

Self-Government and the Fashioning of Resilient Personae:

Legal Education, Criminal Justice, and the Government of Mental Health

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Abstract

This paper explores attempts to shape resilient personae through relations of self-government, and highlights the way that this features as part of advanced liberal forms of rule. As an example of this process, it focuses on the way that undergraduate law students are encouraged to fashion resilient personae throughout their legal studies, so as to avoid, or effectively respond to, experiences that may have a detrimental effect on their mental health. This paper argues that the production of such resilience relies on students being encouraged to take up psychologically- and biomedically-infused subject positions, becoming well-disciplined subjects, entrepreneurs of the self, and even virtuous persons. It highlights that the fashioning of resilient personae in this way involves extensions to the targets and practices of self-government and reinforces advanced liberal government. The paper then suggests how insights into fashioning resilience in this context can inform further research on resilience, particularly resilience produced within criminal justice professionals.

Introduction

Fostering ‘resilience’ has become an integral part of the government of advanced liberal societies. It appears within governmental programs ranging from attempts at the broad social level to prevent or minimise the damage and disruption produced by acts of terrorism and promote the security of the population, to educational or developmental initiatives at a more individualised level, intended to divert those ‘at risk’ of a range of negative outcomes. In a variety of contexts, the development of resilience is increasingly playing a part in the lives of criminal justice professionals, whether it involves their implementing governmental programs that seek to foster resilience in others, or being encouraged to become resilient themselves.

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According to Lentzos and Rose (2009:243), resilience can be understood, not just as a disposition of preparedness, but also as implying a ‘...strengthening of subjective and material arrangements so as to be better able to anticipate and tolerate disturbances in complex worlds without collapse, to withstand shocks, and to rebuild as necessary’. Much of the research on resilience seeks to discover how to ‘build’ or ‘inculcate’ resilience effectively in groups of people, assuming that it is a psychological or, indeed, biological feature of humans that can be drawn out of them. (For examples relevant to the discussion of depression in this paper, see Dowrick et al 2008; Southwick et al 2005; Edward 2005). Such studies do not fully explore the way that resilience can be understood as a piecemeal construction produced through various governmental relations, and therefore they do not explore how these activities link to, and seek to achieve, broader forms of social government.

While there has been some consideration of the ways in which resilience features within governmental programs and operates as a technology of rule (Lentzos and Rose 2009; Zebrowski 2009), less research attention has been devoted to the other central method through which government is achieved in advanced liberal societies; the way that these programs actually enjoin citizens to take responsibility for producing resilient personae (Foucault 1982:225). In particular, analyses of the assemblage of various discourses, expertise, and practices that people are encouraged to use in fashioning themselves as resilient personae, and the potential effects and costs of that fashioning, are rare. Through a discourse analysis of three ‘prescriptive’ (or what Foucault (1990:12) terms ‘practical’) texts, this paper seeks to address this, by highlighting the discourses and practices that are offered to people as ways that they can fashion resilient personae.

This analysis particularly focuses on the formation of resilient legal and criminal justice professionals in the context of undergraduate legal education. It explores the advice that is offered to students and through which they may form a persona that is resilient to the potentially negative mental health impacts of law school. Of course, not all criminal justice professionals undertake a legal education, and this paper does not seek to suggest that the formation of a resilient persona in the higher education context is equivalent to the formation of one in the professional context, nor does it suggest that the formation of a resilient persona is sustained from higher education to the professional sphere. While many who administer justice possess some level of formal legal education, which inevitably forms part of the construction of their professional personae, this paper seeks to make broader points about the formation of resilience. It is concerned with looking at the variety of discourses, practices, and models for being resilient that are assembled and directed towards producing resilient personae. Legal education simply offers a specific context (and one that is not irrelevant to criminal justice professionals) with which to look at the broader process of the formation of resilient personae. It is suggested that the formation of resilient personae in other contexts—including among other criminal justice professionals such as government actors, administrators of criminal justice, or police and correctional officers—is likely to reflect the formation of resilience in this context, linked as it is to advanced liberal government and the management of risk in the context of such government. The analysis of the formation of resilience in these contexts can also allow one to identify the extensions of power on which they rely.

This paper argues that a range of different discourses and practices are offered to students as avenues through which they may fashion resilient personae. It shows that, at different points, students are encouraged to take up psychologically- and biomedically-infused

subject positions, become well-disciplined subjects, entrepreneurs of the self (broadly conceived), and even virtuous persons as ways of avoiding, or ‘bouncing back’ from, educational experiences likely to produce mental ill-health. Each mode of fashioning resilience has its own potential effects and comes with its own costs, including the extension of forms of self-government and the production of subjects that reinforce advanced liberal government. Such costs will also be outlined. The paper will then consider what the formation of resilient personae in legal education might suggest for the formation of resilient personae among other criminal justice professionals. To begin, however, the part played by resilience within advanced liberal forms of rule and the government of mental health in legal education must be considered.

Resilience, Mental Health, and Advanced Liberal Government

The formation of resilience among law students has become a significant concern among legal educators because of the mental health risks that the study of law poses. A body of US-based research suggests that law students experience extremely high levels of depression and other forms of mental illness (Sheldon and Krieger 2007; McKinney 2002; Dammeyer and Nunez 1999). This research has been replicated in Australia, most recently by the Brain and Mind Research Institute, whose study, *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers* (Kelk et al 2009), suggests that law students experience higher rates of depression and other mental illnesses than medical students and legal professionals. It is posited that this is partly due to the intense competition among law students, and the stressful environment of law school (McKinney 2002; ALSA no date:13; Hall 2009; Sheldon and Krieger 2007).

This risk, posed by legal education, has led to the protection of the mental health of law students becoming a priority of government within legal education. This is achieved through changes to the curriculum, the dissemination of support resources, and the actions of students themselves, including through the fostering of resilience by law schools, law firms, and professional organisations. (See, for example QUT 2010; The College of Law 2010; Davis 2009.) These attempts to govern student mental health reflect broader patterns in the government of mental health and depression in advanced liberal societies. In line with the privileged position of entrepreneurial and risk-managing subjectivities and the continual critique of government central to advanced liberal forms of rule, citizens are increasingly responsibilised to align their actions with those of governmental authorities, and act in ways that provide some form of benefit to themselves, such as investing in education or training, putting in place crime prevention strategies, purchasing insurances, or, in this case, ensuring their own health and wellbeing (Philip 2009; Teghtsoonian 2009; Miller and Rose 2008:50 and 53–4; Rose 1999:42–3).

A central feature of such responsibilisation and entrepreneurialism is the successful navigation of risk through the adoption of techniques of risk management. This allows one to avoid activities detrimental to oneself, and instead to invest in oneself through other activities in the most beneficial manner possible (Miller and Rose 2008:48–50 and 79; O’Malley 1996:196 and 199; Rose 1999:139–42). Such risk management relies on the possibility that specific risks can be effectively and accurately calculated, and subsequently that these risks can then be operationalised through the development and deployment of risk factors.

However, some situations may be characterised to varying degrees by uncertainty (O'Malley 2004:7–21; Aradau and Van Munster 2007). Either there is no way possible to develop any meaningful measure of risk pertaining to a particular danger (for example, such unpredictable and catastrophic risks as terrorist attacks: see Lentzos and Rose 2009; Kessler and Daase 2008), or there are currently no risk factors developed for people to use in order to manage risk (such as the potential risk of developing mental illness throughout legal education; see also Diprose 2008:142–43). In these cases, a raft of precautionary responses may be required, including the development of resilience (Diprose 2008:142–43; Lentzos and Rose 2009:236; Kessler and Daase 2008; Aradau and Van Munster 2007). Resilience is perhaps the clearest instance where the responsibility for managing uncertain (and other) risks is placed in the hands of individuals. It is thereby possible to understand the imperative to become resilient as a way of responsibilising subjects to manage uncertain risks. For governmental authorities within advanced liberal societies, developing resilience in a specific population is a particularly attractive technique of governing, as it can be used to responsibilise those who have chosen to conduct themselves in a manner characterised by significant or uncertain risks. Thus it is clear how, according to these governmental rationalities, the formation of resilient personae has a place within attempts to govern the mental health of populations, and that similar techniques used to govern mental health in these societies are likely to filter into projects aimed at encouraging the fashioning of resilience.

In themselves, the prescriptive texts selected for analysis here signify this responsibilisation of law students for taking care of their mental health. These texts include: a student handbook titled *Depression in Australian Law Schools*, produced jointly by the *Australian Law Students Association* and the depression support organisation *beyondblue* (ALSA no date); a document titled *Stress and Depression*, produced by a British organisation called *LawCare*, which provides mental health support for lawyers and law students (*LawCare* no date); and an American journal article titled *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession* (Schiltz 1999). While not an exhaustive selection of such texts, these three documents are broadly representative of the diversity of the advice presented to students within the UK, the USA, and Australia. They clearly reflect the discursive shift wherein the responsibility for acting upon one's mental health is not borne solely or even primarily by private counselling services or the state, but increasingly by law students themselves.

While these texts do not always utilise the term 'resilience' as a way of unifying the advice they present, they are each concerned with preparing students to effectively avoid, weather, or at the very least 'bounce back' from, and minimise the effects of, situations that may adversely impact upon their mental health throughout legal education (thereby reflecting the Lentzos and Rose's (2009:243) definition of resilience mentioned above). In some cases, however, after their publication, these texts have been adopted as part of the assemblage of practices through which resilience is *explicitly* governed—for example, the 'resilience' project of the Queensland University of Technology, Australia, encourages law students to engage with both the ALSA document and Schiltz article analysed here. This discussion now moves towards an analysis of the discourses and modes of self apparent within these texts.

Resilience and Becoming a Psychological Subject

Psychological discourses are very apparent within the prescriptive texts examined here. Given the authoritative position that psychological discourses have in advanced liberal societies (as bodies of truth offering scientific and expert knowledge about mental illness), it is hardly surprising that they feature within the formation of resilient personae, and are thus widespread throughout these texts. Resilience, it is implied, can be developed by having students become subjects of these psychological discourses.

This message is most apparent throughout the ALSA and *LawCare* texts, which both clearly position psychological discourses as authoritative. The definitions of and knowledges about depression, the vocabularies used to talk about it, and the diagnostic tools that students are encouraged to use when defining and understanding problems that they may experience, all draw from these discourses (Rose 1996:88–92; Philip 2009:161; Martin 2007). By adopting these definitions, knowledges, and tools, students have at their disposal apparently authoritative ways of preparing for, and responding to, mental health concerns.

To develop resilience through psychological subjectivity, these texts offer students condensed checklists of symptoms and other diagnostic tools—providing authoritative representations of the problem they discuss—that can be used to determine and define their mental health concerns. These resources are to allow students to engage with and operationalise psychological discourses on depression in their everyday activities (see also Rose 1996:88–91). Tables of ‘warning signs’ (which canvass the reader’s physical being, behaviours, thoughts and feelings) and lists of ‘risk factors’ (focusing on broader social relations, such as conflicts in one’s family, or unemployment) (ALSA no date:8) allow students to determine if, according to psychological discourses, they are living under the description of depression, for example. While such diagnostic tools can help students who may be experiencing stress or other problems to understand what they are experiencing, these texts also encourage students to use these tools in a ‘precautionary’ or ‘preparatory’ manner: as a way of being aware of the situations, feelings, or experiences that can produce mental illness, so that they can act pre-emptively to avoid or minimise any problems. As Philip suggests, in this manner, ‘psychological expertise is grafted onto the individual’s most personal and private practices’ (2009:161). Thus, it is through fashioning a form of psychological subjectivity that students are encouraged to, in part, fashion resilient personae.

Resilience and Becoming a Neurochemical Self

While psychological discourses are in an authoritative position *vis-à-vis* the truth about mental health in advanced liberal societies, there are points at which these texts (particularly the *LawCare* document) emphasise the biomedical and neurochemical aspects of mental health. Consistent with the increasing power invested in biomedicine to provide the truth about, and therefore effectively govern, populations, students are encouraged to recognise themselves as neurochemical selves at many points throughout these texts (Rose 2007; Fullagar 2008). It is implied that resilience can be produced through practices (including medications) that alter brain chemistry and hormonal levels.

Simply stated, these biomedical discourses privilege an understanding of mental illness as the result of a deficiency or imbalance of particular neurochemicals and hormones. As such, the advice offered within the *LawCare* text about avoiding or developing resilience to

mental illness centres on regulating these bodily chemicals. For example, this text outlines the importance of exercise and ‘get[ting] out more’ in avoiding (and also treating) depression. This is because ‘[e]xercise raises mood as well as increasing fitness... increas[ing] the level of endorphins, the ‘feel good’ hormone’, and allows for one to set and achieve goals, while ‘[f]resh air, sunlight and greenery have all been shown to raise mood’ (*LawCare* no date:13). Furthermore, the *LawCare* text encourages students to regulate the intake of substances because they can have depressive effects on the body. For instance, students ought to ‘avoid alcohol’ because it is a depressant, quit smoking because it is an addiction and damages the body, and also minimise their caffeine intake (*LawCare* no date:14). If students *do* experience mental health problems such as depression, for example, this document suggests that it is through ‘competently prescribed and monitored anti-depressant medication coupled with regular counselling sessions’ that it can *most effectively* be treated (*LawCare* no date:12; for a discussion of the ‘pharmaceutical personalities’ that this produces, see Martin 2007; for an exploration of the gendered effects of the consumption of anti-depressant medications, see Fullagar 2009). Thus, being able to effectively ‘bounce back’ from such adversity requires the government of bodily chemicals.

A range of discursive strategies are employed within the *LawCare* document in order to position these as favourable methods. For example, it describes therapies such as reflexology, acupuncture, music therapy, or spirituality as *alternative* treatments for depression, which could be beneficial ‘...if you are someone who is open minded to such options’ (*LawCare* no date:13). Treatments such as ‘homeopathy’ may work, it continues, but like the other alternatives, ‘...can be regarded as a complementary treatment, meaning that it can be taken *alongside conventional antidepressants*’ (*LawCare* no date:13). Students’ potential concerns about the side-effects, addictive possibilities, and discomfort caused by these medications are also placated through references to empirical research demonstrating their effectiveness (*LawCare* no date:12). This reinforces the ‘scientific’ and ‘empirical’ aspects of this mode of self-government, and aims to produce conviction among students that resilience can most effectively be fostered by becoming neurochemical selves.

Resilience Through Self-Discipline

Psychological and biomedical discourses interact throughout these texts, one effect of which is the suggestion that a student may form a resilient persona by engaging in practices of self-discipline (Philip 2009:160). The interaction between these discourses becomes apparent regarding the government of stress. The mobilisation of psychological discourses in these texts through lists of warning signs and risk factors for mental health problems positions stress as a primary cause of negative experiences such as depression (ALSA no date:13; *LawCare* no date:2–3). Thus, it is through the government of stress that both the ALSA and *LawCare* documents suggest that students can avoid, or become resilient to, mental health problems. Self-government in this context thereby draws from both psychological and biomedical discourses, and is directed towards ensuring that students maintain what could be termed ‘correct’ or ‘rational’ ways of thinking (organising and planning their commitments through time-management practices), and a healthy body (effectively regulating bodily patterns and chemicals).

To govern stress, the ALSA document encourages students to adopt a raft of time-management practices: ‘[t]he best way for students to reduce stress is to be organised. Know your due dates, make goals to have certain things done by and do your best to stick to these

deadlines' (ALSA no date:14). They are to become disciplined by organising their daily and weekly activities, so that they have a clear idea of when assessment is due and can meet their competing work, family, and study commitments without becoming stressed (ALSA no date:11–12). Additionally, the *LawCare* document suggests that students ensure they learn to say 'no' to specific requests so they do not over-commit themselves, take time for a proper lunch and short breaks, and celebrate the completion of tasks (*LawCare* no date:6–7 and 10).

Such discipline is also to be directed beyond the student's activities towards their physical body. They are to: maintain a regime of physical exercise everyday to release endorphins; adopt various relaxation and meditation techniques (such as listening to music, breathing deeply, and closing their eyes at stressful moments); and ensure that they regulate their sleeping patterns and their intake of substances (including diet, cigarettes, and alcohol) (ALSA no date:9–11 and 14; *LawCare* no date:6 and 8). These practices are underpinned by the biomedical discourses discussed above, which posit that stress has physical effects on the body, and is the result of imbalances of bodily patterns and chemicals: '...when stressed the body releases the hormone noradrenaline which increases your blood pressure and your risk factor' (*LawCare* no date:3). Thus, preventing the negative impacts of mental ill-health requires students to govern their body so as to produce more hormones to make them happy, 'block out external stressors', 'keep [their] blood sugar level steady', and ensure the body itself is not exposed to toxins (ALSA no date:14).

Here, students are encouraged to produce resilient personae through practices that seek to discipline the activities that they undertake, as well as their very bodies. This self-discipline relies on an extension of both the targets of, and rationalisations for, government. The student's study habits, time management practices, and daily routines become targets of government and, while these have long formed part of the way students are governed within educational institutions, the way that this government is rationalised has altered. Often rationalised as a way of ensuring students succeed through their studies, a discourse based on securing their health now also seeks to further justify the adoption of these practices of self-discipline as a way of fashioning resilience to stress. As Philip states, through the power of these discourses, '...even tasks such as scheduling one's daily activities become steeped in psychology' (2009:161) and, indeed, biomedicine.

Becoming a Virtuous Person

In addition to the psychological and biomedical discourses that are prominent throughout the advice offered to students in the formation of resilient personae, another discourse is apparent, especially within the Schiltz article (1999). This discourse encourages students to become virtuous persons, whose resilience stems from their ability to shape their personal and professional ethics in particular ways.

The Schiltz article thoroughly dissects the aspects of legal education and professional practice that appear to contribute to negative experiences for law students and early-career legal professionals (such as depression, substance abuse, divorce, job dissatisfaction, and pessimism). It places the blame for these negative experiences squarely at the feet of the legal profession (particularly large corporate firms), suggesting that the commercialisation of the profession, the pressures of the competitive market of legal services, the adversarial environment that produces aggression and hostility, the lack of control that legal

professionals have over their professional lives, the lack of collegiality they experience, and the hours that they work, produce these problems. It argues that these factors push students and professionals to focus on money (or ‘winning’ the professional ‘game’), and thus to overwork and fail to balance their work and family commitments (Schiltz 1999:888–93 and 903–6).

As such, the first step towards becoming resilient to these pressures, this text suggests, is for students to forego the idea that money is the determinant of their worth and success (Schiltz 1999:903–4). In its place, students are to adopt a new set of ethical dispositions and become virtuous persons, so that they may become resilient. This is to be achieved in three ways: according to the professional *ethical requirements of lawyers*; acting ethically in their work *as a professional*; and *living an ethical life* (Schiltz 1999:908–10).

To begin, students are encouraged always to abide by the professional ethical requirements of lawyers. However, doing so, this text suggests, does not make students ethical persons: professional ethics are described as simply ‘the lowest common denominator of conduct that a highly self-interested group will tolerate’ (Rhode in Schiltz 1999:909). Their ethics must go further, towards acting ethically as a professional—that is, being diligent, honest in their professional activities, and generally acting in line with general moral values, or those instilled in them as children:

[y]ou should treat others as you want them to treat you. Be honest and fair. Show respect and compassion. Keep your promises. Here is a good rule of thumb: If you would be ashamed if your parents or spouse or children knew what you were doing, then you should not do it (Schiltz 1999:910).

These attempts to form ethical professionals notwithstanding, this text suggests that students can most effectively become resilient to the negative pressures of law schools if they primarily work on their *personal* (that is, non-professional) ethics so as to ensure that they live an ethical life. To assist students to do so, this text suggests that they meditate on what kind of life they wish to lead, and then adopt what amounts to a personal philosophy throughout law school that reflects this. They are to put this personal philosophy into effect in all of their interactions, and use it as a guide to navigate any negative experiences they encounter. For example, they are to decide ‘...what kind of lawyer [they] want to be’ and then act according to that representation ‘[a]lways. Everywhere. In big things and small’ (Schiltz 1999:950). Additionally, students are encouraged to make a personal commitment that, while seeking to work hard, they will not let money dominate their lives. They are to find something positive to embrace: ‘[b]elieve in something – *care* about something – so that when the culture of greed presses in on you from all sides, there will be something inside of you pushing back’ (Schiltz 1999:924, emphases in original). In this sense, such ethical values are to permeate their very person so that, effectively, resilience to the unethical cultures and values of big firms and institutions in which they are likely to work is ingrained into them, and can be fought against by their own ethical values.

Producing a virtuous persona in this way is represented as requiring a constant work on the self. The Schiltz article reminds students that acting ethically is not an easy task, and, in order to be an effective way of forming resilience to the negative and unethical culture that pervades large firms, must become ‘habitual’ for students:

...you are not going to have time to reflect on each of your actions. You are going to have to act almost instinctively...These qualities have to be deeply ingrained in you, so that you can’t turn them on and off – so that [...] you will automatically apply the same values in the

workplace that you apply outside of work, when you are with family and friends (Schiltz 1999:911-912).

A further reason that students are encouraged to lead an ethical life is so that they can maintain their responsibilities to other communities within which they are enmeshed: ‘...to [their] family, to [their] friends, [and] to [their] community’ (Schiltz 1999:910). This balance between the personal and professional—discussed above with regard to time-management and fulfilling commitments as central to avoiding depression for other reasons—is given a moral inflection here.

The cost of producing resilience through the fashioning of virtuous persons in this manner is an extension of government. While it is not unusual for the formation of professional personae to involve the government of ethical and moral values to some extent, this primarily occurs in the process of ensuring that one can act as an ethical professional. In most cases, at least in legal education, it does not directly extend to the government of non-professional ethical values (see Ball 2007:452–6 for a discussion of these limitations of government in Australian law schools). However, it is clear that according to the Schiltz article, governing professional ethics is not enough to ensure that students become resilient. Here, the targets of government are extended to encompass the student’s non-professional ethical values, again under the rationalisation provided by a health discourse.

Resilience through Entrepreneurial Subjectivity

As discussed above, the entrepreneurial disposition inculcated within subjects of advanced liberal rule is one reason that students are encouraged to fashion resilient personae. However, entrepreneurialism is not solely an impetus or rationalisation for fashioning resilience. It is also one manner in which such resilience may be performed. Being an entrepreneur of oneself does not simply refer to gaining an economically competitive edge in a capitalist marketplace, or making the most financially rewarding investment in oneself. It also includes avoiding a broad range of ills beyond financial ones (as attempts to avoid the impact of crime suggest, for example). In this particular context, the prescriptive texts under consideration here encourage students to ensure that they maintain their own health and happiness in other aspects of their life by adopting an entrepreneurial disposition.

This is clear within the *ALSA* and *LawCare* documents when they encourage students to maintain a work-life balance, as discussed above. It is particularly apparent, however, in the Schiltz article, which suggests that students ought to ‘...make it clear to prospective employers that salary is only one of many factors that you will consider in choosing a law firm’ (Schiltz 1999:942). Students are to recognise that, as law firms compete to gain the best talent from law schools, they are in fact empowered to change that situation: ‘[i]f law students change what they demand, law firms will change what they offer’ (Schiltz 1999:941–2). In this sense, students are to ‘...shop for a law firm in the same way that [they] would shop for an apartment or a car or a major appliance’, which would involve knowing the product and asking pertinent questions about it to the person selling it (Schiltz 1999:943). They are to undertake what effectively constitutes a cost-benefit analysis of private legal practice in large firms in order to decide whether the training, job opportunities, and lifestyle that such firms offer are really greater than small firms where major pressures and competition are likely to be minimal (Schiltz 1999:923–38).

While acting in this entrepreneurial manner possibly allows students to *maintain* their work performance and avoid adverse effects that might impact upon their employment, it nevertheless opens another space within which an entrepreneurial subjectivity can encompass more than a focus on financial success. Thus, in the case of resilience within legal education, entrepreneurial subjectivity is not simply the *impetus* for fashioning resilient personae, but also a mode of continually *performing* that resilience.

Models of Resilience and Criminal Justice Professionals

The foregoing exploration of the formation of resilient personae among law students has examined this process of self-government in only one specific context. It is worth, then, considering what this might suggest about resilience in a range of contexts beyond the law school, including the diverse areas in which criminal justice professionals work, and also considering what the formation of resilient personae in this context might say about its formation in other areas. While it is not suggested that the formation of resilient personae in all of these contexts has the same contours, at least considering where similarities may be found can provide the impetus for further investigations.

The example of legal education demonstrates in particular that the modes of self-government for producing resilient personae draw from discourses and modes of self that already circulate generally (particularly psychological, biomedical, and entrepreneurial discourses). In the context of producing resilience, they are simply reinscribed with new rationales and become part of new practices of government, often extending the forms of self-government in the process, or altering forms of self-government in line with new programs of government. This is not entirely surprising, given that resilience is linked to advanced liberal government, as discussed above. Being aware of the links between advanced liberal government and the formation of resilience, as demonstrated through this example, allows one to identify these forms of government as they exist (or may subsequently develop) in other contexts.

In the particular context of criminal justice professionals, for example, it is worth looking at the role played by psychological subjectivities and forms of self-government focusing on the management of stress and practices of self-discipline. These modes of relating to the self are widely tied to advanced liberal forms of rule (Rose 1996; Teghtsoonian 2009; Philip 2009). Through these modes of relating to the self, subjects of advanced liberal rule are provided with the tools to develop 'correct' forms of thinking, and the 'proper' mindset through which to deal with confronting, challenging, and stressful situations. Many acting within the criminal justice system are exposed to traumatic events and stress—horrific crime scenes, continual exposure to human tragedy, and even basic job pressures—as well as clients, prisoners, or alleged offenders that may be seen as morally repugnant. Through a variety of training practices and services offered, these professionals have numerous tools available to them through which to manage these experiences (which include shaping themselves in line with these discourses and subjectivities). In many cases, though, such practices may be disparately practised and individually taken up. However, as part of the governmental shaping of resilient personae, these kinds of discourses and forms of self are likely to become required techniques of self-government. Under the banner of resilience, these practices and modes of self may be tied together and take on the position of an imperative for justice professionals so that they can ensure that they are resilient to negative or detrimental feelings or mindsets and can maintain their job performance. In this context,

such an expansion of power relations would seek to ensure that the government of the professional self more closely accorded with broader governmental programs.

While psychological and disciplined subjectivities are clearly part of advanced liberal forms of government, and thus perhaps more clearly identifiable when tied to the formation of resilience among criminal justice professionals, one other mode of self-government in this context that is worth considering more closely is the formation of resilience through becoming a virtuous person. In the example above, virtuous person discourses are presented as a way of fortifying students against the possible demands of the commercialised legal profession, where an increasing focus on money, it is suggested, produces a professional culture characterised by competition, and in which there is significant pressure to violate or erode ethical standards. While many criminal justice professionals are unlikely to be impacted by the commercialisation of law firms in the same way, what can be considered here is the attempt made to shore up one's ethical values to better fight against the potentially negative impact of an organisational sub-culture. In many professional roles within the criminal justice system, particularly in the case of the police service or correctional services, one's personal ethical values and persona are understood as essential objects to be governed. It is therefore possible that in some contexts, the government of a professional's personal ethical values may become tied to the formation of a resilient persona. While the government of personal ethics is not necessarily a new thing for criminal justice professionals, it is important to understand the way that the government of these values involves an extension of power relations and ties the government of personal values to the formation of a resilient professional persona.

Thus, the analysis of the formation of resilience in legal education provides an understanding of the variety of different discourses that people can access in order to form themselves as resilient personae, and highlights the way that many of these modes of relating to the self already in existence can be assembled in different ways, redirected in the service of another governmental program, and become personally ingrained. As such, it provides a useful basis for further analyses of the formation of resilience.

Conclusion

Contrary to many assumptions within the research literature and, indeed, among those seeking to foster resilience in students, resilience is not necessarily a quality inherent to one's psychological or biological makeup. Nor can it be unquestioningly celebrated as a persona that legal education must foster. Rather, resilience is a disposition that is fashioned in various and complex ways, through multiple practices of self-government, and in line with numerous governmental projects that have the responsabilisation of subjects for the management of various risks and uncertainties as their goal.

This paper has explored the way that law students are responsabilised and encouraged to fashion personae through which it is hoped that they will become resilient to (that is, to prepare for, successfully avoid, or effectively deal with) a range of pressures and potentially negative experiences that they may encounter throughout legal education. It has done this in order to make broader points about the variety of discourses and forms of self through which people are encouraged to shape themselves as resilient personae in various contexts. At various points, law students are encouraged to produce such resilience by becoming subjects of psychological and biomedical discourses, well-disciplined subjects able to regulate their

daily activities and bodily activities in productive ways, entrepreneurs of the self, and virtuous persons. In this manner, resilient personae are formed by subjects continually assembling and disassembling the variety of different discourses and practices made available to them in a number of ways; through prescriptive texts, expert advice, or governmental authorities, for example.

As discussed above, these forms of government may incur particular costs. The ways of forming resilience outlined above rely on a number of extensions of government—both in the way that government is practised, and the way that it is rationalised—so that one's daily conduct, bodily actions, and even their personal ethical dispositions are directed towards the government of mental health (at least in this context). Furthermore, each form of self-government suggested to students in this case draws from or reinforces the modes of subjectivity that put into effect advanced liberal forms of government. This is perhaps most apparent in the case of resilience fashioned through psychological and biomedical discourses, whose link to advanced liberal government is well documented (Rose 1996; Rose 2007; Philip 2009; Fullagar 2008; Martin 2007). However, it is also the case for resilience fashioned through the formation of virtuous persons. Without directly intervening to shape the non-professional ethical values of students, the attempts to encourage the production of virtuous persons analysed here have nevertheless carved out these values as a target of government, provided the boundaries within which self-government ought to proceed, and suggested a model against which that self-government can be measured; in the process producing the very self-governing subjects necessary for advanced liberal forms of 'government at a distance'.

As mentioned at the outset, not all of those working within the justice system have undertaken a legal education. Additionally, depression and mental health concerns are not the only contexts within which attempts are made to govern resilience. However, exploring the way resilience is fashioned in this particular case provides insights that are relevant beyond law schools and mental health, and offers some groundwork upon which further research into resilience in the criminal justice context and beyond can be built. For example, exploring the attempts made to foster resilience within those working in other highly stressful situations, such as police and correctional officers, may offer further insights into the role of psychological discourses in shaping resilience. Additionally, the role that virtuous person discourses play in shaping these same criminal justice professionals and fashioning their resilience to unethical or corrupt professional cultures could provide further insights into the government of resilience. In any such research, however, it is important to remember that the intimate links between fostering resilience and the exercise (and extension) of power relations in advanced liberal societies mean that attempts to produce resilient subjects are potentially dangerous. As such, they ought to remain, in Foucault's words, the concern of '...a hyper- and pessimistic activism' among those concerned with power relations and the formation of subjectivity throughout legal education (Foucault 1983:256). To do otherwise would mean taking the development of resilience for granted as an imperative informed by psychological and medical discourses, instead of problematising those relations as modes of government made all the more powerful because of their apparent neutrality and inherent good.

References

- Aradau C and Van Munster R (2007) 'Governing Terrorism Through Risk: Taking Precautions, (un)Knowing the Future' *European Journal of International Relations* vol 13, 89–115
- Australian Law Students Association (ALSA) (no date) *Depression in Australian Law Schools: A Handbook for Law Students and Law Student Societies* http://www.alsa.net.au/assets/publications_ALSA_depression_handbook.pdf (accessed 16 July 2009)
- Ball M (2010) 'Governing Depression in Law Students and the Shaping of Legal Personae' in Velayutham S, Ebert N and Watkins S (eds) *Social Causes, Private Lives: TASA Annual Conference Proceedings*, The Australian Sociological Association, Australia
- Ball M (2007) 'The Construction of the Legal Identity: "Governmentality" in Australian Legal Education', *QUT Law and Justice Journal*, vol 7 no 2, 444–63
- Dammeyer M and Nunez N (1999) 'Anxiety and Depression Among Law Students: Current Knowledge and Future Directions', *Law and Human Behaviour*, vol 23, 55–73
- Davis M (2009) 'The Resilient Lawyer: An Approach to Enhancing Employee Wellbeing', *Proctor*, March 85–6
- Diprose R (2008) 'Biopolitical Technologies of Prevention', *Health Sociology Review*, vol 17 no 2, 141–50
- Dowrick C, Kokanovic R, Hegarty K, Griffiths F and Gunn J (2008) 'Resilience and Depression: Perspectives from Primary Care', *Health*, vol 12 no 4, 439–52
- Edward K (2005) 'Resilience: A Protector from Depression', *Journal of the American Psychiatric Nurses Association*, vol 11 no 4, 241–3
- Foucault M (1990) *The Use of Pleasure: The History of Sexuality Volume 2*, Vintage Books, New York
- Foucault M (1982) 'Technologies of the Self' in Rabinow P (ed) *Ethics: Subjectivity and Truth. Essential Works of Foucault 1954-1984: Volume 1*, Penguin Books, London
- Fullagar S (2009) 'Negotiating the Neurochemical Self: Anti-Depressant Consumption in Women's Recovery from Depression', *Health*, vol 13 no 4, 389–406
- Fullagar S (2008) 'Sites of Somatic Subjectivity: E-scaped Mental Health Promotion and the Biopolitics of Depression', *Social Theory and Health*, vol 6, 323–41
- Hall K (2009) 'Do We Really Want to Know? Recognising the Importance of Student Psychological Wellbeing in Australian Law Schools', *QUT Law and Justice Journal*, vol 9 no 1, 1–12
- Kelk N, Luscombe G, Medlow S and Hickie I (2009) *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers* <http://cald.anu.edu.au/docs/Law%20Report%20Website%20version%204%20May%2009.pdf> (accessed 16 July 2009)

Kessler O and Daase C (2008) 'From Insecurity to Uncertainty: Risk and the Paradox of Security Politics', *Alternatives*, vol 33, 211–32

LawCare Limited (no date) *Stress and Depression* <http://www.lawcare.org.uk/PDF%20Files/Stress%20and%20Depression.pdf> (accessed 10 January 2010)

Lentzos F and Rose N (2009) 'Governing Insecurity: Contingency Planning, Protection, Resilience' *Economy and Society* vol 38 no 2 pp 230–254

Martin E (2007) *Bipolar Expeditions: Mania and Depression in American Culture* Princeton University Press, Princeton

McKinney R (2002) 'Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?' *Journal of the Legal Writing Institute*, vol 8, 229–55

Miller P and Rose N (2008) *Governing the Present: Administering Economic, Social, and Personal Life*, Polity Press, Cambridge

O'Malley P (2004) *Risk, Uncertainty, and Government*, Glasshouse Press, London

O'Malley P (1996) 'Risk and Responsibility' in Barry A, Osborne T and Rose N (eds) *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government*, University College London Press, London

Philip B (2009) 'Analysing the Politics of Self-Help Books on Depression' *Journal of Sociology*, vol 45 no 2, 151–68

Queensland University of Technology (QUT) 2010 *Resilience – Why* <http://www.law.qut.edu.au/study/resilience/> (accessed 30 September 2010)

Rose N (2007) *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century*, Princeton University Press, Princeton

Rose N (1999) *Powers of Freedom: Reframing Political Thought*, Cambridge University Press, Cambridge

Rose N (1996) *Inventing Our Selves: Psychology, Power, and Personhood*, Cambridge University Press, Cambridge

Schiltz P (1999) 'On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession', *Vanderbilt Law Review*, vol 52, 871–951

Sheldon K and Krieger L (2007) 'Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory', *Personality and Social Psychology Bulletin*, vol 33 no 6, 883–97

Southwick S, Vythilingam M and Charney D (2005) 'The Psychobiology of Depression and Resilience to Stress: Implications for Prevention and Treatment', *Annual Review of Clinical Psychology*, vol 1, 255–91

Teghtsoonian K (2009) 'Depression and Mental Health in Neoliberal Times: A Critical Analysis of Policy and Discourse', *Social Science and Medicine*, vol 69, 28–35

The College of Law (2010) *Resilience@Law* <http://www.collaw.edu.au/Research-and-Resources/Resilience-at-Law/> (accessed 18 December 2010)

Zebrowski C (2009) 'Governing the Network Society: A Biopolitical Critique of Resilience' *Political Perspectives*, vol 3 no 1, <http://www.politicalperspectives.org.uk/wp-content/uploads/2010/08/Vol3-1-2009-4.pdf>