
Early Childhood Teachers and Regulation: complicating power relations using a Foucauldian lens

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ABSTRACT This article both supports and complicates the positioning of reconceptualists who frame the regulation of early childhood services as repressive. Drawing on Foucault's construction of power and, in particular, his notion of an 'analytics of power', the authors analyse findings from an Australian study investigating university-qualified early childhood teachers' perceptions of regulation. The authors contend that whilst most participants in this study experienced regulation as constraining, they resisted perceived threats to themselves and quality practices in ways that problematize a reconceptualist repressive construction of regulation. The authors show, firstly, that teachers strategically positioned regulation as an ally so as to resist perceived threats to themselves and to children; and secondly, that they strategically positioned themselves to resist perceived adversarial aspects of regulation. Exercising agency in these ways meant that regulation was experienced as enabling and its constraining potential somewhat mitigated. After highlighting the role critical thinking plays in early childhood teachers' exercising of agency through resistance, the authors conclude by urging early childhood teachers to contest not only the elements of regulation they perceive to be constraining, but also the contextual factors that can influence how early childhood teachers view regulation.

Introduction

The proliferation of 'audit societies' (Power, 1997) has led to the framing of regulation in government discourses as a legitimate and effective means of public accountability. However, critics such as Cannella (1997), Dahlberg & Moss (2005), Duncan (2002, 2004), Grieshaber (2000, 2002), Hatch (2002a), Mac Naughton (2005), Novinger & O'Brien (2003) and Osgood (2004, 2006) argue that the theories, policies and practices underpinning regulation and early childhood education and care (ECEC) generally need to be reconceptualized, such that more ethical and socially just approaches prevail. These 'reconceptualists'—critics who interrogate dominant knowledges, discourses and practices for the purposes of transforming power relations that privilege some and marginalize others (Cannella, 2000; Grieshaber & Cannella, 2001) — use Foucauldian notions of power and control to posit regulatory frameworks as tools of governmentality and subjectification. ECEC services are largely depicted as local sites of disciplinary power (Foucault, 1977) with regulatory controls seemingly leading to normalized and privileged technical practices undertaken by disempowered early childhood teachers burdened by increasing regulatory accountabilities. Some critics (for example, Grieshaber, 2002; Duncan, 2004) have suggested that under the weight of regulatory accountabilities, and the sanctions and enticements of regulation, early childhood teachers can become 'docile yet productive' (Grieshaber, 2002, p. 162).

These critiques prompted us to consider whether early childhood teachers exercise agency whilst working in a regulatory environment and, if so, how this agency might be exercised. Drawing on the work of Osgood (2006), in this article we use the term 'agency' to refer to the scope early childhood practitioners have to engage actively with and negotiate the discourses that seek to shape their professional identity. Some reconceptualists (for example, Cannella, 1997; Novinger & O'Brien, 2003; Osgood, 2004, 2006) frame notions of agency largely in the context of resisting perceived regulatory constraints. The extent to which this is done, and how effective agency in the form of resistance might be, is variable across the reconceptualist literature. For example, Cannella (1997), Dahlberg & Moss (2005), Mac Naughton (2005), Novinger & O'Brien (2003) and Osgood (2006) promote resistance as necessary, possible and potentially transforming. Whilst acknowledging the dangers and difficulties resistance entails, they provide concrete examples of how agency through resistance might be exercised. In other empirical studies, however, the scope for and potency of resistance strategies appears less probable. For example, Duncan's (2004) reporting of early childhood teachers' experiences of education reforms sees them depicted as victims of reforms that 'smother', 'overtake' and 'misplace' teachers (p. 160). Osgood (2004) highlights teachers' resistance to managerial reforms, yet acknowledges that underlying this resistance was a 'fatalistic resignation' (p. 18), whereby teachers felt an acute sense of powerlessness. Grieshaber's works pay nominal attention to resistance (Grieshaber, 2002), the emphasis in these writings being regulation's normalizing and objectifying of early childhood teachers.

Overall, then, a reading of this reconceptualist literature can leave the reader with three key points in mind. First is the prevailing view that regulation is overwhelmingly constraining and dangerous. Second, and following the first point, is that there appears to be little, if any, possibility that regulation may be enabling for children and early childhood teachers. This leads to the third point, that within the context of regulation, agency is to be exercised as resistance, albeit with varying degrees of likely impact.

In this article, we draw on findings from an Australian study to support yet complicate this critical view of regulation. Data from our study suggest that regulatory accountabilities in Australia can constrain university-qualified early childhood teachers in how they practice, in the degree to which they are able to work autonomously, and in their use of time. In illustrating how some early childhood teachers obediently and unquestioningly acquiesce to regulatory requirements, our data also provide support for the argument that regulation threatens to produce, and is producing, early childhood technicians who are 'docile yet productive'.

Other data from our research, however, suggest that participants also experienced regulation in ways other than repressive. As we will show in this article, regulation for participants was also a useful means by which they mitigated perceived threats to children, to themselves, and to quality practices. Further, most of our participants exercised resistance strategies in an attempt to disable perceived constraining elements of regulation. These findings point to a need to complicate a critical reconceptualist view of regulation, and how agency might be exercised in this context, so as to allow for alternative understandings of how regulation might be experienced by early childhood teachers.

The idea that there is no one (repressive) way to experience regulation is, in part, drawn from the heterogeneity of early childhood teachers. In her deconstruction of 'professionalism', for example, Osgood (2006) notes that 'teachers lack a unified identity or a shared belief in themselves as a "professional" group' (p. 7). Given this diversity of identities and beliefs, it seems feasible to suggest that not all early childhood teachers will experience regulation to be merely a 'top-down' imposition of power, as some reconceptualists (Grieshaber, 2000, 2002; Duncan, 2002; Novinger & O'Brien, 2003) purport.

We propose that the emphasis some reconceptualist critics give to the constraining effect of regulation, and the locating by some of teacher agency/resistance within this top-down dynamic, appears to constitute what Butin (2001) refers to as a misappropriation of Foucault's work. Reconceptualist critiques can seemingly adopt a 'unidimensional preoccupation on [*sic*] the constraining and "disciplinary" nature of relations of power' (Butin, 2001, p. 157), a position which Dreyfus & Rabinow (1983) argue gives power an illusory autonomy. To portray regulation as merely constraining, and to confine agency to subverting regulatory mechanisms, we believe

confines the possibilities within which early childhood teachers might act in a regulatory environment with agency. In this article, we draw on findings from our study to suggest that early childhood teachers exercise agency by resisting perceived threats to notions of quality and professionalism consistent with their professional identity at a particular point in time. As per reconceptualist discourses, we see this agency manifest in a resistance to perceived threats posed by regulation. Yet we also see this agency at work in teachers' strategic positioning of regulation to mitigate perceived threats posed by factors other than regulation.

In this article, then, we use Foucauldian notions of power and, in particular, his 'analytics of power' (Foucault, 1978, p. 82) not only to support but also to problematize the idea that regulation for university-qualified early childhood teachers is constraining. We begin by explaining key Foucauldian concepts, which we use to conceptualize our findings. Then, we outline how early childhood services in New South Wales (NSW), Australia, are regulated, before providing an overview of the study from which findings in this article are drawn. Consistent with critical reconceptualist views, we show that most early childhood teachers in our study perceive regulation as constraining. The article then shifts to problematizing the repressive bounds of some reconceptualist discourses. Drawing on Foucault's notions of power, we suggest that, to varying degrees, most early childhood teachers in our study actively participated in and negotiated multiple and intersecting power relations. Specifically, we argue that these teachers exercised agency through two forms of strategic resistance. First, most participants strategically situated regulation as an ally to resist perceived threats to themselves and to quality practices. Second, many strategically positioned themselves to resist perceived regulatory constraints by deliberately engaging in power relations within their centre context and with regulatory bodies. We note, however, that such strategic positioning appears contingent on early childhood teachers engaging in critical reflexive processes. The article concludes by calling on early childhood teachers to contest not only the elements of regulation they perceive to be constraining, but also the broader contextual influences that limit their capacity to be critically reflexive.

Analysing Power Relations through a Foucauldian Lens

For Foucault, power relations 'are very complex' (Foucault, 1983c, p. 209). Thus, he neither purports a unitary theory of power nor views power merely in terms of a 'repressive hypothesis' (Foucault, 1978), whereby power is constructed as being owned and imposed by 'the powerful' onto 'the powerless'. Rather, Foucault developed an 'analytics of power' (Foucault, 1978, p. 82), which transcends a repressive, linear and fixed 'juridico-discursive' (Foucault, 1978, p. 82) representation of power. In such an analysis:

power [is] understood in the first instance as the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them; as the support which these force relations find in one another, thus forming a chain or a system, or on the contrary, the disjunctions and contradictions which isolate them from one another; and lastly, as the strategies in which they take effect, whose general design or institutional crystallization is embodied in the state apparatus. (Foucault, 1978, pp. 92-93)

From this perspective, power is not confined to being exercised by the state on individual subjects. Rather, power is exercised in microrelations and micropractices, in every interaction in every sphere of society (Mills, 2003). Power is fluid and multidirectional, local and unstable. In recognizing that power is exercised at multiple local sites, a myriad of ways in which power may be affected and experienced throughout the chain of relations becomes possible.

This construction of power in flux suggests that in thinking about how early childhood teachers experience regulation, we need to go beyond the reconceptualist critiques that portray teachers as merely subjected to the dominating power of the state. Foucault's 'analytics of power' complicates power. It shifts our thinking, enabling us to incorporate into our analyses other multiple, intertwining relations, for example, relations within an early childhood setting – amongst staff, between staff and the employer or management body, and between staff and parents – and relations beyond the centre – such as between staff and representatives from regulatory bodies, between teachers and politicians, and between teachers and the media. All these power relations

can have a bearing on how regulation is experienced. The outcome of this myriad of power relations may be that teachers experience regulation as constraining, but this should not be taken as given, nor should it preclude teachers from simultaneously experiencing regulation in other seemingly contradictory ways.

If we are not to assume that regulation is experienced within the bounds of a 'repressive hypothesis', how might we analyse these shifting power relations so as to be open to multiple representations of power? Foucault proposed that 'if power is in reality an open, more or less coordinated cluster of relations, then the only problem is to provide oneself with a grid of analysis which makes possible an analytic of relations of power' (Foucault, 1980a, p. 199).

For our purposes, we conceptualized an analysis grid using some key ideas from the Foucauldian 'tool box' (Foucault, 1974, cited in O'Farrell, 2005). This grid comprises two axes. On one, we envisioned concepts that elucidated the constraining capacity of power relations on an individual's actions: power/knowledge, disciplinary power and governmentality. We located on the other axis Foucauldian ideas of freedom, agency, resistance and critical thought. Conceptualizing such a domain of possible applications and effects of power is consistent with Foucault's assertion that:

Power must be analysed as something which circulates, or as something which only functions in the form of a chain. It is never localized here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organization. (Foucault, 1980c, p. 98)

From this Foucauldian perspective of power, then, we attune our analysis towards contingencies rather than simple cause-effect sequences (Mills, 2003).

We now provide an overview of the 'tools' we located on each of the two axes of our analysis grid. Following this overview, we apply these tools in our analysis of the findings from our study of early childhood teachers' perceptions of regulation.

The Constraining Axis

On this axis, we positioned constructs that Foucault used to conceptualize the constraining effect of power relations. The first we examine is power/knowledge. Rather than view knowledge as separate to power, Foucault intimately linked the two constructs, arguing that:

in any society, there are manifold relations of power which permeate, characterize, and constitute the social body, and these relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse ... We are subjected to the production of truth through power and we cannot exercise power except through the production of truth. (Foucault, 1980c, p. 93)

For Foucault, then, power and knowledge are interdependent. Power registers, institutionalizes and rewards 'truth' claims (Fejes, 2006); knowledge 'authorizes and legitimates the exercising of power relations' (Danaher et al, 2000, p. 26). Working from this power/knowledge premise, Foucault sought, through historical analyses, to make explicit the 'three modes of objectification which transform individuals [early childhood teachers] into subjects' (Foucault, 1983c, p. 208). All three modes are common to regulatory principles and practices. First are scientific modes of inquiry, for example, developmental psychology. Second are 'dividing practices' determined by 'experts', such as what is and what is not designated by regulatory frameworks to constitute 'quality' ECEC. Third are the means by which individuals turn themselves into subjects, that is, how teachers internalize knowledge truths and accordingly regulate their own behaviour in accordance with these truths.

These means of objectification are crystallized in Foucault's analysis of disciplinary power (Foucault, 1977) and governmentality (Foucault, 1991). In the former analysis, power is exercised as a disciplinary technology through normalizing techniques of surveillance. Designed to observe, regulate and control individual behaviour, subjects become "'docile" bodies' (Foucault, 1977, p. 138); obedient, transformed and useful. It is this image of the 'docile' early childhood teacher, subject to regulatory gazes, that can be found in some reconceptualist critiques of regulation.

Similar ideas are embodied in Foucault's work on governmentality. Central to his exploration of who can govern and how to govern is the notion of governing with minimum economy to achieve desired outcomes, most notably the control and complicity of a population in ways that foster the meeting of state interests (Foucault, 1991). To this end, 'multiform tactics' (Foucault, 1991, p. 95) are employed to systematize and rationalize the exercising of political power (O'Farrell, 2005). Indeed, as Foucault noted: 'to govern is to structure the possible field of action of others' (Foucault, 1983c, p. 221). Within a regulatory context, tactics designed to maximize teacher compliance include the propagation of discourses that position regulation as legitimate and as a guarantor of quality ECEC; and the tying of compliance with certain rewards and incentives, such as accreditation status and subsidies for families attending centres which meet accreditation requirements.

The notion of power/knowledge effectively 'decentres' the subject (Fejes, 2006). Rather than a-priori being, Foucault posits the subject as socially and historically constituted (Foucault, 1980c, 1984, 1997). This perspective thus views early childhood teachers as constituted through dominant discourses which purport knowledge truths about children, quality care, regulation and professionalism. Early childhood teachers, therefore, may not experience regulation as constraining because they have internalized knowledge truths that claim an early childhood teacher will be implementing professional, quality practices if they are complying with regulatory accountabilities. Alternatively, that early childhood practitioners can feel constrained by regulation suggests that processes of subjectification and objectification are neither given nor fixed, and that within the realm of power relations, freedom and agency can be exercised. It is to these ideas that we now turn.

The Freedom Axis

The ideas embodied in Foucault's postulation of the constraining capacity of power are juxtaposed by other notions, which we conceptualize on the freedom axis of our analysis grid: freedom, agency, resistance and critical thought.

Freedom, for Foucault, is inherent in power relations. He argued that:

power is exercised only over free subjects ... By this we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments may be realized. (Foucault, 1983c, p. 221)

The idea that subjects are free within any given power relationship suggests that early childhood practitioners need not accept current regulatory systems and practices as a *fait accompli*. Rather, within the domain of power relations, teachers have scope to take up freedom and exercise agency. For, as Foucault insisted, the two prerequisites for any power relationship are:

that 'the other' [the one over whom power is exercised] be thoroughly recognized and maintained to the very end as a person who acts; and that, faced with a relationship of power, a whole field of responses, reactions, results, and possible inventions may open up. (Foucault, 1983c, p. 220)

One possible implication of this view is that early childhood practitioners may comply with regulatory requirements not because they have been conditioned to do so, but because they actively align with the intent and/or processes of regulation. There appears to be no acknowledgement of this possibility in reconceptualist critiques. Yet, Foucault himself acknowledged that:

If power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network. (Foucault, 1980b, p. 119)

According to Foucault, the productive capacity of power enables subjects to create and circulate competing discourses, and thereby resist constraining power relations (Foucault, 1978). Indeed, resistance is another central element of Foucault's analysis of power. Foucault maintained that

‘where there is power there is resistance’ (Foucault, 1978, p.95), and that this resistance is ‘intentional’ (Foucault, 1978, p.94). For early childhood practitioners, then, another way of exercising the freedom available to them is to promote ‘subjugated knowledges’ (Foucault, 1980c, p. 82) and use alternative discourses to resist regulation. In this way, resistance has potential to lead to transformed practices and transformed subjectivities.

The final concept from Foucault’s ‘tool box’ that we have placed on the freedom axis of our analysis grid is critical thought. Criticism underpins Foucault’s genealogical method of exposing the centrality of power in the historical construction of prevailing discourses and individual subjectivities (Foucault, 1983a, b). Foucault, therefore, promoted criticism, or critical thought, as the means by which individuals can expose, problematize and transform their own subjectification (Foucault, 1997). To criticize is to engage in ‘a historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying’ (Foucault, 1997, p. xxxv). Criticism is thus an exercising of freedom that may provide the impetus for resistance.

In this section, we have outlined an analysis grid, based on Foucauldian ideas, to show that power is ubiquitous, complex and unstable. In presenting power relations in this way, we have sought to complicate a ‘repressive hypothesis’ approach to power that seems to feature in some reconceptualist critiques of the regulation of early childhood services. The remainder of this article problematizes findings from an Australian study which investigated how early childhood practitioners perceive regulation. We begin by first outlining the context and methods within which this study was undertaken.

Context and Methods

To critically examine power relations operating in the context of the regulation of early childhood services, we draw on findings from an Australian study investigating how university-qualified early childhood teachers working in long day care [1] in NSW perceive regulatory requirements to impact on their professional practice and provision of quality care. The regulatory environment in which long-day-care services in NSW operate incorporates 86 legal, statutory and other regulatory requirements. At the forefront of this regulatory environment are the NSW Children’s Services Regulation 2004 (New South Wales Department of Community Services, 2004) – hereafter referred to as the Regulation – which encompasses 53 requirements, and a national quality assurance system, the Quality Improvement and Accreditation System (QIAS; National Childcare Accreditation Council, 2005). The number of requirements early childhood teachers working in long day care are required to comply with is dependent on their specific role. Specifically, teachers employed in management positions are accountable for a greater number of requirements than staff with teaching responsibilities only.

The Regulation aims to ensure the safety and welfare of children in care by establishing minimum structural standards, such as teacher qualifications, child/staff ratios, group sizes, and building and property specifications, all of which long-day-care centres must fulfil in order to have their license granted or renewed. Annual licensing visits may be conducted by a Children’s Services Advisor (CSA) from the Department of Community Services (DoCS) whose role is to act as the centre’s area advice and support person. How this role is implemented in practice is problematic, however, with findings from earlier phases of our study indicating that CSAs can be experienced as inflexible, authoritarian and unsupportive audit inspectors (Fenech et al, 2006). Random spot checks are also undertaken by CSAs to assess the meeting of standards in a quality area determined by DoCS.

The QIAS is promoted as building on the base level of quality set by this and other Australian state regulations. The current QIAS system outlines 7 quality areas, 33 principles and 706 indicators, which centres must demonstrate as meeting to at least a satisfactory standard. After completing a self study, a validator unknown to centre staff conducts a validation or assessment visit. Over the course of two days, staff are required to produce documented evidence that they are meeting accreditation indicators. Although not obligatory, given that parents’ eligibility for government fee subsidies is dependent on the centre their child attends having accredited status, the vast majority of centres seek to gain, and are successful in gaining, accredited status.

How early childhood teachers perceive the QIAS, the Regulation and other regulatory accountabilities was explored in our study through a mix of quantitative (statewide survey) and qualitative (focus groups and individual interviews) methods. This article uses data generated from the interview phase of the study, which involved two rounds of individual, in-depth interviews with 16 university-qualified early childhood teachers working in long day care in NSW. All 16 participants were employed in management positions with some teaching responsibilities, and therefore were accountable for a high number of regulatory requirements. Given the spectrum of views generated from the survey and focus groups (Fenech et al, 2006, 2007), we deliberately involved participants who represented a range of views. Six participants identified themselves as being supportive of the current regulatory environment, four as critical of it, and six as having mixed views. Whilst the views presented in this article are representative of a small group of university-qualified teachers, findings cannot be generalized to all early childhood teachers or to the perceptions that other trained or untrained early childhood workers might have.

All interviews were recorded and transcribed. Interview transcripts were analysed using content (typological/deductive) and thematic (inductive) analyses (Ezzy, 2002; Hatch, 2002b). All relevant data were extracted from each interview transcript, then compiled into a 189-page data file, coded, and finally categorized according to theoretical constructs and emerging themes.

The remainder of this article critically examines these findings in light of Foucault's ideas about power. We first show that consistent with reconceptualist discourses, most of our participants experienced regulation as constraining. However, we complicate this analysis by showing that most participants also engaged in two acts of strategic resistance. First was their positioning of regulation as an ally to disable perceived threats to them and/or to quality standards in their centre and across long day care in general. Second was their engaging in power relations, both within their centre and with regulatory bodies, to actively resist what they perceived to be the constraining potential of regulation. These resistance strategies allowed for most of these practitioners to experience regulation as enabling, and not as constraining as it might otherwise be in the absence of such resistance.

Regulation as Constraining

Whilst seeking to complicate a reconceptualist view of regulation as repressive, we nonetheless sought to explore the idea of regulation as repressive in the analysis of our data. We found that consistent with reconceptualist critiques, all but one participant perceived regulation as constraining. In particular, regulation was perceived to constrain participants' practice, their autonomy and their use of time, with comments in the vein of how regulation 'hinders', 'pulls you back' and 'bogs you down' common.

Drawing on the constraining axis of our analysis grid enables us to see that for participants, regulation posed as a tool of objectification. Licensing and validation processes, for example, were experienced as normalizing techniques of surveillance, as participants' professional judgements were required to acquiesce to the 'dividing practices' determined by CSAs and validators. In the following excerpt, we see Elena confronted by 'dividing practices' over what constitutes safe practices for the children in her care. Threatened by the disciplinary technology of regulation, Elena conformed to the 'expertise' of her CSA:

Every time we get our license, we have to apply to keep the rocks [which construct an amphitheatre] in our playground. And you think, "The children use them as part of the natural environment in their play, so how can that be a rule?" It just doesn't marry up. Yes, they have the potential to cause accidents, but they haven't, because it's well supervised and children respect their environment and they learn about it. I can see why they have to make people accountable, but there are so many rules now that you don't get the opportunity to say, 'Well, we realize that, but this is how we manage that' ... We got rid of one tier because they weren't going to license us if we didn't. (Elena)

Viewed in this constraining way, regulation can be construed as a tool of governmentality, which constitutes individuals as subjects and designates the field of approved actions. Through Bentham's Panopticon, Foucault (1977) demonstrated how a regulatory gaze transformed prisoners into docile bodies. The following excerpt from Ros shows how regulation has a similar transformative effect:

It's like a terrible, black razor wire. Everywhere. Bubble-wrapping children, pushing teachers out to the edge ... it's this terrifying monster that is chewing people's initiative and ability and commonsense and professional wisdom and knowledge. It just erodes the whole time. (Ros)

Specifically, our findings showed that both the Regulation and the QIAS can subjectify early childhood teachers, as demonstrated by Christina's comments in the following extracts:

When we had our most recent licensing, my DoCS advisor said to me, 'Well, how do I know you do that?' So that *forced me* [our emphasis] to introduce a system whereby staff sign to say that they've done their playground check. (Christina)

Maybe we all do twice as much [paperwork for the QIAS] as we need to but I think we all have this fear that if we didn't do it, then we might fall short of the review process. (Christina)

Christina's, Ros's and Elena's perceptions exemplify a reconceptualist view that regulation is a tool by which 'the powerful' (regulatory bodies) affect the actions of 'the powerless' (early childhood teachers). As obedient subjects, early childhood teachers appear to lack agency, orienting their practices towards disciplinary technologies such as meeting validation indicators or complying with the interpretations of CSAs and validators, even if these indicators and interpretations conflict with their own professional judgements. Regulation, therefore, can lead to early childhood teachers engaging in practices similar to what Osgood describes as 'a quest to conform to dominant constructions of professionalism' (Osgood, 2006, p. 7).

Our findings thus far support some reconceptualists' views that regulation constrains early childhood teachers. Findings, in part, also support the assertion of some critics that regulation creates 'docile bodies'. Other data from the interview phase of our study, however, challenge this view of regulation and its deficit positioning of early childhood teachers. These data suggest that 15 of the study's participants engaged in strategic resistance such that regulation was experienced as enabling and/or less constraining than that depicted in some reconceptualist literature. It is to these acts of strategic resistance that we now turn.

Regulation and Resistance

As discussed earlier in this article, for Foucault, notions of freedom, agency, resistance and criticism are central to the unstable and fluid nature of power. Our findings indicate that most participants exercised agency in the form of resistance. In this section, we illustrate the two means of strategic resistance exercised: resistance that used regulation to mitigate perceived threats to quality and to the practitioners themselves, and resistance against regulation.

Resisting Threats: strategically positioning regulation as an ally

Conceptualizing power in a domain of circulating, intersecting chains of relations allows for a broader consideration of how early childhood teachers might perceive and experience regulation. In long day care in Australia, multiple contextual factors operate which, in the light of Foucault's 'analytics of power', may be taken as part of the chain of power relations that affect how early childhood teachers view and use regulation.

In some interviews, participants drew attention to three contextual factors that influenced their positioning towards regulation. First was the increasing privatization/corporatization of childcare, an issue that has received widespread critical attention in Australian academic commentary (for example, Goodfellow, 2005; Press & Woodrow, 2005; Kilderry, 2006; Sumsion, 2006). Second was the threat of litigation to early childhood teachers (Shepherd, 2004) and third was the shortage of qualified early childhood teachers (Australian Institute of Health and Welfare, 2005). The three excerpts below show that participants perceived these factors as a threat either to quality ECEC or to themselves. Their response was to strategically position regulation as an ally so as to resist the threats posed by each of these factors:

The last thing that I would want would be a deregulated environment. That would be a nightmare because it is now firmly established in the culture of this country that it is OK to make money out of children. (Ros)

If something does go wrong, we're protected in a way. If we're following standards and regulations then as professionals we're protected. And I think you want that, don't you, particularly with the way litigation and everything's going these days. (Sarah)

A lot of people tend to come into children's services [who] think that because they've raised children or they've done babysitting then they've got all the experience necessary to work in children's services. It's hard to place staff in children's services because people don't want to work, well, really qualified people don't really want to work in children's services ... I think it's society's views and the financial [remuneration], long hours and things like that. So it can be hard to find good staff to put in long-day-care centres. So I think we definitely need standards that these people have to work by. (Sarah)

These comments highlight the importance of incorporating contextual influences into the mix of power relations within which early childhood teachers are engaged. Without such a perspective, what is intended as a strategic resistance tactic may be misconstrued as a 'docile' act of compliance. Viewing power in Foucauldian terms, as something that circulates through a chainlike system, allows us to see that early childhood teachers negotiate regulation not in a vacuum, but mindful of contextual influences. This process of negotiation illuminates how unstable power relations can be. It also entertains the possibility of power operating fluidly and not merely in a unidimensional, constraining way.

By positioning regulation as a tool to resist perceived threats to themselves and to the provision of quality ECEC, practitioners are able to experience regulation as enabling, instead of, or as well as, constraining. For example, Ros, in this excerpt, pointed to the enabling capacity of regulation. Yet, as we saw from an earlier extract, she is also highly critical of the way regulation is applied through the Regulation and the QIAS. Contrary to the assumption contained in some reconceptualist literature that regulation is inherently constraining, early childhood teachers may well adopt multiple subject positions towards regulation, thereby expressing multiple subjectivities rather than a coherent identity (Fejes, 2006).

Resisting Regulation: strategically positioning oneself as an agent

The second way we observed participants exercising freedom through resistance was in their strategic engagement in multiple power relations so as to resist perceived constraining facets of regulation. As we discussed earlier, for Foucault, resistance is an essential part of the field of possibilities by which free subjects can intentionally exercise agency. Our data showed that all but two participants deliberately sought to shape the power relations they had with regulatory bodies. The following extracts provide examples of the various resistance strategies exercised by participants.

(i) Confidently articulating alternative ways of 'doing':

I find CSAs are open if you are able to stand up and say, 'This is how we're going to do it. This is why it doesn't contravene the regs.' Then they respect you as a professional who's making that decision. (Malcolm)

(ii) Utilizing complaint mechanisms:

I've actually written to the National Childcare Accreditation Council about three or four times ... they were definitely letters of critical feedback. (Jane)

(iii) Openly resisting interpretations of the Regulation when such interpretation is perceived not to be in the children's interests:

[We were told by our Department of Community Services advisor that] we had to lop off the lower branches of those trees. And we said, 'No. They are too beautiful and the children just lean in them and sit in them.' (Sue)

(iv) Strategically deciding when to acquiesce and when to 'fight':

I understand that both in accreditation and the Regulation and in most of these regulatory things, unless it's black and white there's a lot of interpretation. Therefore, when you have to work with

people [from the Department of Community Services/National Childcare Accreditation Council] that are in that position [of authority] it's better to be very sure of your grounds when you want to argue your case because you get further, and this sounds terrible and manipulative, you get further if you actually work with a person rather than confront them. So basically I work out whether it's going to be worthwhile to the children and to the staff to fight, or whether it's better to fit in with it. (Carol)

These excerpts depict early childhood teachers who are far removed from the 'docile' subjects portrayed in some reconceptualist commentaries. We see here teachers with scope to direct the movement of power, so that regulation is not inherently dominating. In particular, these teachers appeared to problematize and challenge some of the power/knowledge truths incorporated in regulatory technologies. Rather than comply with the requirements of these truths, these participants promoted alternative ways of thinking about and doing ECEC. By articulating the knowledge 'truths' that underpinned their practice, these participants were able to exercise power and thus mitigate the constraining potential of regulation.

That participants embraced power/knowledge to exercise freedom and agency was also evident in another strategic way participants resisted regulation. Foucault's 'analytics of power' allows for resistance strategies to be more widespread, more fluid, and more proactive than directly attempting to affect power relations with regulatory bodies. Drawing on the idea that power circulates within and across multiple chains of power relations, we saw in our data evidence of some teachers actively engaging in power relations within their respective centres, with staff, parents and children. In these ways, they were able to promote alternative discourses about quality and regulation, and thus strengthen support for resistance.

For example, one participant, Maria, articulated a very clear philosophy of early childhood education that is bound up in a respect for children and a commitment to upholding their rights, building social capital, and facilitating belonging and community. Creating and developing authentic relationships was therefore fundamental to Maria's practice and it was from an intimate knowledge of each child and their family that she developed a contextual curriculum. Approaching key relationships in this way gave Maria a strong platform to promote subjugated knowledges and resist perceived regulatory constraints:

[Regulatory bodies] need to recognize the relationships that occur within the service, that [my] educators are constantly engaged and constantly supporting children in the way they interact with a range of resources so that in another service [what we do here] might not be safe. In this service, I trust my educators ... being able to have an opportunity to dialogue about that [is important] ... It's like mirrors. I mean at the moment there's a big thing with all the mirrors I have. Mirrors everywhere. A CSA was here recently, and we had dialogue about glass and about mirrors. I said, 'OK. I can understand and I know that this is going to be the expectation but you must appreciate, you have to acknowledge how children are interacting with these resources and what's happening.' (Maria)

Similarly, Elena's following comment encapsulates the way she locates resistance in the context of power relations that extend beyond regulatory bodies:

It's having the will to think around it and to think outside of the square and make it work. It would be no use just being strong-willed and being at loggerheads with every set of rules, because you'd become so disgruntled and dissatisfied that you'd leave. So it's more passion for what you believe and how you think it should be done and inspiring other staff. You can't do it by yourself. You can't go, 'Oh, I think this is a really good thing to do' or 'I think we should change it this way.' It's about empowering everyone else and inspiring them to change as well, so it's more a passion about where you want to be. Because it takes a lot of effort to get that change happening. (Elena)

To question or express any form of resistance to regulation is to embark on a risky endeavour (Cannella, 1997; Hatch, 2002a; Novinger & O'Brien, 2003; Shepherd, 2004), which is made even more difficult if undertaken alone. Situating one's thinking about regulation in a multiplicity of power relations, as Maria and Elena appear to do, can present early childhood teachers with possibilities of collaboratively resisting perceived regulatory constraints.

Enhancing Resistance through Critical Thinking

Using Foucault's 'analytics of power', we have attempted to complicate reconceptualist claims concerning the constraining effect of regulation. We have suggested that regulation can be enabling and that early childhood teachers can and do exercise freedom by intentionally using and resisting regulation. Specifically, we have proposed that early childhood teachers engage in strategic resistance in two ways. First, by strategically positioning regulation as an ally so as to resist perceived threats to teachers and to quality ECEC; and second, by strategically positioning themselves in multiple power relations so as to enhance the potency of resistance tactics.

We would like to end our article on a cautionary note: that the exercising of freedom through resistance, or indeed compliance, appears contingent on early childhood teachers engaging in critical thought processes. Also referred to as critical reflection (Mac Naughton, 2005) and critical reflexivity (Sumsion, 2005), critical thinking requires challenging taken-for-granted assumptions and truths, and interrogating the social and political underpinnings and ramifications of accepted ways of practice.

To this end, Foucault's genealogical method of developing a historical awareness of how, over time, power constructs prevailing discourses and subjectivities seems important. For example, we would argue that an absence of Australian government policy – despite repeated calls over the past 30 years (Ryan, 1988; Lyons, 1996; Rosier & Lloyd-Smith, 1996; Department of Family and Community Services, 2003) to establish a consistent, educated workforce with good working conditions – has narrowed the field of action of early childhood teachers. The early childhood workforce in Australia has historically been, and is currently undervalued, poorly paid, required to undertake high workloads, and hampered by critical teacher shortages and high turnover rates (Australian Institute of Health and Welfare, 2005). Findings from our study, illustrated by the following excerpts, suggest that these issues are significant barriers to teachers engaging in critical, reflexive processes on their own and with their team of staff:

[Early childhood teachers] don't have time to sit down to think critically about the regulations and what they mean. (Margaret)

When you're inexperienced you depend on people to tell you what to do, to say, 'This is the right way to do things. This is what you should be doing.' (Carol)

I'm often reflecting, very much reflecting on routines or programming or individual children or myself and strategies I've used or anything. You know, just the whole reflection ball game ... I suppose I've never looked at myself as being different because I went to university, but I think academically, and I'm that way inclined. Whereas some of the untrained staff and the trained staff [from a technical college] don't have that broader outlook. It's very much the here and the now and what we're doing's OK, they're fine. (Fiona)

These comments are from three participants who were experienced university-qualified teachers. Yet consecutive and cumulative government policies which are not conducive to producing a stable, educated early childhood workforce that is able to spend time critically reflecting on prevailing discourses threaten to herd teachers into a space of unquestioning complicity. Given the intertwining nature of power relations, it remains a challenge for early childhood teachers to contest not only perceived constraining elements of regulation, but these broader contextual influences as well.

As a final point, it could be argued that the impact of contextual factors on power relations is indicative of the subjectifying capacity of neo-liberal regulatory discourses. For example, in the prevailing regulatory environment that requires early childhood teachers to 'compete' (comply) and demonstrate technical competencies so as to 'win' (be licensed and gain accreditation status), the mix of qualified and less qualified staff may lead to an 'othering' of less qualified staff by university-qualified teachers. The comments made by Sarah and Fiona appear to marginalize staff with less experience and qualifications, perhaps because this pool of staff is perceived to lack the competence or will to act in ways consistent with quality outcomes deemed necessary to 'win'. Whilst we acknowledge this possibility, we are mindful that such a view can dismiss an alternative possibility: that teachers may critically challenge what they perceive to be contextual barriers to the provision of quality practices not because they have been subjectified by regulatory discourses, but

out of an agency that is in accordance with their professional identity. These considerations again remind us of Foucault's 'analytics of power', which allows for possibilities of relations that extend beyond a traditional 'repressive hypothesis'. Thus, we may well devalue regulation's potential as an enabling mechanism and the potential of early childhood teachers as actors with agency if we assume teachers' perceptions and actions to be inherently owing to the constraining power of regulation.

Concluding Comments

Our intention in this article has not been to specify how regulation ought to be experienced, responded to and analysed. Rather, mindful of Foucault's caution that 'everything is dangerous' (Foucault, 1983a, p. 231), we have sought to disrupt some taken-for-granted ways early childhood teachers and reconceptualists might perceive regulation, so that it is assumed to be neither inherently constraining nor enabling. In drawing attention to the power relations circulating within and around the regulation of early childhood services, we have called for early childhood teachers to engage in critical reflexive processes and actively seek to negotiate power relations at multiple sites. In these ways, teachers can enhance their capacity to affirm or transform their positioning towards regulation whilst operating as active agents and not the 'docile bodies' depicted in some reconceptualist critiques.

Acknowledgements

This article draws on doctoral research funded by the Australian Research Council. We gratefully acknowledge the financial and in-kind support of our industry partners, the Western Sydney Regional Organisation of Councils and the NSW Independent Education Union. We also wish to thank two anonymous reviewers, Sandra Cheeseman, Joy Goodfellow, and Sandie Wong for providing critical feedback on an earlier version of this article.

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Note

- [1] Long-day-care centres provide for the care and education of children from birth to school age. These centres operate for a minimum of 48 weeks of the year, 8 hours per day, and are promoted as being a flexible, formal childcare option for working parents.

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