

MELINDA VANDENBELD GILES

## From “Need” to “Risk”

### The Neoliberal Construction of the “Bad” Mother

*The social production of risk has become the dominant discourse of the neoliberal era, penetrating all forms of political, economic and social consciousness and creating a hegemonic prioritization of the arbitrary above the material. This paper will examine the infiltration of this risk discourse within the Ontario child welfare system. In terms of methodology, I conducted a content analysis of the Report on the Inquest into the Death of Jordan Desmond Heikamp, and the resultant 44 recommendations arising from this inquest. The death of infant Jordan Heikamp due to chronic starvation while under the care of Ontario Children's Aid in 1997 received an unprecedented amount of public attention. The ensuing criminalization of Renee Heikamp (Jordan's mother) and Angela Martin (Jordan's assigned social worker) through a negligence charge fundamentally altered the realm of child welfare in Ontario. It led to a prioritized focus on teen pregnancy, the establishment of a number of regulatory organizational branches within Toronto Public Health, and a significant increase in already overly stringent regulatory and risk-assessment administrative measures focusing exclusively on the parenting capacities of mothers.*

*Since the Ontario child welfare system adopted this hegemonic risk ethos in the 1990s, the discussion has become increasingly removed from the protection of children and almost exclusively toward the identification of “deviant” mothers and the need to devise management strategies to mitigate future risks associated with these “deviant” mothers. With an increasing lack of funding and resources, what to do once the risk has been identified becomes superfluous. “Success” is then determined by effective identification strategies. The Ontario child welfare system has adopted and prioritized the arbitrary, making the risk management systems the focus, rather than what they purport to be managing. The initial goal of protecting children becomes lost in this discursive debate.*

### Financialization and the Ascendancy of Risk Discourse

In *Risk Society*, Ulrich Beck writes, “In advanced modernity the social production of wealth is systematically accompanied by the social production of *risks*” (19). If we are to understand this ascendancy of risk discourse, we must first position it within the neoliberal ethos. In *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change*, David Harvey writes, “There has been a sea-change in cultural as well as in political-economic practices since around 1972” (vii). For the purposes of this paper, “neoliberal” is to be regarded as a hegemonic social ethos wherein the prioritization of financialization has resulted in the infiltration and dominance of the economic within all spheres of political and social life, transforming the very consciousness of society. In “Financialised Capitalism: Crisis and Financial Expropriation,” Costas Lapavistas describes financialization as the process whereby speculative investment moved from the zone of investment banks, corporations and states to the everyday zone of personal income (115). Lapavistas writes, “Financialisation ... has allowed the ethics, morality and mindset of finance to penetrate social and individual life. The concept of ‘risk’ ... has become prominent in public discourse” (116). In *The Everyday Life of Global Finance*, Paul Langley reveals the monumental shift in the conceptualization and elevation of “risk” from the realm of the irrational to the realm of the rational and desired. With investment becoming the dominant “rational” choice for savings, earlier conceptions of prudence become “irrational” (17).

The ascendancy of speculation as a mediating discourse governing not only economic, but also social and political relationships has made the assessment and categorization of risk dominant. It is no longer about producing policies to address current *need*, but about speculating over what *future* needs may arise and how such needs can be *identified*. Therefore, the speculative process itself becomes prioritized and the “subjects” of speculation become the unfortunate, yet “non-essential” by-products. “Success” is determined according to the parameters of effectively identifying “risk,” rather than the parameters of concrete social change. As Beck writes, “In the struggle over risks ... we are no longer concerned with the specific value of that which appears to us in perception. What becomes the subject of controversy as to its degree of reality is instead what everyday consciousness does *not* see, and *cannot perceive*” (Beck 73).

### Primary Research Questions

Beck wrote his risk analysis in 1986 in reference to the risks of modernization. However, with the increasing financialization of society due to the hegemonic neoliberal ethos, the social concept of risk and the economic concept of specula-

tion collude to provide a powerful self-reinforcing and self-justifying political framework that is only gaining in ascendancy. While both the prioritizing of finance capital and the concept of risk are not new, what *is* new in the neoliberal era is the *degree* to which this risk ethos has infiltrated the everyday lives of individuals. In this paper, I will reveal how this risk ethos has infiltrated the child welfare system in Ontario in terms of policy formations and more stringent regulation mechanisms. Since the risk discourse focuses exclusively on the mother as the site of analysis, I have chosen to limit my focus to social constructions of the “bad” mother in current Ontario child welfare discourse. My main research questions are: How has the ascendancy of this risk discourse in Ontario child welfare directly impacted the ways in which the “subjects” of child welfare analysis are constructed? How does this particularized construction have an effect upon resultant policies, legislation and regulatory functions? How does this risk discourse create particular parameters for defining “good” and “bad” motherhood, and what are the resultant repercussions of these categorizations in terms of women’s daily lives?

### Methodology

In terms of methodology, I conducted a content analysis of the Report on the Inquest into the Death of Jordan Desmond Heikamp, and the resultant 44 recommendations arising from this inquest. The death of infant Jordan Heikamp due to chronic starvation while under the care of Ontario Children’s Aid in 1997 received an unprecedented amount of public attention. The ensuing criminalization of Renee Heikamp (Jordan’s mother) and Angela Martin (Jordan’s assigned social worker) through a negligence charge fundamentally altered the realm of child welfare in Canada. It led to a prioritized focus on teen pregnancy, the establishment of a number of regulatory organizational branches within Toronto Public Health, and a significant increase in already overly stringent regulatory and risk-assessment administrative measures focusing exclusively on the parenting capacities of mothers. After a 13-month preliminary hearing, the case did not proceed to trial due to lack of evidence. However, in April 2001, after a four-month-long investigation, the coroner’s inquest ruled that the death of Jordan Heikamp was a homicide. Not only did this inquest process and verdict create a media frenzy, the 44 recommendations “to prevent similar deaths in the future,” of which nearly 60 percent have been implemented, has made a system already overly bureaucratized and under-resourced even more so. After conducting content analysis of the Coroner’s Report and resultant 44 recommendations, my findings indicate that the infiltration of a risk ethos into the everyday discourse of public policy and societal consciousness has created a circular and self-justifying paradigm within the Ontario child welfare system

that, far from meeting the material needs of children, has prioritized meeting the arbitrary needs of the risk paradigm itself.

### From the *Material* to the *Arbitrary*

Beck discusses how the creation of a risk society in the past 30 years has led to a fundamental shift in societal ethos from one of “I am hungry!” to one of “I am afraid” (Beck 49). This is a shift from the material (starvation) to the arbitrary (fear). Risk is defined by overproduction, not undersupply. Due to the overproduction of technology, we must now devise management schemes to limit the risks imposed by such technologies. Therefore, this is no longer a discussion of scarcity, but a discussion of how to “manage” the hazardous side-effects of abundance. Framing the central discussion in terms of abundance shifts the epistemological framework away from eradicating scarcity and toward mechanisms of security to minimize risk. Material effects such as starvation can be mitigated through concrete physical measures. But “risk” can never be equivocally mitigated through concrete measures because it is already an arbitrary concept. According to Beck, a material scarcity discourse lends itself to collective formations. A risk discourse does not. Starvation can be *seen* and thus eradicated. Risk only exists in terms of its own definitions. There is then infinite scope for meaning-making within a paradigm dominated by an arbitrary ethos. Beck discusses how this creates a transition from a class-based society where *equality* is the utopian objective to a risk society where *safety* is the utopian objective. “Whereas the utopia of equality contains a wealth of substantial and positive goals of social change, the utopia of the risk society remains peculiarly negative and defensive” (Beck 1992: 49). The commonality of *need* is replaced by the commonality of *anxiety*. And within a commonality of anxiety, safety and security become the primary goals rather than the meeting of need.

In *The New Poverty Studies*, Ida Susser writes, “It is somewhat disheartening to recognize that the poor, the homeless, and the hungry have dropped off the political agenda” (Susser vii). It is, unfortunately, not surprising that poverty has been “normalized” and thus established as a “non-issue” in the current era, given the prioritizations inherent within the neoliberal risk ethos. The material reality of *need* no longer frames the central discussion. Social policy no longer addresses the eradication of poverty. Rather, the central question now being asked is: how can we minimize the *risks* imposed by social deviants to ensure the *safety* of the population. And how can we improve our systems of classification to effectively identify potential deviants to prevent future risk. Within this discourse, poverty is already an established given and its eradication an impossible and futile objective. The infiltration of the risk discourse as

the dominating paradigm within the Ontario child welfare system has led to a prioritization of mitigating risks posed by “deviant” mothers and the potential future risks posed by their “deviant” children, rather than addressing the current material needs of these marginalized populations.

Since risk is defined as an arbitrary concept divorced from material reality, the material impoverished reality of these families is not even considered a mitigating risk factor. As Beck writes, “With the advent of risks, the economy becomes ‘self-referential,’ independent of the surrounding satisfaction of human needs.” Indeed, “In class and stratification positions being determines consciousness, while in risk positions *consciousness determines being*” (Beck 23). Risk is determined exclusively based on neoliberal individualized conceptualizations of “self-improvement” and “good mothering” discourses. Knowledge is prioritized. A transformation of the brain becomes prioritized over a transformation of the physical body. Within this paradigm are inherent assumptions of middle-class *choice*, wherein this consciousness transformation will lead the individual to then transform his/her body and bodily behaviors. The material realities of starvation, housing issues and physical abuse become irrelevant in this discourse of consciousness.

In *Technologies of the Self*, Michel Foucault writes, “Technologies of the self ... permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality” (Foucault 1988: 18). While Foucault effectively reveals how these technologies of the self are not new, what *is* new in the neoliberal era is the *degree* to which these technologies of the self have become infiltrated within mainstream paradigms as a result of the hegemonic risk discourse. Foucault discusses the historical process through which the principles of Western society have shifted from “take care of yourself” to “know yourself.” As Foucault writes, “In the modern world, knowledge of oneself constitutes the fundamental principle” (Foucault 1988: 22). Indeed, this prioritization of knowledge is particularly consistent with the neoliberal and risk ethos whereby the material objective of caring for the physical body becomes irrelevant in the prioritization of acquiring knowledge to feed the mind. Again, it is a prioritization of the arbitrary over the material.

Foucault analyzes the ways in which the technologies of domination of others and technologies of the self intersect. This point of intersection Foucault identifies as *governmentality* (Foucault 1988: 19). In *South Koreans in the Debt Crisis: The Creation of a Neoliberal Welfare Society*, Jesook Song defines the Foucauldian concept of governing or governmentality as referring to the “liberal political reasoning and technologies that are suffused throughout society by various social actors and spheres, such as NGOs, businesses, residential

communities, families, schools, and individuals as well as state administrative institutes” (xii). If the objective of society is to ensure safety and minimize risk rather than meet material need, it is not hard to equate such an ethos with an increasingly socially regulated society.

The greatest contradiction of the neoliberal era is that the discourse of economic deregulation and “freedom” accompanies a reality of unprecedented regulation in the social, economic and political sphere. The state’s role becomes one of ensuring the continuing survival of the market. Social need is no longer consistent with this role. Thus, the responsibility for social need is decentralized and passed down primarily to the micro levels of municipal government, NGOs, voluntary organizations, families, and what has been called the “third sector.” However, as Foucault effectively points out through governmentality, the role of governance, far from being reduced, is in actuality increased within this system of “less government interference.” In *The History of Sexuality*, Foucault writes about the transition from a society governed by fear of death to one governed by promotion and regulation of life. According to Foucault, this life ethos “exerts a positive influence on life, that endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations” (Foucault 1978: 259). Therefore, in this current era of risk, an already existent ethos regarding the regulation of life becomes *amplified* and supplied with even more effective regulatory tools.

Returning to the original research questions, how does this risk discourse create and identify particular governable subjects as “compliant” and thus requiring self-transformation, while others are labelled “non-compliant” and thus eradicated from the system and made invisible? One powerful label of “non-compliance” is that of the socially constructed “bad” mother. This “bad” mother in child welfare discourse becomes the primary site of analysis, identification and regulation.

### Neoliberal Categorization

Karen Swift points out in her book, *Manufacturing “Bad Mothers”: A Critical Perspective on Child Neglect*, regarding the child welfare system in Canada, “Each child welfare worker has the well-known problem of case overload, each organization is chronically underfunded, crisis abound, virtually everyone involved complains of feeling ineffective, and many have come to feel that the system does not work” (4). Swift concludes with the following statement: “After a century of failure, it is clear that the kinds of resources typically deployed through child welfare systems must be questioned” (193). In *Discipline and Punish: The Birth of the Prison*, Foucault’s words share particular resonance with Swift’s above quote. “After a century and a half of ‘failures,’ the prison

still exists, producing the same results, and there is the greatest reluctance to dispense with it” (1979: 277). According to Foucault, this reluctance is the result of prison systems effectively providing a basis for surveillance and categorization of “deviant” populations; therefore, proving to be an enormous “success” in terms of unintended consequences even though they are a “failure” in terms of the initial liberal conceptions of reformation. Unfortunately, if we substitute “mothers experiencing homelessness in Toronto” instead of “prisoners,” the striking similarities in terms of social regulation and categorization are obvious.

In *At Risk: Social Justice in Child Welfare and Other Human Services*, Karen Swift and Marilyn Callahan discuss the infiltration of the risk discourse into the policies and practices of child welfare in Ontario in the 1990s (6). The emergence of this risk discourse into the realm of social services in the 1990s is no coincidence. While the 1980s represented the active incorporation of neoliberal economic philosophy into the realm of the political through both Reagan and Thatcher, it was in the 1990s when social welfare received its neoliberal overhaul, principally in the name of workfare. In “Intimate Intrusions: Welfare Regulation and Women’s Personal Lives,” Janet Mosher writes about how the welfare reforms of the late twentieth century shifted the state’s role from “beneficently meeting the *needs* of citizens, and further toward that of *disciplining* and *reforming* these flawed citizens” (Mosher 165). In “Women, the State and Welfare Law: The Canadian Experience,” Shelley Gavigan and Dorothy Chunn write, “In Canada, as elsewhere, extensive welfare law and policy reforms that effectively erased the category of ‘deserving poor’ marked the neoliberal (re)formation of the Keynesian state during the late twentieth century” (Gavigan and Chunn 47). The 1990s marked a particularly salient moment in the history of social welfare, whereby with the fall of the communist ideal, the singular possibilities for capitalism emerged as triumphant. The “crisis” of the Keynesian welfare state legitimated its overhaul in the name of progress. Pre-Keynesian liberal theories of “freedom” and “free market” suddenly became feasible with the specter of communism no longer a mediating threat. Thus (neo)liberalism was given free reign.

In *South Koreans in the Debt Crisis: The Creation of a Neoliberal Welfare Society*, Jesook Song effectively describes the particularities of this neoliberal process as it occurred in the realm of the South Korean debt crisis. Consistent with a neoliberal financialized ethos, self-worth became commodified according to measures of productivity. As such, individuals in society were thus categorized according to those defined as “productive” by this neoliberal ideology and those defined as “unproductive.” These measurements of productivity were differentially determined according to the categorization. As Song illustrates, for educated, unemployed youth, the measure of productivity was in their

ability to be entrepreneurial and creatively contribute to a rapidly transforming economy. For homeless men recently laid off, the measure of productivity was their ability to be reintegrated into the normative space of “home” and “family.” However, within these constructed categories of productivity, there was no category for homeless women because they represented an ideological oxymoron and therefore “did not exist” (xi-xii).

While the particularities of South Korean history and social ethos implicate a specific interpretation of neoliberalism adapted to that place and time, it is nevertheless useful to consider how there may be similarities in terms of the *processes* through which this hegemonic neoliberal ethos is applied. Just as the social actors in the Kim Dae Jung neoliberal welfare state in South Korea were given disproportionate “power” in creating social constructions of “deserving” versus “undeserving” welfare subjects, so, too, are the social actors within the Ontario child welfare system given disproportionate “power” in constructing, defining and identifying “bad” mothers.

Due to increasing decentralization, the neoliberal ethos of non-governmental interference ensures the responsibility for the governing of social welfare subjects passes to the most micro level—the front-line social actors working every day within the Ontario child welfare system. It was in 1996 when the Canada Assistance Plan (CAP) was dismantled and replaced with the Canada Health and Social Transfer. Introduced in 1966, CAP established national standards for welfare policies, guaranteeing matching federal funds for every dollar spent by provinces on social welfare programs. As Mosher writes, “The demise of CAP also signaled a new era of de-centralization, from the federal government to the provinces, and subsequently from the provinces to local municipalities” (Mosher 2010: 168). This policy shift resulted in a 30 percent decrease of federal transfers to the provinces between 1995 and 1998, from which only nominal increases have occurred. Therefore, at the same time all responsibility and “power” was placed directly into the hands of individual front-line social services workers, almost all sources of funding were severely cut. Power and responsibility without the required resources to enact such responsibility inevitably has led to a “crisis” in the Ontario child welfare system.

The risk discourse prioritizes safety, therefore prioritizing regulation. Yet funding to enact these stringent policies of regulation is not provided. As already mentioned, “risk” is an arbitrary concept divorced from material considerations. Once the Ontario child welfare system adopted this hegemonic risk ethos, the discussion has become increasingly removed from the protection of children and almost exclusively toward the identification of “deviant” mothers and the need for devising management strategies to mitigate future risks associated with these “deviant” mothers. With an increasing lack of funding and

resources, what to *do* once the risk has been identified becomes superfluous. “Success” is then determined by effective identification strategies. Therefore, the Ontario child welfare system has effectively adopted and prioritized the arbitrary, making the *risk management systems* the focus, rather than what they purport to be managing. The initial goal of protecting children becomes lost in this discursive debate.

### Jordan Heikamp Inquest

This prioritization on risk assessment superseding the meeting of material need becomes particularly salient in relation to the sad death of baby Jordan Heikamp. Jordan Heikamp was born on May 19, 1997, by C-section to mother Renee Heikamp. At the time of birth, Renee was 19 years old and had been living in the Toronto shelter system for several years. According to her lawyer, she had become part of a “shelter culture.” As the Report on the Inquest into the Death of Jordan Desmond Heikamp says, “Evidence was given that homeless youth and those living in shelters in Toronto learn how to *manipulate the system* in order to survive. The manipulation takes many forms including outright lying about events if they feel it will help their needs” (Coroner’s Report 19). Already in the simple historical outline of circumstances, Renee Heikamp is subject to a particular categorized interpretation. This theme of *manipulating the system* is predominant throughout the Coroner’s Report. It should be noted that although this is an inquest regarding the death of Jordan Heikamp, it is in actuality an inquest regarding the capability of Renee Heikamp to parent. It is not an inquest into a fundamentally problematic system that allows a 19-year-old youth to receive full blame for the death of an infant supposedly under the care of the Ontario child welfare system.

Since Renee had been living in a youth shelter that does not accept newborn babies, upon Jordan’s birth, she was required to find a new shelter location. The nurses had notified the Catholic Children’s Aid Society of Toronto of Renee’s circumstances. After assessment, it was determined that Renee and Jordan could leave the hospital together and reside at the Anduhyaun shelter, a Native shelter for abused women. Renee was assigned a social worker, Angela Martin, who was present when Renee and Jordan were discharged from the hospital. Renee and Jordan remained at the Anduhyaun shelter until June 23, 1997, the day Jordan died. The Coroner’s Report revealed that the cause of death was chronic starvation (20). Renee had been breastfeeding Jordan, but when her breast milk dried up, she gave him formula that was over-diluted with water. Both Renee and Angela Martin were charged with criminal negligence causing death. The case did not proceed to trial

due to lack of evidence. In April 2001, after a four-month investigation, a coroner’s inquest ruled that the starvation death of Jordan Heikamp was a homicide (Coroner’s Report 21). I am investigating this report in terms of how Renee Heikamp was constructed as a “bad” mother, and how this “bad” mother construction was part of the larger societal discourse of risk assessment and blame.

Due to this inquest and the jury’s resultant verdict of homicide, the jury outlined 44 recommendations “aimed at the prevention of a similar tragedy in the future” (Coroner’s Report 21). Despite Jordan’s death being the result of starvation, the issue of poverty linked with starvation is not once mentioned. There are a number of recommendations pertaining to providing increased education and self-care for pregnant homeless youth in addition to the need to provide lactation consultants and post-natal care. There is an over-prioritized emphasis on the need to increase *knowledge*. But baby Jordan died because of over-diluted formula. Renee’s inexperience or “manipulative” tendencies are provided for why she *chose* to dilute the formula. Not once is Renee’s financial situation ever mentioned or the fact that formula costs an average of thirty to fifty dollars a can, which lasts less than two weeks for a newborn baby. Nor is it ever mentioned why upon realizing Renee was unable to breastfeed, did no one in the child welfare services offer free formula. Renee’s material reality is completely erased from the discourse. According to the Coroner’s Report, Renee’s *choice* to feed her baby diluted formula is the direct result of her inability to properly read and comprehend the instructions on the can, in addition to her neglect and lack of interest in the baby’s health. The only mention of formula occurs in Recommendation #38. “We the jury recommend, that manufacturers of all baby formula should put on the labels of their product a warning of the danger of diluting the formula without the specific recommendation of a physician. This warning is to be placed in a conspicuous place on the label” (Coroner’s Report 17). Thus, Renee fed her baby diluted formula because she is a “bad” mother, not because she may have had no other choice given the circumstances.

This denial of material reality is consistent throughout the Coroner’s Report. The only mention of funding is for educational training programs or increased regulatory mechanisms. Recommendation #8 “We the jury recommend, that the Ministry of Community and Social Services and the Ministry of Health ensure that a full and comprehensive education and training program in the Street and Shelter Culture be established.” Recommendation #7 “We the jury recommend, that all child protection workers should be cautioned that some young people who reside or have resided in shelters have become adept at lying and manipulating. The caseworker should confirm the accuracy of information received from the caregiver whose parenting skills are being investigated and

assessed, even if the caregiver presents well and there is no apparent reason to doubt him or her” (Coroner’s Report 10).

A number of these recommendations involve even more stringent regulatory procedures and risk assessment processes, thereby requiring increased workload on the part of the front-line workers. Yet other than funding provided for additional training programs, there is no mention of funding to hire more front-line workers to off-set their already overburdened schedules. The material reality of the social worker’s life is never mentioned, even though Angela Martin was implicated just as much as Renee Heikamp in Jordan’s death. Angela Martin’s name only appears in the history section in terms of being the social worker assigned to the case. The material reality of social workers’ lives is not considered a mitigating risk factor. It is their lack of training and their inexperience that is implicated. Again, the focus remains on the abstract. The entire report focuses on the speculative, on the mitigation of future risk, on the primary need for knowledge as prevention. Yet the material tools required to effect this mitigation of future risk is not provided.

Due to Angela Martin’s implication in Jordan’s death, increased regulatory measures must now apply not only to the mother, but also to the front-line social worker. As Recommendation #14 suggests: “We the jury recommend, that Supervisors of the Children’s Aid Societies should conduct regular reviews of the intake worker’s files and case notes to ensure that all policies and procedures are being complied with” (Coroner’s Report 11). In addition to increased documentation, regulation and bureaucracy, a number of the recommendations are also specifically about creating funding for the regulation of the recommendations and the assurance that the recommendations have been complied with, therefore creating an insular self-justifying and self-perpetuating discourse. The inquest becomes more about the processes related to the inquest itself, and the regulation of these processes and of any individuals involved in such processes (such as mothers and social workers), rather than the purported goal of preventing a death such as Jordan’s in the future.

The material protection of children becomes superseded by the avalanche of paperwork and bureaucracy. In Recommendation #15 this circular logic is particularly apparent. “We the jury recommend, that the Ministry of Community and Social Services ... develop and establish policies and standards for the education of shelter workers in the province that will include...: dedicated funding for educational training and back fill costs, designated and dedicated number of days per year for each employee to devote to training, pre-workload training period for new employees, components dealing with documentation, components dealing with Models of Care and Plans of Action, Components dealing with the *Child and Family Services Act*” (Coroner’s Report 12). Again, the problem is not a system systemically underfunded and overburdened. The

problem becomes one of administrative procedures. The discussion is so far removed from material reality that the risk discourse now frames the entire debate. Since the problem is framed in terms of the risk assessment methods failing, the assumption is that funding must be provided for increased education so the risk assessment procedure can function more effectively.

### Construction of the “Good”/ “Bad” Mother Dichotomy

Krista Robson from Queen’s University published an article “Canada’s Most Notorious Bad Mother’: The Newspaper Coverage of the Jordan Heikamp Inquest” in May 2005. Robson assessed 63 articles from three Canadian newspapers in the period during the inquest and following the homicide verdict (March 12 to April 30, 2001) to understand how the media chose to construct the circumstances of Jordan’s death. As Robson writes, “It became clear that this case was a horrifying example of how the discourse of motherhood and the individualization of responsibility can work together to regulate the behavior of mothers. The infant’s mother, Renee Heikamp, was labelled a ‘bad mother’ and held up as an object of contempt by the press” (218). In *At Risk*, Swift discusses the discursive logic behind this “bad” mother labelling. Given the neoliberal focus on individualized self-improvement, it is not hard to see why the media and the public so eagerly latched onto this “blame the mother” discourse rather than critiquing the larger system. Since poverty has been naturalized and thus does not even factor into the discussion, the public outrage required a focus. In *The Globe and Mail* newspaper article “Everyone is nicely off hook in death of baby,” Robson points out the quote, “...if it’s the system’s fault, then it’s not really anyone’s fault” (227). There is a desire and a need to assign blame. Blaming “the system” doesn’t provide the same emotional satisfaction. And initiating a systemic analysis into the specific conditions of Jordan’s death is a project no one is willing to take on. Thus, the already long-established “bad mother” discourse becomes a convenient launching point.

It is important to recognize that a “good”/ “bad” mother dichotomy has long existed in Euro-American society. Since the Victorian era, the “mother” has been identified as the moral centre of the “family,” responsible for upholding the governing of society through this constructed domestic sphere (Donzelot 40). In *The Policing of Families*, Jacques Donzelot traces the changing role of the “mother” in the shift from a liberal to a welfare state and the ensuing collaboration between “mothers” and the “state” (doctors and teachers) in ensuring the appropriate social reproduction of society. Both Freudian psychoanalysis and John Bowlby’s theory of attachment parenting trace all “disorders” back to childhood, thereby placing all “blame” singularly on the mother. However, the relationship between the “mother” and the “welfare state” was one of

collusion. The state regulated mothers through overt pressure. Within our current neoliberal era, the “relationship” between the “mother” and the “state” is perceived to be segregated. The state claims to have no involvement in domestic affairs. However, as this paper reveals, what distinguishes neoliberal forms of regulation from previous moral regimes is the insidiousness of the regulatory mechanisms.

The infiltration of risk discourse within Ontario children’s services in the 1990s was framed in terms of “humanitarian” objectives to improve the efficient functioning of a perceived overly bureaucratized system. Efficient functioning that would presumably lead to cost savings. However, the extensive documentation requirements of this risk management system combined with decreased funding for front-line workers resulted in a significant *increase* in bureaucratization and cost, and a substantial *decrease* in terms of hours spent between social workers and mothers. Therefore, while the “good”/“bad” mother dichotomy has always existed, the particular ways in which “good” and “bad” mothering are defined depends upon the specific historical moment, as does the particular forms of governance.

Many theorists have defined the current role of “the mother” as entailing something called Intensive Mothering (Douglas and Michaels; Hays 1996; Horwitz; Maushart; Morris; O’Reilly; Rubenstein; Thurer; Warner 2005). This involves positioning children as social capital to be “invested in.” In “Why Can’t a Mother Be More Like a Businessman?” Sharon Hays defines Intensive Mothering as “child-centred, expert-guided, emotionally absorbing, labor-intensive, and financially expensive” (Hays 2007: 414). Emerging from the extravagance and optimism of the 1980s supermom discourse, the 1990s recession coupled with extreme neoliberal policy led to a rapid devaluation of the “glamorous working mom” and a sudden desired return to the “cult of domesticity” (Warner 2007: 709-711). Just as the industrial revolution necessitated a new conceptualization of motherhood, so has the post-1970s neoliberal/postmodern age. While the current motherhood discourse may be acutely contradictory for *mothers*, it is entirely consistent with the post-1970s neoliberal objective of producing self-interested, “creative,” flexible and “productive” neoliberal subjects able to function in a time-evaluated society where economic principles have infiltrated not only the governing structures and institutions of society, but our very societal ethos. Is it any surprise that mothers have become the centrepiece responsible for the production of these perfect future neoliberal subjects? Particularly when neoliberal policies have produced the absence of government in providing any form of social safety net?

If we identify the current dominant “good mother” paradigm as Intensive Mothering, we can begin to see how Ontario children’s services categorizes “bad” mothers or “at-risk” mothers in juxtaposition to this constructed ideal.

However, even “bad” mothers are not a singular category. Due to the neoliberal ethos of productivity, only certain “bad” mothers are constructed as “compliant to regulation.” For mothers constructed as “non-compliant,” they are simply erased from the system by having their children apprehended. Therefore, such an ethos creates a “naturalized” division between the mother and child. Should the mother retain custody of the child, the child welfare system must consider all risk to the child in terms of the mother’s actions. Should the mother lose custody, she effectively loses her motherhood status and the child is identified as a “ward of the state.” The case is effectively closed since the same processes of risk assessment and regulation do not apply to those with temporary custody.

The way in which risk discourse segregates the mother from her children is evident in Recommendation #1 of the Jordan Heikamp Coroner’s Report: “We the jury recommend, that it should be made clear to all Child Protection Workers and their Child Protection Supervisors that their client is the child in need of protection not the parent or the family” (Coroner’s Report 2002: 21). In a system where the mother and child are already separated, these recommendations only serve to increase this division. The regulatory features of Ontario Children’s Aid only become strengthened in Recommendation #11: “We the jury recommend, that all Children’s Aid Societies adopt a critical role as well as a supportive role for their social workers” (Coroner’s Report 26). The justification for this recommendation was that “the social worker played a supportive role or advocacy role for the mother of the child and a more critical role was required” (Coroner’s Report 26).

In *At Risk*, Swift discusses the connections between the risk discourse and morality. By utilizing risk assessment strategies, we identify those *socially acceptable to blame*. As Swift writes, “Often these are people at the margins of society, the ‘unworthy’ poor and others who resist, challenge, or are rejected by ‘mainstream’ society” (Swift and Callahan 37). In this way, as Foucault identified in *Discipline and Punish*, governing forces can target those constructed as “risky” to legitimate increased regulation and reinforce already existent social divisions in society. Thus, the “bad” mother becomes a convenient scapegoat.

### Political Context

Who, exactly, is constructed as a “bad” mother, and how do existent neoliberal and risk assessment strategies create and reinforce this construction? To answer this question, we must now consider the plethora of reports, programs and policies that were a direct consequence of the 44 recommendations listed in the Jordan Heikamp inquest. As devastating as it was, why, exactly, did baby Jordan’s death receive such unequivocal political and media attention? If we

position these policies and programs within the political climate at the time of the inquest, an answer is easy to find.

In 1999, John Baird became the Ontario Minister for Community and Social Services under the Conservative Mike Harris government. He was responsible for implementing and expanding the Ontario workfare program, and in 2000, he implemented a series of initiatives addressed at mitigating the risks of welfare fraud, including the creation of a welfare fraud hotline. It was not until August 2001, when Kimberly Rogers, a pregnant woman placed under house arrest due to allegations of welfare fraud died, that the Harris government welfare strategies were scrutinized. It is not, therefore, surprising that the death of baby Jordan while under the care of Ontario Children’s Aid, would receive such attention. The verdict into the inquest of Jordan Heikamp’s death was released April 2001 and the official report was released September 2002 with the 44 recommendations.

In 1998, a year after baby Jordan’s death, the Canadian budgetary and social policy climate started to shift to what was called a post-deficit budget. Framed in what is termed a “social investment state,” the need to insert the social back into economic policy was recognized. The focus of the social became the “family,” and in particular, children. While some theorists identified this shift as a move toward a post-neoliberal society, I argue that this shift represents the increasing embeddedness and naturalization of the neoliberal ethos into all aspects of society. As Alexandra Dobrowolsky writes in the introduction to *Women & Public Policy in Canada: Neo-liberalism and After?* “The overarching objective of the social investment approach was to promote employability, that is, to get people into paid work. Because the goal was to create knowledgeable, skilled workers to make Canada more competitive in a challenging global marketplace, the boosting of human capital became a prime policy objective” (10). Hence, it is not surprising that Baird’s first role as Minister of Community and Social Services in 1999 was to strengthen and prove the “success” of the Ontario workfare program. These claims of “success” were based on meeting established workfare quotas, divorced from the material reality of increasing homelessness and childhood poverty. It took the death of Kimberly Rogers for these vacuous claims to be questioned.

If we place Jordan Heikamp’s inquest within this paradigm, we can quickly see how this inquest would have provoked pivotal controversial arguments highlighting the hegemonic societal ethos at the time. Renee Heikamp would have conveniently fit the socially required *anti*-model. Renee’s apparent refusal to be a “good mother” according to the discourse of naturalized motherhood would have contradicted the “family” discourse, and her categorization as a homeless youth “manipulating” the system would have fit perfectly with the popularized “welfare fraud” discourse. The potency and interconnection between these social

constructions and the economic and political implications cannot be overstated. The representation *becomes* the reality when Renee Heikamp is charged with criminal neglect and baby Jordan’s death is identified as homicide.

### Policies and Programs Resulting from the 44 Recommendations

But what was the effect of these 44 recommendations in terms of the daily lives of homeless mothers and their interactions with the Children’s Aid Societies? A brief consideration of some of the policies and programs directly resulting from these 44 recommendations can answer this question. As a result of the Coroner’s Inquest into Jordan Heikamp’s death, one of the jury recommendations was to provide increased funding to Toronto Public Health to develop outreach educational programs. In the late 1990s, the City of Toronto’s Public Health Department established an interagency committee called, “Young Parents No Fixed Address Network.” Recommendation #32 of the Coroner’s Report states, “We the jury recommend, that a standardized and mandatory discharge sheet or ‘passport’ be developed by the Ministry of Health and used by all hospitals” (Coroner’s Report 15). Responding to this recommendation, the Young Parents No Fixed Address Network approached St. Michael’s hospital to develop a care model addressing the needs of homeless pregnant teens. St. Michael’s hospital delegated this task to the St. Michael’s Hospital Young Parents Pilot Project (Moravac et al. 11).

The “My Baby and Me” Infant Passport for Young Pregnant Homeless Women in South East Toronto Program was created as a pilot project to address the issue of homeless teen pregnancy. Renee was 19 at the time of Jordan’s birth and living in a shelter, thus all recommendations and resultant programs and policies addressed only young homeless mothers. The Infant Passport Program was only available to inadequately housed pregnant women under the age of 27 and receiving prenatal care through St. Michael’s Hospital. The passport program pilot project lasted from July 2005 to August 2007. The evaluation report did not consider whether the passport program had an effect in terms of addressing the material needs of homeless pregnant youth, the purported reason for its creation. The primary research question in the report is: Are young pregnant homeless women able to retain and use the “My Baby and Me” passports throughout their pregnancies? Whether or not the young parents actually found the passport helpful was of secondary concern (Moravac et al. 13). Since the results of the research determined that 88 percent of passport users held on to their passports throughout their pregnancies, the pilot project was considered a “success.” Regardless of the fact that 50 percent of the women residing in the shelter system at enrolment remained in the shelter system post-delivery. Nor the fact that 9.2 percent of the women living in apartments at



time of enrolment ended up in shelters at post-delivery (Moravac et al. 2009: 20). Nor is there even mention of how many babies were apprehended at birth. This was considered outside the boundaries of the evaluation.

This is a vivid example of how far removed the reports and policy initiatives become from the initial instigation. The purpose of the infant passport program was to provide an integration of resources to better meet the needs of young pregnant mothers. Yet, just as Foucault effectively reveals in his analysis of the prison system, despite the obvious failure of the passport program in leading to any advantages in terms of meeting the material needs of homeless young mothers, the project is nevertheless a “success” in terms of replicating the governing structures and divisionary mechanisms of society through which “deviant” populations can be more effectively labelled and documented.

### Daily Lived Realities

The Centre for Urban and Community Studies, now part of the University of Toronto Cities Centre, has produced several reports illustrating internal failures in the current child welfare system. Although the reports once again focus on young homeless mothers, they do reveal a plethora of disturbing information regarding the daily lives of mothers who are experiencing homelessness. The “A Visceral Grief, Young Homeless Mothers and Loss of Child Custody” report published in February 2007 reveals many of the ways in which the increased regulatory and risk-assessment measures resulting from the 44 recommendations of the Heikamp inquest have, and continue to impact the daily lives of these mothers.

The report reveals the measures by which “bad” mothers are determined. Should a homeless mother give birth in a hospital, the nurses automatically call Children’s Aid Society (CAS). The likelihood of apprehension is not determined solely by her homelessness status. It is not the material conditions of the mother’s reality that is of primary concern, but rather her mental state. Therefore, main contributing factors determining an apprehension are: lack of regulated prenatal care, a previous mental health record or evidence of drug use, and a previous apprehension or association with CAS. Although there is often talk about the “cycle repeating itself,” there is little recognition that once an individual is targeted by CAS (even if this means they were a “ward of the state” as a child) they then become identified as part of the “at-risk” category. Once this identification is made, combined with any one of the above factors, a *precautionary* apprehension will be made. As the report states, “The likelihood of apprehension at birth is also associated with administrative factors, such as the length of stay in hospital after the child’s birth” (Novac, Paradis,

Brown and Morton 2). The report goes on to state, “The usual length of stay in hospital for a vaginal birth is two days, which is not long enough for the child protection agency to make a thorough assessment of an unknown mother’s parenting prospects” (Novac, Paradis, Brown and Morton 3). Again, risk-management strategies require the baby be apprehended once the mother is labelled “at-risk.” Because the risk-assessment strategies are so time-consuming the baby is apprehended as a *precaution*. However, it is important to note that the possibility for the mother and baby to be reunited after this point is negligible given the constraints of the system.

Once the apprehension is made, a Family Court hearing must be held within five days. Mothers are most often not informed in advance of the apprehension. This five-day stipulation holds regardless of whether the birth was by C-section or not (Novac, Paradis, Brown and Morton 3). Therefore, a woman who has just given birth and lost her baby, must suddenly acquire legal service and represent herself in a court room to prove her adequacy as a mother. The system is designed for the mother to fail. And yet, the risk-assessment methods are extremely successful in labelling and determining “deviant” populations. Should this “deviancy” be considered beyond hope of “rehabilitation” according to the “bad” mother categories, the mother is effectively removed from the system by having her child apprehended. At this five-day court hearing the result is usually a Temporary Order for Care and Custody until the next court date. The mother has one year to prove her mothering capability, and if she is unsuccessful, the baby officially becomes a “ward of the state.” As the report says, “For the children, state wardship may mean adoption into a new, permanent family, but for many it means a childhood spent in foster families or group care” (Novac, Paradis, Brown and Morton 3).

Due to the segregation of mother and baby, once the mother loses custody of her baby, she officially becomes a “single woman.” She, therefore, loses a number of services and resources, including social housing if it was designated for families, income support and social service support. There are a number of programs designed for homeless pregnant women, such as Homeless-At-Risk-Prenatal-Program (HARP). HARP is a program run through Toronto Public Health consisting of five nurses who actively assist homeless pregnant women through a harm-reduction strategy. However, after the six-week postpartum appointment, the services of the program end. And if the baby is apprehended at birth, the services would terminate immediately. Since there are no services designated specifically for mothers who have had their children apprehended, these women are left with no social or financial support.

Unfortunately, given that these women have now been labelled “undeserving” by the neoliberal discourse, there is no incentive to provide them with social service. A critical feature of the neoliberal risk discourse is that service becomes

mediated by merit, not need. There are a plethora of services designated for pregnant teens or teen moms, where there remains hope for their reinvestment into society as potential social capital. However, the mothers who have their babies apprehended at birth are immediately placed in a hopeless and thus “undeserving” category. They are effectively erased from the system, both in terms of social discourse, and structurally in terms of statistics. In The Toronto Report Card on Homelessness 2001, there are existent categories for Single Persons, Couples, Two Parents with Children and Single Parent with Children. The number of homeless single persons is by far the largest category at 81.3 percent, but as the Centre for Urban and Community Studies “Better Off in a Shelter?” paper states, “Many seemingly ‘single’ homeless women are in fact mothers separated from their children” (Paradis 42).

The “On Her Own: Young Homeless Women in Canada” report commissioned by The Canadian Housing and Renewal Association states, “In reaction to the deaths of eight children in public care, which occurred within an 18-month period, the child welfare system in Ontario has undergone reform and sharpened its focus.... Increased demands for documentation and administration duties along with greater caseloads and a threefold increase in court-related duties, may have led to diminished direct service time” (Novac, Serge, Eberle and Brown 68). And here we come full circle. The unfortunate death of baby Jordan was the result of over-diluted formula and a system too overburdened to be able to notice. The recommendations determined to prevent such a tragedy from happening in the future have, in sharp contrast to their initial goals, actually *increased* the disconnection between the social worker and the “client.” The infiltration of a hegemonic neoliberal ethos within the Ontario child welfare system has created an insular and self-justifying risk discourse enabling the perpetuation of a circular logic wherein the management of risk becomes the primary result regardless of well-intentioned initial objectives.

## Conclusion

“Risk” has become its own self-perpetuating meaning-making system. As an arbitrary concept divorced from any aspect of material reality, “risk” can create, formulate and justify its own circular self-perpetuation. The fundamental disconnect between the material and the arbitrary is subsumed beneath a powerful self-referential discourse. The material is not only made irrelevant, but completely invisible. Such a risk ethos prioritizes management systems that can identify and regulate “deviant” populations—“bad” mothers in the context of Ontario child welfare. This identification system then creates a circular framework that excludes the material conditions of these mothers’ daily lives.

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