) if the child has been, or is likely to be, sexually abused or exploited by the child’s parent;

(c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child’s parent is unwilling or unable to protect the child;

(d) if the child has been, or is likely to be, physically harmed because of neglect by the child’s parent;

(e) if the child is emotionally harmed by the parent’s conduct;

(f) if the child is deprived of necessary health care.
(g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;
(h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child’s care if the child is or has been absent from home in circumstances that endanger the child’s safety or well-being;
(i) if the child is, or has been sent from home in circumstances that endanger the child’s safety or well-being;
(j) if the child’s parent is dead and adequate provision has not been made for the child’s care;
(k) if the child has been abandoned and adequate provision has not been made for the child’s care;
(l) if the child is in the care of a director or another person by agreement and the child’s parent is unwilling or unable to resume care when the agreement is no longer in force.

(2) For the purpose of subsection (1) (e), a child emotionally harmed if the child demonstrates severe
(a) anxiety,
(b) depression,
(c) withdrawal, or
(d) self-destructive behavior.

Interview Questions

1) Was writing your submission to the government inquiry a spontaneous decision or was it requested? If requested, by whom? If not requested, what was your motivation?

2) Did you perceive yourself as speaking on behalf of a community? If so, how would you define community and how did you establish the legitimacy of your representation?

3) How would you define child abuse? If your definition varies from statute, how and why does it vary?

4) What is the appropriate locus of control for both the discovery (investigation) of child abuse, and its amelioration? If these loci vary, what is your rationale for their variance?

5) Do you a draw a distinction between direct provincial government and government (or mixed) funded organizations? If so, what is the basis of your distinction?

6) When you wrote (or your organization commissioned) your submission, what expectations did you have about how, and by whom, it would be read?

7) Were the expectations of (6) met? If so, do you see any evidence of your submission in the final report? If not, could you speculate on why? For example, were your expectations unreasonable, or do you feel your submission was superfluous to the process of the inquiry?

8) Did you support your written submission with an oral presentation? If so, what is your judgment about any difference(s) in the effectiveness of these submission strategies?

9) Aside from your formal submission, did you (or your organization) have any other contact with the inquiry? For example, were you also the object of any inquiry commissioned research, focus groups, and so forth?

10) The inquiry(s) in question averred they were soliciting opinion from the public. How would you define public? And, was it your sense that this public was represented to the inquiry(s)?

11) What is your understanding of the phrase “stakeholder groups?” Do you believe such groups possess specialized expertise? If so what is the basis of that expertise, and what – if any – are its limitations? Is there a meaningful distinction between “stakeholder groups” and “communities?” If so what is the distinction?

12) The Ombudsman’s special report “Getting There” asserts that most of the Gove Inquiry’s recommendations were implemented. Do you agree with that assessment? If not, why not; if so, and with the benefit of hindsight, do you think the recommendations achieved their goals with respect to community and child abuse?
13) The Legislative Review Panel certainly resulted in a new child protection statute. Do you believe the new statute accurately reflected submissions to the panel? Did they incorporate any of your submission's recommendations? Please comment on why and how you think the statute did or did not utilize public input.

14) The recommendations of the Korbin Report have never been entirely implemented for social services. You may recall the government's attempt to implement Korbin's recommendations in 1997. Why do you believe that attempt failed?

15) If you worked in British Columbia's social service sector in the mid-1970's, you will recall the Community Resources Boards. What is your recollection of why and how they were formed? How, and why, do you believe they were eventually terminated?

15 a) If you did not work in the sector during the Resources Boards tenure, what knowledge do you have of them?

16) Following (15), what (if any) distinction do you see between the Resources Boards and the Children's Centres proposed by the Gove Inquiry Report?

17) What do you believe would be the ideal relationship between government and community in the context of child abuse?

17 a) The recent Core Review published by MCFD lays great stress on communities and infers that big government may actually be destructive of community. Do you agree with this assessment?

18) Finally, great stress has been laid on "accountability" both within the inquiry reports in question, and in recent government initiatives. What should you or your organization be accountable for? How should accountability be structured, audited, and who should have final authority? What (if any) relationship do you see between accountability, local control of programming, and funding responsibilities?
I have received a copy of this consent form for my own records.

I consent to participate in this study.

Consent:

I understand that my participation in this study is entirely voluntary and that I may refuse to participate or withdraw from the study at any time without jeopardy.

I am aware that during a formal interview, my comments may be tape-recorded.

________________________________________________________________________
Subject Signature                                      Date