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GOVERNING DEPRESSION IN AUSTRALIAN LEGAL EDUCATION: POWER, PSYCHOLOGY AND ADVANCED LIBERAL GOVERNMENT

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Legal educators in Australia have increasingly become concerned with the mental health of law students. The apparent risk posed by legal education to a student's mental health has led to the deployment of a variety of measures to address these problems. By exploring these measures as productive power relations attempting to shape law students, this paper outlines how this government of depression is achieved, and the potential costs of these power relations. It examines one central Australian text offering advice about how students and law student societies can address depression, and argues that doing so not only involves students adopting particular practices of self-government to shape their legal personae, but also relies on an extension of the power relations of legal education. In addition, this paper will link this advice — which privatises the issue of depression, responsabilises individuals and communities, privileges psychological expertise, and seeks to govern 'at a distance' — to broader forms of social administration that presently characterise many Western societies. Doing so allows legal educators to reflect on the effects of their attempts to govern depression, and to consider new ways of altering the power relations of legal education.

I INTRODUCTION

A body of US-based research suggests that law students experience extremely high levels of depression and other forms of mental illness.¹ 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*,² suggests that law students experience higher rates of depression than their peers studying medicine, as well as practising legal professionals.

These findings, which suggest that law students are significantly 'at risk' of developing depression, have contributed to their mental health becoming the target of a range of activities to minimise this risk. While in some cases, these strategies are largely superficial, there have been more substantial moves to change this situation. Law school administrators and course planners have taken the findings into account as part of curriculum design;³ student associations have provided advice and resources for students to adopt in order to

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¹ See, eg, Kennon Sheldon and Lawrence Krieger, 'Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory' (2007) 33 *Personality and Social Psychology Bulletin* 883; Ruth McKinney, 'Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?' (2002) 8 *Journal of the Legal Writing Institute* 229; Matthew Dammeyer and Narina Nunez, 'Anxiety and Depression among Law Students: Current Knowledge and Future Directions' (1999) 23 *Law and Human Behaviour* 55.

² Norm Kelk et al, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers* (4 May 2009) Brain and Mind Research Institute <<http://cald.anu.edu.au/docs/Law%20Report%20Website%20version%204%20May%2009.pdf>>. See also Massimiliano Tani and Prue Vines, 'Law Students' Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession?' (2009) 19 *Legal Education Review* 3; Colin James, 'Lawyer Dissatisfaction, Emotional Intelligence and Clinical Legal Education' (2008) 18 *Legal Education Review* 123; Kath Hall, 'Do We Really Want to Know? Recognising the Importance of Student Psychological Wellbeing in Australian Law Schools' (2009) 9 *Queensland University of Technology Law and Justice Journal* 1.

³ For example, the Council of Australian Law Deans has worked 'to develop a set of graduate attributes related to personal behaviour in professional practice', which has been translated into numerous governmental programs in law schools: Kelk et al, above n 2, iii.

prevent or address depression;⁴ some of the teaching practices adopted by law faculties are directed towards minimising the negative impact of law classrooms on the wellbeing of students;⁵ professional associations of lawyers and law teachers have considered this issue at conferences;⁶ and community organisations have provided specifically tailored resources to students so that they can know more about mental illness and can actively avoid mental ill-health.

Drawing from the work of Michel Foucault, this paper identifies these practices as attempts to *govern* legal education and to shape legal personae. It suggests that student mental health has become a target of government within the regime of practices that constitutes Australian legal education, and it explores the range of power effects that are produced. In line with the Foucauldian framework adopted, the paper argues that through the enrolment and linking together of the different elements of legal education mentioned above in this attempt to govern depression, not only has the reach of governmental practices exercised over students been extended, but students themselves have been tasked with putting these governmental relations into effect. Students are encouraged to exercise power in new ways — over themselves by adopting practices to address the negative effects of law school, and over others by acting on depression in fellow students and forming a community of care. As this article will show, these practices can be effective in addressing depression, but also potentially dangerous, as they often rely on extending and intensifying the power relations through which students are governed.

The government of depression in Australian legal education will be explored through a discursive analysis of one particular text: the document titled *Depression in Australian Law Schools: A Handbook for Law Students and Law Student Societies*.⁷ This analysis will identify the forms of government that this text seeks to implement in order to act on law students' mental health. Drawing on the work of Michel Foucault and others,⁸ this article will highlight the way that the government of depression in this context is linked to the forms of rule that predominate in many Western societies (sometimes termed 'advanced liberal' or 'neoliberal' styles of government), wherein the role of the state is minimised, psychological expertise privileged, and government achieved 'at a distance' through the production of responsible and autonomous persons and of communities of care.⁹ In doing so, the potential costs and dangers inherent in governing depression in this manner will be brought to light.

Importantly, this paper does not report or discuss empirical research on the experience of depression or its incidence, nor does it evaluate the veracity of such studies. It participates in a different debate. Critically analysing the links between psychological knowledge, advanced liberal forms of government and the way depression is governed is not to question the

⁴ For example, a legal education forum (as part of the Australian Law Students' Association (ALSA) 2009 conference) was devoted to the issue of depression in law schools.

⁵ See Richard Johnstone and Sumitra Vignaendra, 'Learning Outcomes and Curriculum Development in Law' (Report Commissioned by the Australian Universities Teaching Committee, January 2003) 280.

⁶ For example, the findings of Kelk et al, above n 2, were reported in the keynote address at the *Australasian Law Teachers Association 2009* conference and the report was disseminated to all conference delegates. See Norm Kelk, 'Lawyers and Depression' (Keynote speech delivered at the Australasian Law Teachers Association Conference 'The Doctor as God, The Corporation as Queen, What About the Country?', Sydney, 6 July 2009).

⁷ ALSA, *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>.

⁸ See Nikolas Rose, *Inventing Our Selves: Psychology, Power, and Personhood* (Cambridge University Press, 1996); Kathy Teghtsoonian, 'Depression and Mental Health in Neoliberal Times: A Critical Analysis of Policy and Discourse' (2009) 69 *Social Science and Medicine* 28; Brigid Philip, 'Analysing the Politics of Self-Help Books on Depression' (2009) 45 *Journal of Sociology* 151.

⁹ Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge University Press, 1999) 49–50. For an example of the role of communities in government, see Carlos Novas and Nikolas Rose, 'Genetic Risk and the Birth of the Somatic Individual' (2000) 29 *Economy and Society* 485.

negative experiences of law students, nor to dismiss out of hand any attempts to act on these negative experiences. Rather, it is to point out that, like all power relations, techniques for governing depression can be potentially dangerous as well as productive.¹⁰ By highlighting the unacknowledged costs of governing depression, taken-for-granted discourses and practices ‘become problematic, difficult, dangerous’,¹¹ so as to instigate new forms of critical reflection and political action in the context of addressing depression in legal education.

II METHOD

Depression in Australian Law Schools is only one document among many other texts and programs that seek to act on student depression, but it warrants specific attention here for a number of reasons. Firstly, it is one of the initial explicit attempts to govern depression in law students and is widely available online. It outlines various methods through which depression can be addressed or prevented by students themselves and law student societies. Based on an understanding of depression as exacerbated by powerlessness and isolation on the part of the depressed, its goal is to empower students. Secondly, this text is a joint publication of the Australian Law Students’ Association (ALSA), beyondblue (the Australian ‘national depression initiative’), and the Brain and Mind Research Institute, and thus carries particular authority as a text offering what is positioned as expert (and therefore apparently effective and scientifically valid) advice about mental health. Its investment with such authority, as will be explored further, means that the discourses expressed within the text are quite powerful. Finally, this text provides what can be understood as overarching and widely applicable guidance to various actors within law schools about how to govern the mental health of students, providing the basis from which attempts to govern in more specific ways, tailored to particular contexts, can be built. It attempts to define the basic terrain of such government in a variety of locales.

While analyses of discourses can proceed in a range of different ways, the Foucauldian-informed and governmentally-focused approach taken here is most appropriate to pointing out the power effects of this text. Other approaches to analysing discourse might seek to question the veracity of particular claims made about depression, evaluate whether the text assembles the best advice about addressing depression, or even seek to uncover the hidden forms of repression that such discourses might produce.¹² While these approaches have their place, they are not appropriate for the analysis undertaken in this paper. The approach taken here is much less ambitious, as it simply seeks to examine what is said in the text, and bring to light the power effects of what is said. Following Foucault, it is necessary to ‘bracket’ evaluations about whether these discourses are inherently true, or offer the best advice possible. Additionally, by drawing connections between the power effects of the discourses present in these texts, and broader forms of social administration, it does not seek to claim that these relations of power are necessarily bad or repressive, nor make generalised claims about the government of depression. Rather, it is more narrowly focused, making claims only about this text and pointing out the way it reflects or puts into effect broader forms of social administration. The unique approach to power and discourse upon which this analysis relies will be outlined below.¹³

¹⁰ Michel Foucault, ‘On the Genealogy of Ethics: An Overview of Work in Progress’ in Paul Rabinow (ed), *Ethics: Subjectivity and Truth: Essential Works of Foucault 1954–1984* (Paul Rabinow trans, Penguin Books, 2000) vol 1, 253, 256.

¹¹ Michel Foucault, ‘Questions of Method’ in James D Faubion (ed), *Power: Essential Works of Foucault 1954–1984* (Robert Hurley et al trans, Penguin Books, 2000) vol 3, 223, 235.

¹² See, eg, Sara Mills, *Discourse* (Routledge, 2004) 131–41.

¹³ See also Gavin Kendall and Gary Wickham, *Using Foucault’s Methods* (Sage Publications, 1999).

III DISCOURSE, POWER AND GOVERNMENT

To draw links between broader forms of social administration and more specific exercises of power (such as in the government of depression) is not to imply that any central authority, department or social group seeks to control the mental health of students, or to shape power relations to their advantage. Government, here, is understood as an activity undertaken by a range of actors and in a variety of ways, which is never simply arbitrary or uninformed but always underpinned by a variety of discourses and bodies of knowledge (termed governmental ‘rationalities’)¹⁴ that provide a systematic manner of thinking about and ‘knowing’ that which is to be governed, how to govern best, and what government ought to aim for.¹⁵ It is also understood to involve an arrangement of specific *practices* through which government can be achieved. This perspective on knowledge, power and government is informed by Foucault’s work.

A Conceptualising Power and Government

Foucault examines the interaction between power relations and bodies of knowledge (or discourses), and the impact that this interaction has on governing people and shaping forms of self. He argues that the bodies of knowledge about human beings that we take to be true (such as psychology, psychiatry and medicine),¹⁶ and indeed our knowledge of other social phenomena (whether an experience like depression, a sphere of relations like the economy, or a body such as the population), have been produced and are positioned as true only by virtue of a variety of historical contingencies. As such, they cannot be understood as inherently true or false but, nevertheless, they are taken to be true and linked to the exercise of power. Power, here, is understood as the ability ‘to structure the possible field of action of others’,¹⁷ being exercised at the mundane level of social relationships, and circulating between actors.¹⁸ It is not a possession held by some and exercised in negative ways over others — thus, structuring an individual’s field of action is not always repressive and can include, for example, something as simple as offering advice. Instead of morally evaluating power, Foucault suggests that we simply look at the kinds of knowledge, social order and persons

¹⁴ This discussion draws on Foucault’s concept of ‘governmentality’: see Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (Sage Publications, 2nd ed, 2010) 30; Peter Miller and Nikolas Rose, *Governing the Present: Administering Economic, Social, and Personal Life* (Polity Press, 2008). For applications of this concept in studies of legal education, see Matthew Ball, ‘The Construction of the Legal Identity: “Governmentality” in Australian Legal Education’ (2007) 7 *Queensland University of Technology Law and Justice Journal* 444; Matthew Ball, ‘Governmentality and the Reflection of Legal Educators: Assessment Practices as a Case Study’ (2010) 44 *The Law Teacher* 267.

¹⁵ Foucault, ‘Questions of Method’, above n 11, 229; Miller and Rose, above n 14, 15–16, 54–5.

¹⁶ See Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (Richard Howard trans, Routledge, 2nd ed, 2001) [trans of: *Folie et Dérison: Histoire de la Folie à l’Âge Classique* (first published 1964)]; Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (A M Sheridan trans, Routledge, 2nd ed, 2002) [trans of: *Les Mots et les Choses: Une Archéologie des Sciences Humaines* (first published 1966)]; Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (A M Sheridan trans, Routledge, 3rd ed, 2003) [trans of: *Naissance de la Clinique: Une Archéologie du Regard Médical* (first published 1963)].

¹⁷ Michel Foucault, ‘The Subject and Power’ in James D Faubion (ed), *Power: Essential Works of Foucault 1954–1984* (Robert Hurley et al trans, Penguin Books, 2000) vol 3, 326, 341.

¹⁸ Michel Foucault, *The Will to Knowledge: The History of Sexuality* (Robert Hurley trans, Penguin Books, 1998) vol 1, 82–5, 93, 95–6 [trans of: *Histoire de la Sexualité: La Volonté de Savoir* (first published 1976)].

that power relations *produce*. The most we can say about power is that it is productive, and also potentially, but not necessarily, dangerous.¹⁹

With these understandings of power and discourse in mind, we can turn to how they interact in the government of societies. When discourses are positioned as true, Foucault argues, they have effects of power. They structure the possible field of actions that persons may undertake, whether by suggesting truths about the self with which one can govern one's life (such as psychological discourses in the instance of depression), or by providing a particular way of conceptualising a phenomenon to be governed (such as advanced liberal rationalities of government in the government of societies, as discussed below).²⁰ The way that these insights into knowledge and power can be used to analyse both the government of depression and broader forms of social administration must also be outlined.

B *Advanced Liberal Government*

In Australia (and many other 'Western' societies), the most apparent rationalities underpinning the way that social relations are arranged and power is exercised are referred to as 'advanced liberal'.²¹ Liberalism, in this context, does not relate to a particular philosophy or set of values, but to a way of thinking about how to govern, who and what are to be governed, and how this government ought to be achieved. Advanced liberal rationalities draw from liberal discourses that are primarily concerned with the constant critique of government, and which seek to limit state intervention into the lives of individuals and social realms.²² These rationalities suggest that, for social life to be governed effectively, the relations and regularities within a society must be left to run their own course — state intervention is justified only if it contributes to the maintenance or enhancement of these regularities.²³ Issues that might once have been considered social problems are increasingly privatised, and the responsibility for dealing with them is shifted from the state and society at large to private individuals and more immediate communities.²⁴

Although this privatisation limits the direct intervention of the state into the freedom of individuals, following Foucault, this is not to suggest that citizens within advanced liberal societies are not governed. Instead of the state intervening directly to govern them, citizens are governed 'at a distance' *through* their very freedom — specifically, through techniques that align their desires and goals with those of bodies that seek to govern.²⁵ This form of government occurs through two related processes: the increasing reliance on expertise to administer social life, and the permeation of responsible and entrepreneurial forms of personhood into a variety of new contexts.

¹⁹ Foucault, 'On the Genealogy of Ethics', above n 10, 256. See also Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Alan Sheridan trans, Penguin Books, 1991) 194 [trans of: *Surveiller et Punir: Naissance de la Prison* (first published 1975)]; Foucault, *The Will to Knowledge*, above n 18, vol 1, 136.

²⁰ See generally Foucault, *Discipline and Punish*, above n 19; Michel Foucault, 'Prison Talk' in Colin Gordon (ed), *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (Colin Gordon et al trans, Pantheon Books, 1980) 37; Michel Foucault, 'Truth and Power' in Colin Gordon (ed), *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (Colin Gordon et al trans, Pantheon Books, 1980) 109.

²¹ Rose, *Powers of Freedom*, above n 9, 140.

²² Graham Burchell, 'Liberal Government and Techniques of the Self' in Andrew Barry et al (eds), *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government* (University College London Press, 1996) 19, 21; Nikolas Rose, Pat O'Malley and Marianne Valverde, 'Governmentality' (2006) 2 *Annual Review of Law and Social Science* 83, 84.

²³ Rose, *Powers of Freedom*, above n 9, 139–42; Nikolas Rose, 'Governing "Advanced" Liberal Democracies' in Andrew Barry et al (eds), *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government* (University College London Press, 1996) 37, 47.

²⁴ Rose, *Powers of Freedom*, above n 9, 142–7.

²⁵ *Ibid.*

First, experts in various areas — doctors, social workers, psychologists, self-help counsellors and therapists — are increasingly relied upon to assist in shaping the conduct of individuals.²⁶ These experts are not operatives of the state, nor do they mask the interests of the advantaged. Rather, their power is grounded in their claim to know the ‘truth’ about people, and the apparent neutrality of that knowledge.²⁷

Through the discourses that they present, these experts allow governmental authorities and individuals themselves to diagnose problems to be addressed, and articulate appropriate solutions to those problems. This also allows those governed in advanced liberal ways to remain autonomous, yet still shape themselves in ways that are aligned with what is seen as desirable to the bodies that seek to govern.²⁸ Within advanced liberal societies, psychological knowledges have increasingly taken up this powerful position, and become part of the tools individuals use to shape themselves.²⁹ To effectively shape people and encourage them to achieve desirable ends, psychological discourses rely on having been positioned as ethically authoritative and relatively unquestionable, and citizens being able to use these discourses to shape their lives, whether to evaluate their ‘normality’ or to change the way they live and think.³⁰ The way that the ALSA text achieves this will be analysed below.

The second manner in which advanced liberal government is achieved is through the permeation of responsible and entrepreneurial forms of personhood into new contexts, so as to produce people who are able to govern themselves and ‘practise’ freedom appropriately.³¹ As advanced liberal rationalities of government seek to reduce the role of the state, there is a concomitant reliance on the market for the provision of services, and the widespread adoption of market-related techniques (such as cost–benefit analyses, competition, budgeting, accounting and auditing) in a range of social spheres, including in the government of one’s own life. Individuals are encouraged to become ‘entrepreneurs of the self’, and to adopt an enterprising and calculative approach to social interactions. They are to become ‘prudent’ in their interactions, making effective investments in their self (such as by purchasing insurance, gaining a quality education, or undertaking crime prevention measures) in order to manage the risks of everyday life and maximise the advantage to themselves without relying on the state for assistance.³² In this manner, individuals are equipped with the tools to deal with the privatisation of what might once have been considered *social* problems; and, in this way, their autonomy is regulated.

As a consequence, the responsibility for managing risks has become an important tool for governing the self. People are to be aware of the risk posed by a particular activity or course of action that they wish to undertake and act accordingly — either by managing that risk (if there is enough knowledge about that risk for them to do so) or by developing a measure of resilience to dangers (if an environment is characterised by uncertain or potentially

²⁶ Ibid 147-149.

²⁷ Rose, ‘Governing “Advanced” Liberal Democracies’, above n 23, 44–5 and 58; Nikolas Rose, *Governing the Soul: The Shaping of the Private Self* (Free Association Books, 2nd ed, 1999) 2–3; Miller and Rose, above n 14, 60. Here, recall Foucault’s perspectives on knowledge and its relation to power as discussed above.

²⁸ Rose, ‘Governing “Advanced” Liberal Democracies’, above n 23, 39, 45–6; Miller and Rose, above n 14, 68–9; Rose, O’Malley and Valverde, above n 22, 90.

²⁹ Rose, *Inventing Our Selves*, above n 8, 121.

³⁰ Philip, above n 8, 156; Rose, *Inventing Our Selves*, above n 8, 88–98.

³¹ Burchell, above n 22, 26; Miller and Rose, above n 14, 50, 53–4; Rose, *Powers of Freedom*, above n 9, 42–3.

³² Pat O’Malley, ‘Risk and Responsibility’ in Andrew Barry et al (eds), *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government* (University College London Press, 1996) 189, 196 and 199; Miller and Rose, above n 14, 48–50, 79; Pat O’Malley, ‘Genealogy, Systematisation, and Resistance in “Advanced Liberalism”’ in Gary Wickham and George Pavlich (eds), *Rethinking Law, Society, and Governance: Foucault’s Bequest* (Hart Publishing, 2001) 13, 16; Rose, *Powers of Freedom*, above n 9, 139–42; Rose, ‘Governing “Advanced” Liberal Democracies’, above n 23, 41, 54–8.

catastrophic risks).³³ In this context, a range of practices of self-government are suggested so that one's very self may be appropriately shaped, and one can structure one's own field of action in particular ways.

These themes — the power effects of expert discourses and the formation of entrepreneurial and risk-managing personae through specific power relations and forms of self-government — provide effective tools for exploring the way that the government of depression, such as that outlined in *Depression in Australian Law Schools*, reflects advanced liberal forms of government. The ALSA text mobilises psychological expertise and encourages students to recognise that knowledge as legitimate and authoritative. It suggests various practices through which students can manage the risk posed by legal education to their mental health. That is, students are to form themselves as responsible and entrepreneurial persons and understand themselves in line with the truths offered by psychological discourses.³⁴ In short, they are to become persons able to be governed through advanced liberal means. Additionally, the responsibility for addressing depression and supporting those so diagnosed is devolved to law student societies and community organisations, thereby minimising the role of the state in this context.

IV PSYCHOLOGICAL DISCOURSES AND GOVERNING DEPRESSION

Depression in Australian Law Schools spends a considerable amount of time establishing the authority of psychological discourses and suggesting that students shape themselves as psychological subjects in order to govern depression effectively. This section will canvass the way that these discourses are positioned as authoritative, and outline the forms of government that the text seeks to establish.

A *Creating Authority*

It is by virtue of their apparent objectivity and value-neutrality that particular 'truthful' discourses and bodies of knowledge are able to govern populations and bring about an alignment between the desires of governmental authorities and individuals. In the case of depression, psychological discourses take up this role, providing knowledges, vocabularies and techniques for diagnosing problems and articulating solutions to them. As such, these discourses carry ethical authority and can therefore be used to regulate individuals *through* their autonomy.³⁵

Depression in Australian Law Schools adopts these truthful discourses, so that the actions of students can be aligned to the advice it provides. The foreword to the text offers students an introduction to mental illness. It suggests that, although mental illness is not 'normal' in the sense that it refers to an incorrect way of thinking, many suffer from it and it is treatable. The foreword proposes that depression does not just 'happen', but implies that it is caused by individuals: '[w]e must constantly avoid temptations that will harm the body or its systems and work to remain physically and mentally fit'. It then states that 'it's not a crime to be ill, but ... it's a crime not to seek help when you need it'.³⁶ These statements position the law

³³ Pat O'Malley, *Risk, Uncertainty, and Government* (Glasshouse Press, 2004); Filippa Lentzos and Nikolas Rose, 'Governing Insecurity: Contingency Planning, Protection, Resilience' (2009) 38 *Economy and Society* 230.

³⁴ For the remainder of this paper, when referring to the way that students are encouraged to understand themselves in line with the truths offered by psychological discourses, they will be referred to as being 'subjects of psychological discourses'. This reflects Foucault's understanding of the impact that these discourses have on the formation of personae.

³⁵ Rose, *Inventing Our Selves*, above n 8, 92–3.

³⁶ ALSA, above n 7, 4.

student as responsible for both preventing and seeking help for depression, and encourage them to accept the conclusion that depression is an illness.

Students are also encouraged to become concerned for their mental health because of the negative effects of mental illness on themselves and on others. For example, the text points to the costs of mental illness to a person's family, friends and self, stating that it 'reduces a person's ability to function in all aspects of their life, including work, social and home life'.³⁷ Students are also to recognise the health problems and costs of mental illness. The text suggests that stress ought to be countered or managed before it becomes depression and has other effects on one's health: '[s]tress can be defined as a physical, chemical, or emotional factor that causes bodily or mental tension' and '[h]igh stress levels are detrimental for physical and mental health'.³⁸ It also points to other economic costs, such as the personal financial cost and cost to productivity in the workforce.³⁹ Highlighting such costs reinforces (while at the same time producing) the prudential dispositions desired of citizens through which advanced liberal government is achieved. It encourages students to take a particular course of action because of the benefits that will accrue to them if they do and the costs they will incur if they do not.

The text encourages students to be concerned with depression, not only because of its costs, but also because of the significant risk that the very study of law poses; that is, they must be concerned with preventing or being resilient to depression because of the way they have chosen to 'enterprise' themselves. In a section titled '[w]hy is depression so prevalent amongst law students?', the text suggests that law students are at a higher risk of developing depression because the nature of legal work is such that it entails long hours, stress and significant pressure to succeed. It also argues that traits often found in lawyers, such as competition and adversarialism (part of much legal work), perfectionism (that no detail of a case escapes their attention), pessimism (such as the idea that their best work is not good enough because the practice of law always involves someone challenging their work, or that the world is a negative place because they are always dealing with serious disputes), and hard work that disrupts their bodily routines, lead to a higher risk of depression.⁴⁰ Notably, these traits are positioned as inevitable and unavoidable aspects of becoming a lawyer, and thus are not presented as potential targets for depression-prevention strategies.⁴¹

It is apparent that a variety of discursive techniques are utilised within the text to position psychological discourses as authoritative, and to thereby encourage students to shape themselves in accordance with the truths put forward. Through a range of diverse strategies, students are to accept the definitions of depression offered by these expert discourses. As Philip suggests, the authority of psychological discourses in these contexts is based on their claimed ability to calculate and know people, define what is healthy and unhealthy, and tell people what their best interests are and how they can most effectively act. In doing so, 'psychology's capacity to "ethicalise" authority into the private sphere' is extended, 'influencing our most intimate practices and relationships'.⁴²

B *Diagnosing Depression*

³⁷ Ibid 5.

³⁸ Ibid 13.

³⁹ Ibid 5.

⁴⁰ Ibid 7.

⁴¹ For summaries of the research suggesting that it is along these lines that reforms to legal education to address depression ought to be made, see Sheldon and Krieger, above n 1; McKinney, above n 1; Dammeyer and Nunez, above n 1; Tani and Vines, above n 2; James, above n 2; Hall, above n 2.

⁴² Philip, above n 8, 160.

After having established the ethical authority of psychological discourses, and in order to encourage students to govern themselves in line with the interests of governing authorities, *Depression in Australian Law Schools* provides students with resources through which they can easily engage with and operationalise these psychological discourses in their own lives.⁴³ This text provides a general overview of knowledge about depression, and offers basic lists of the symptoms of depression so that students may diagnose themselves (and others, as will be discussed below) and keep their mental health in check. These diagnostic tools define normal (healthy) and abnormal (unhealthy) moods, against which students can assess themselves and their experiences. It is also implied that these symptoms, warning signs and risk factors have been objectively diagnosed and are incontestable — essential if psychological discourses are to claim ethical authority.

The text begins by outlining for students the extent to which depression occurs within Australia and who it affects,⁴⁴ adding that the incidence of depression, substance abuse, and suicidal ideation is much higher among the legal profession than other social groups. Quoting a recent Australian survey undertaken by the Brain and Mind Research Institute, it states that ‘41% of law students [...] suffered[ed] from psychological distress severe enough to justify a clinical assessment’. It also points out that, quite often, law students could not identify the symptoms of depression, and were the least likely group surveyed to seek help.⁴⁵ This information provides students with a basic knowledge of the boundaries of depression in Australia, and highlights the significant risk that they may encounter depression throughout their studies, thereby encouraging students not only to be aware of depression but also to adopt a responsible disposition towards its government.

In a table of the ‘warning signs’ of depression, students are informed that ‘[a] person may be depressed if, for more than two weeks, they have persistent low mood and loss of interest in usual activities PLUS symptoms in at least 3 ... categories’.⁴⁶ These categories are ‘physical’ (including fatigue, appetite or weight change, or disturbed sleep), ‘behaviours’ (including social withdrawal, being unproductive or using alcohol and drugs), ‘thoughts’ (including negative or suicidal thinking), and ‘feeling’ (including being unhappy, overwhelmed, irritable or lacking in self-esteem). The text also suggests some ‘risk factors’ — that is, the ‘events or situations [that] have been linked with depression’ — that students should also manage. These include ‘family conflict, isolation or loneliness, unemployment, having a serious medical illness, drug and alcohol use, changes in the brain, [and] having a family member with depression’.⁴⁷

These resources allow students to engage with and operationalise psychological discourses on depression (that is, partial, though powerful, discourses with which they may be otherwise unfamiliar) in their everyday activities, relying on them having already been shaped as responsible and self-governing persons. With these tools, students are to develop a prudent disposition by being aware of the risks posed by particular activities, and by keeping their mental health in check. Furthermore, by becoming the subjects of psychological discourses, they are to adopt the definitions, measures and diagnoses of mental illness promulgated by these discourses, and exercise a gaze of self-assessment.

Depression in Australian Law Schools also couples the issue of stress to depression. If left unaddressed, the text states, stress may increase the possibility that a student becomes depressed. It suggests that ‘[t]he most common causes of stress for law students are: workload/readings (texts and cases), financial problems, pressure to be exceptional, ethical

⁴³ See Rose, *Inventing Our Selves*, above n 8, 89–90.

⁴⁴ ALSA, above n 7, 5.

⁴⁵ Ibid 6.

⁴⁶ Ibid 8, emphasis in original.

⁴⁷ Ibid.

responsibilities, negative public perceptions, [and] morally offensive materials/cases/clients'. The text also identifies a number of the symptoms of stress that they ought to be aware of, such as: memory problems; an inability to concentrate; anxious or racing thoughts; sleeping too much or too little; using alcohol, cigarettes or drugs to relax; general unhappiness; chest pain; loss of sex drive; and nervous habits.⁴⁸ Again, this information is informed by psychological discourses and is provided so that students can exercise a form of self-surveillance and pre-empt the possibility of becoming depressed if such symptoms continue.⁴⁹

It must be noted that, according to these discourses, depression is almost entirely situated within the student's internal thoughts, and understood as something that can be addressed by working upon the self. The 'warning signs' of depression canvass a person's physical being, behaviours, thoughts and feelings, implying that depression can be read from one's body and actions. As 'warning signs', they appear more immediate than 'risk factors', which focus on broader social relations, such as conflicts in one's family or unemployment.⁵⁰ This perpetuates the individualised understanding of depression within advanced liberal societies — the advice on managing stress notwithstanding, little further advice is given to students within *Depression in Australian Law Schools* regarding how they might manage these 'external' risk factors. Additionally, their positioning as 'risk factors' suggests that, in themselves, they cannot be blamed for the development of depression. The individual is presented as the cause and locus of depression, and it is at this individual level that *Depression in Australian Law Schools* suggests it may best be addressed. The methods that this text encourages students to adopt to govern depression will be canvassed below.

V DEPRESSION AND THE GOVERNMENT OF THE SELF AND OTHERS

The government of depression outlined in the document does not solely consist of the privileging of particular discourses and the suggestion that students operationalise these discourses in their lives. A variety of practices — involving both governing the self and governing others — are suggested to students so that they may avoid, address or develop resilience to depression.⁵¹ Each of these practices operates as power relations at the mundane level of the student's relationship to themselves and others, and each seeks to construct students as (while also relying on them being) responsible and entrepreneurial persons.

A *Governing the Self: Avoiding Depression and Seeking Help*

Most of the practices suggested within the *Depression in Australian Law Schools* document focus on the formation of a law student able to avoid depression or, at the very least, one who is able to develop some resilience to it. This is achieved primarily through the injunctions made to students to minimise stress in their lives by becoming self-disciplined and the subjects of psychological discourses. Links are drawn throughout this text between the stress caused by law school and the possibility that this may produce depression, with the link constructed between the two being used to justify the extension of practices of

⁴⁸ Ibid 13.

⁴⁹ As will be explored below, this focus on stress also produces the conditions under which the student's self-government can be extended, so that they act upon their study habits under the guise of addressing depression.

⁵⁰ ALSA, above n 7, 8.

⁵¹ See Rose, *Inventing Our Selves*, above n 8, 95.

government to the student's study habits, time management practices, and ability to organise themselves.⁵²

Thus, many of the practices suggested to students involve techniques of self-discipline and time and workload management. It is implied that students would adopt these practices if they were already good students: '[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'.⁵³ Students are to 'set [their] goals early in the semester' when they are enthusiastic and can more easily establish a study routine, and 'get started early' when researching and writing their assignments so as to avoid unnecessary stress when deadlines are approaching. Additionally, they are to make a weekly planner to organise all of their activities, avoid over-committing themselves or procrastinating, gain a realistic sense of how long they need to complete a task well, and use this as a 'motivating tool' for adhering to their commitments.⁵⁴ Such weekly planning is also suggested as a way of ensuring that students can maintain a 'healthy' balance between their work and personal lives so that others do not suffer from one person's depression: 'it is important that we don't sacrifice too much of our personal lives to achieve our goals'.⁵⁵ Students are to make time for 'friends and family' in order to maintain their social life and support network, so that they continue to socialise and do not become completely isolated, while also taking time out for themselves so that they may 'debrief'.⁵⁶

While these forms of self-discipline are directed towards the student's activities and daily routines, other practices are to be directed towards the student's physical body. They are to ensure that they schedule into their weekly planners at least 30 minutes of 'physical activity' each day so that they may remain healthy and because it 'releases endorphins [which are] the hormones that make you happy'.⁵⁷ Students are also encouraged to listen to music as a way of making them happy and relieving stress, to 'just breathe' — deeply in through their nose and out through their mouth — to further relax, and to close their eyes at stressful moments so that they can 'block out external stressors'.⁵⁸ Finally, their eating, sleeping and drinking regimes are also to be disciplined — students are to maintain healthy eating patterns, such as having smaller meals more frequently so that their 'blood sugar level [may remain] steady';⁵⁹ they are to maintain normal sleeping patterns; and they are not to binge drink, because alcohol acts as a depressant upon their body and because they may develop a drinking problem.⁶⁰ These attempts to discipline the physical body of the law student in order to address depression are based on the truth impressed upon students throughout the text that depression does not just relate to a *mood*, but is an *illness* that affects both their physical and mental health.⁶¹ In this sense, this text implies that depression cannot be addressed without working on the body at the same time.

⁵² Notably, while stress and depression are both discussed, the links between them are not thoroughly explicated nor is the boundary of the concepts clarified. The document simply implies that depression is the result of being unable to keep things under control, or develops from unexpected circumstances: ALSA, above n 7, 14. Nevertheless, the presentation of advice for managing stress in a document that seeks to educate students about depression potentially links the two in the minds of students.

⁵³ ALSA, above n 7, 14.

⁵⁴ Ibid 12.

⁵⁵ Ibid 11.

⁵⁶ Ibid 11, 14.

⁵⁷ Ibid 11, 14.

⁵⁸ Ibid 14.

⁵⁹ Ibid.

⁶⁰ Ibid 9–11.

⁶¹ Ibid 5.

Clearly, the ALSA text suggests that the government of depression is not simply achieved by students becoming subjects of psychological discourses, but also by having them become well-disciplined persons. As Philip states, in this case ‘psychological expertise is grafted onto the individual’s most personal and private practices, so that even tasks such as scheduling one’s daily activities become steeped in psychology’.⁶² At first glance, practices of self-discipline like those discussed above may not appear to do much towards governing depression, as they do not seek to change the way that students think, nor do they address how they feel. However, if depression is understood as an illness — as this text assumes — and is seen to result from unaddressed stress, then practices of self-discipline appear necessary techniques through which depression can be governed. While such practices of self-discipline have long been suggested by educators seeking to ensure students study successfully, what is of particular interest here is the way that this government is *extended* and, in fact, takes on the force of an *imperative*. The rationale for these practices moves beyond studying successfully to becoming healthy. Addressing depression as an illness confers a quasi-medical legitimacy on these practices of self-government, thus positioning these relations of power and the personae they seek to form as necessary and apparently neutral.

As the bulk of advice presented within the ALSA document focuses on addressing stress and *avoiding* depression, it offers little advice about what students might do if they *do* diagnose themselves with depression. It states that there are a variety of treatments, including physical exercise and psychological or drug treatments, depending on the severity of depression.⁶³ Additionally, the text refers students to other community and some government organisations, suggesting that these services may be able to help in the event that students have been unable to prevent depression themselves or failed to govern themselves in responsible ways.⁶⁴ This suggestion reflects many of the broader characteristics of advanced liberal government. It is implied that these organisations ought to be used as a measure of last resort. As the text seeks to empower students, and assumes that doing so is the most effective way of addressing depression, students are encouraged to engage with these organisations only if they have been unable to prevent depression through adopting the entrepreneurial, risk-managing and psychologically-informed models of personhood suggested to them. Each organisation listed in the text adopts psychological discourses in the advice that they provide, thereby reinforcing the suggestion that the best method for governing depression is by becoming a subject of psychological discourses. The difference between the way depression is governed here and the rest of the text, however, is that instead of allowing students themselves to navigate these psychological discourses as lay experts, these organisations attempt to govern more directly the student’s engagement with these discourses, reinforcing professional expertise in this area. Additionally, providing students with the details of these organisations is a way of making them responsible for choosing appropriate practices of mental healthcare, and of doing so through the use of authoritative and ethically legitimate psychological knowledges.

Primarily, *Depression in Australian Law Schools* suggests that depression can be prevented and addressed through specific forms of self-government. Students are encouraged to actively govern depression by exercising a rigorous control over their daily activities and through maintaining good physical health, calling upon community or state-provided health care only as a last resort. While these techniques of time and workload management, self-discipline, and regimes of bodily discipline may be effective ways of addressing depression according to the authoritative norms defined by psychological discourses, it must also be

⁶² Philip, above n 8, 161.

⁶³ ALSA, above n 7, 10.

⁶⁴ *Ibid* 22–5.

noted that, at the same time, they seek to produce and work through students forming the responsible modes of personhood through which advanced liberal government can be achieved.⁶⁵

B *Governing Others: Extending Responsibility for Addressing Depression*

While much of the advice presented within *Depression in Australian Law Schools* has an individualised focus, individual law students are not the only actors charged with the responsibility for addressing depression. Based on the suggestion that depression is made worse by isolation, a number of practices are suggested that seek to reduce the isolation of those who are at risk of, or currently suffering from, depression. Specifically, the legal education community is given responsibility for this task. Again, while giving this responsibility to the legal education community can be effective, it is nevertheless important to look at what is produced by these power relations, and highlight the potential costs of this particular arrangement of practices. It is apparent that assembling and mobilising the legal education community in this way extends the networks of power within which students are enmeshed, and through which their mental health is governed. Additionally, this ‘responsibilisation’ reflects advanced liberal rationalities of government, which seek to reduce the burden on state-based institutions for addressing these concerns and produce disciplined, self-governing citizens.

In this particular context, the law school community appealed to consists of both law student societies and individual law students possessing a concern for others. Specifically, the ALSA text suggests that the extension of these power relations can occur in two ways: through law student societies making positive reforms to their culture, and by enrolling individual students to take responsibility not just for governing *their own* mental health but also the mental health of other students. Before students seek to govern depression in others, however, the text assumes that they have effectively been able to govern *themselves* in the manner discussed above.⁶⁶

1 *Governing through Law Student Societies*

Law student societies are given the responsibility to govern depression in a variety of forms, as they are seen as uniquely positioned to change the culture of legal education. They are understood as an appropriate conduit through which to disseminate information about depression, and to foster productive and supportive relationships between students. In particular, this document encourages law student societies to raise awareness of depression and to help challenge the stigma surrounding it, such as by hosting events like fora or special lectures in which legal professionals can make public their experiences with depression, and clinical psychologists can interpret these stories through psychological discourses.⁶⁷ In doing this, student societies are encouraged to work hard to ensure that students think ‘outside the law school mentality’⁶⁸ by creating a community of support to govern this issue, and to facilitate the uptake of psychological discourses by students.

⁶⁵ Philip, above n 8, 160.

⁶⁶ On the importance of being able to govern oneself properly before governing others, see Michel Foucault, *The Government of Self and Others: Lectures at the Collège de France 1982–1983* (Graham Burchell trans, Palgrave Macmillan, 2010) [trans of: *Le Gouvernement de Soi et des Autres: Cours au Collège de France 1982–1983* (first published 2008)].

⁶⁷ ALSA, above n 7, 15.

⁶⁸ Ibid 16.

Additionally, student societies are asked to alter the cultures that they foster — cultures supposedly characterised by an environment of alcohol consumption and competition — which are seen as conducive to depression.⁶⁹ In their place, student societies are to model healthy behaviour for students, such as through mentoring arrangements. This mentoring is to provide early-year students an opportunity to learn from the experiences of later-year students and prepare for possible stresses in the future.⁷⁰ The model of mentoring suggested in this text assigns older students the responsibility for a group of younger students with whom they are to maintain contact at key points throughout the semester (such as when assessment is due) to inquire how their studies are progressing.⁷¹

If successful, mentoring relationships can be an effective way of addressing the isolation that may produce depression, and can make a significant impact on both the grades and engagement of students. However, these relationships rely on specific forms of power and inevitably extend the reach of power relations by very directly acting upon law students and their navigation of legal education. Mentoring involves an exercise of power through which mentors are able, as a result of their observation and surveillance of students, to govern them in a very individualised, precisely calibrated, and specifically targeted manner.⁷² At the same time, by being so closely linked to the student, mentoring relationships allow for mentors to model desirable forms of legal personae, and for these models to permeate the student's life perhaps more successfully than those provided by teachers in classrooms. Thus, while these power relations can produce outcomes that may be positive, the cost of this is an extension of power so that it may act with more precision.

2 *Enrolling Students in Governing Others*

The second manner in which *Depression in Australian Law Schools* seeks to establish a legal education community through which to govern depression is by encouraging students to develop a concern for depression in others. This advice is not directed to the student as one who may possibly suffer depression in the future, but as a community member with an ethical responsibility to diagnose and help address depression in their colleagues. This is again consistent with moves within advanced liberal societies to minimise the role of the state, privatise troubles and shift responsibility for addressing depression to communities and individuals.

In this context, students are encouraged to utilise the checklists, lists of symptoms, and other diagnostic tools provided in this document not just upon themselves but also to assist in determining whether their colleagues are exhibiting signs of depression. After having engaged with these discourses and practices in their own lives, students are, effectively, to take up the position of a lay expert and use these discourses to govern others.⁷³ Doing so is necessary, the text suggests, because those with depression often do not recognise that they need help. Thus, it is the responsibility of those around them to ensure that the depressed person recognises the legitimacy and authority of psychological expertise, and the accuracy of its description of their lives.⁷⁴ Of course, this exercise of power can help to reduce the isolation that may produce depression but, nevertheless, it is an extension of power relations that involves students defining the forms of personhood and bodies of knowledge that others ought to recognise as legitimate, and according to which their actions ought to be structured.

⁶⁹ Ibid.

⁷⁰ Ibid 18.

⁷¹ Ibid 18–21.

⁷² Foucault, *Discipline and Punish*, above n 19, 191–2.

⁷³ ALSA, above n 7, 9–10.

⁷⁴ Ibid 9.

This can make it increasingly more difficult for a student to avoid having others interpret their experiences and seek to govern them.

While there is a strong focus on the government of the self within *Depression in Australian Law Schools*, there are also attempts to extend the government of depression by enrolling law student societies in this task, and encouraging students to govern depression in others. Governing depression in this manner is consistent with advanced liberal government, as it is again indicative of the government of troubles in a private or individualised manner, without the intervention of the state or broader social institutions. Forming responsible, risk-managing and self-governing persons, as well as communities of care that also take on the responsibility of governing others, can be effective ways of addressing depression. However, it is also clear that they reflect and reinforce advanced liberal government.

VI THE UNACKNOWLEDGED COSTS OF GOVERNING DEPRESSION IN ADVANCED LIBERAL WAYS

The ALSA text discussed here overwhelmingly speaks about depression as a health issue, leading to its privileging a particular way of acting upon depression. This health-based approach perpetuates an individualised understanding where depression is largely divorced from the social context from which it arises.⁷⁵ In this document, the wider social context is considered only briefly, either as simply a set of risk factors that students must be aware of, or as a range of negative environments (such as the cultures of law students or professionals) through which students may be pressured to alter their attitudes and values. Regardless of the quite significant role that these contexts might play in producing depression, the text mentions them only to alert students to the risks of legal study so they are able to become resilient and manage those risks.

This individualised approach to depression holds even for practices that move beyond the individual and seek to enrol other students and law student societies in this government. Within the ALSA text, depression continues to be positioned as an individual failing — of law students for not having the proper thought processes or for being stressed and undisciplined, or of law student societies and other students for providing a culture that fosters competition and encourages alcohol consumption. It is not presented here as a problem with a more institutionalised basis. Thus, the message sent is that depression is solely an individualised problem — students are to understand themselves as the cause of depression, and the appropriate target of efforts to address it.⁷⁶

However, it is possible to approach depression differently — as involving more than an individualised concern for one's health. Depression can be understood in a more political manner, able to be addressed or prevented through institutional change or the alteration of broader power relations in legal education. For example, the perfectionism required of students, or the way that they are taught to 'think like lawyers', are possible targets for action that seeks to prevent depression. Of course, some law schools have begun to do this, for example, through curriculum reforms that embed alternatives to adversarialism within the curriculum and reduce competition between students. However, such reforms are piecemeal and dependant on institutional will, whereas distributing texts such as the ALSA document is not only economical, but shifts the responsibility for this onto students themselves.

This is not to suggest that a *better* explanation for depression can be found in the social or institutional context of legal education. Rather, it points to the way that this individualised approach to depression underpins the extension and intensification of power relations within

⁷⁵ Teghtsoonian, above n 8, 31; Philip, above n 8, 163.

⁷⁶ Philip, above n 8, 155–6.

which the student is enmeshed and, for the most part, shifts the locus of responsibility for depression onto them and away from institutions. As Teghtsoonian observes, when the individual is understood as the cause of depression, and the role of social relations is downplayed, the lack of government support and institutional will to reform these practices appear warranted. Support services are then easily positioned as the responsibility of the private sector, individuals and local communities who are active in managing and treating their mental health (and not simply passive recipients of state-provided healthcare).⁷⁷ Additionally, making students responsible for addressing depression may encourage them to believe that they are to *blame* for depression — that it was the result of their lack of discipline or incorrect attitudes and thoughts — and that they are obliged to become healthier by altering the way they think, act and feel. This process produces the very self-governing and disciplined citizens necessary for the achievement of advanced liberal government.

One might object that these are unfair criticisms to level at a text that is not intended to operate in an institutional political struggle: this text is designed to empower students and help them deal with depression as it is experienced in their own lives, not to undertake political activism; depression is a health issue, not a political one; and there are already other initiatives seeking to reform these broader contextual factors anyway. And, by seeing power everywhere, does this mean that all possibilities for addressing this matter are closed down? As this analysis has demonstrated, however, the text is inextricably bound with power relations, regardless of whether this is made overt or not. As stated earlier, while power operates within social relationships and is difficult to escape, this does not mean that it is necessarily harmful — its effects must always be considered. In this case, some of the effects worth considering include the expansion of government and the permeation of new modes of relating to the self (especially those apparently scientific and neutral ones) into the law school context in which they were previously less apparent. Furthermore, the text is inherently political because, by positioning institutional relations as a less *immediate* site for change, a possible avenue for reform is being closed down — one that may also lead to the reform of other social and institutional relations. Put succinctly, this means that depression is approached as a personal and psychological problem rather than a political and institutional one.

In addition, it must be noted that any text intended to ‘empower’ students involves specific power relations because it establishes forms of self-government. This does not mean that such empowerment is necessarily harmful, but, rather, it requires us to recognise that it cannot be positioned outside of power relations and therefore such a text cannot be understood to offer neutral advice. As we have seen, students are encouraged to exercise power over themselves in order to shape themselves as mentally healthy law students, and the modalities of the government of the self suggested reflect and connect to advanced liberal government. Furthermore, the apparent neutrality of the psychological discourses used to discuss depression render invisible the power relations exercised by this text.

VII CONCLUSION

This paper has examined *Depression in Australian Law Schools*, the first major document seeking to govern depression in Australian law schools, and has positioned the advice it suggests as reflecting, linked to, and reinforcing broader advanced liberal rationalities of government. The hallmarks of advanced liberal rationalities of government feature prominently within the ALSA document. Notably, it aligns with the advanced liberal mode of governing which seeks to minimise the role of the state and ‘govern at a distance’ by

⁷⁷ Teghtsoonian, above n 8, 31; Philip, above n 8, 165.

strengthening the private sector as the proper provider of social services, as well as making other parties (such as legal education communities, law student societies and students themselves) responsible for governing what are seen as individualised or privatised troubles.⁷⁸ This government is to be achieved through the adoption of (always contingent and partial) psychological discourses and self-disciplinary practices directed at the bodies and daily routines of students, and through the extension of power relations by enmeshing students in communities of care, the development of mentoring programs, and the surveillance of other students.⁷⁹ Clearly, the government of depression is not directed by powerful bodies or groups, but rather through mundane practices that work through the freedom of students; that is, via techniques that seek to enrol and responsabilise students and law societies to act in line with particular goals.

The purpose of this analysis has been to foster ethical and critical reflection on the part of legal scholars who seek to understand, and act to prevent, students developing depression. In particular, while noting the potential of many of these practices to help students, it has pointed to some of the costs and dangers that exist in the government of depression, with the intention that legal educators might reflect differently on the impact of what they do. By linking the government of depression as articulated in the *Depression in Australian Law Schools* document with contemporary advanced liberal forms of government, this paper problematises the steps taken to address depression that adopt psychological discourses and assume these offer the most scientific and effective ways of doing so. This analysis has shown the possible governmental effects of such approaches, and has positioned these psychological discourses firmly within the realm of power relations that govern people in specific ways, and that shape the forms of personhood (and its disorders) that they take for granted or claim to simply observe or describe.

It is worth pausing here to reflect on the net effect of this health-based approach to addressing depression in legal education. The increased circulation of psychological discourses throughout legal education by lay experts and students themselves potentially intensifies the scientific and medical lens through which depression is viewed, approached and governed in this context. It also increases the ambit of behaviours, dispositions and moods that may be captured under the term ‘depression’.⁸⁰ Are we seeing, at least within the ALSA document considered here, the medicalisation of what could be (and previously *has* been) understood as a *political* issue for legal education — the wellbeing of students and the negative impact of law school upon them? Where remedies might once have been sought through political action involving the reform of practices of legal education, does the medicalisation of this issue now appear to justify positioning depression *outside* the politics of legal education, thereby reinforcing an individualised approach to addressing it? If this is the case, this may come as a mixed blessing for legal educators concerned with reforming the institutional power relations of legal education so as to bring about a different law school environment. Is the cost of recognising that students have negative experiences at law school

⁷⁸ Teghtsoonian, above n 8, 29; Philip, above n 8, 155–6, 164.

⁷⁹ Teghtsoonian, above n 8, 30–1; Philip, above n 8, 163, 165; ALSA, above n 7, 15–21.

⁸⁰ When a phenomenon becomes a concern of government, and the responsibility for acting on it falls upon communities and individuals, the boundaries of that phenomenon often expand, resulting in an ever-increasing number of activities falling under its description. In the schooling context, for example, the diagnosis of Attention Deficit Hyperactivity Disorder (ADHD) is increasingly being applied to a variety of disruptive behaviours in the classroom: see Gordon Tait, *Philosophy, Behaviour Disorders, and the School* (Sense Publishers, 2010) 13–33. Additionally, the concept of depression is now being used to describe a variety of moods that might otherwise be termed ‘melancholy’: see Emily Martin, *Bipolar Expeditions: Mania and Depression in American Culture* (Princeton University Press, 2007). What is important here is not to argue whether one diagnosis is more accurate than another, but rather to consider the extension of power relations and forms of government that appear to be necessitated by the expansion of such medical diagnoses.

today in fact the adoption of an individualised understanding of depression — one which positions those broader relations that may lead to the production of depression as less important targets for change? Understanding attempts to address depression — even if couched in neutral language and positioned as well-meaning gestures — as activities of government that are often attached to broader modes of social administration allows legal educators to reflect on the possible costs of their actions when seeking to address depression. Such an understanding encourages them to reconsider the power effects that their actions produce, and can generate new targets of political action, and, indeed, new political actors in the law school context.