TECHNOLOGIES OF GOVERNMENT

INQUIRIES INTO THE PRINT MEDIA IN AUSTRALIA

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Submitted in the fulfilment of the degree of:
Bachelor of Arts (Media and Communications) Honours

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The University of Sydney
December 2012
STATEMENT OF ORIGINAL AUTHORSHIP

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

I further certify that all human research in this study was conducted in strict accordance with the Human Ethics protocol approved by the Human Research Ethics Committee of The University of Sydney, Protocol Number: 14854 (see Appendix A).

Signed: [Signature]

Date: 31/12/12
ACKNOWLEDGMENTS

If I have learnt anything in the months past, it is that the world of thinking and writing can be a strangely terrifying place. Even if that ‘world’ is just an honours year. Less for what it demands, more for how much that demand can be distorted, and mostly for the difficult lessons you learn moving through the thoughts of others.

As such, I am deeply, irrevocably indebted to members of the Department of Media and Communications, including those who, like Professor Gerard Goggin, shared so much advice, enthusiasm and knowledge with the honours cohort in 2012.

First, to an intensely patient, incisive and humble supervisor Dr Tim Dwyer – thank you for the hours spent discussing wayward ideas, reading (beyond) untimely drafts and, in moments of silent despair and frustration, providing unfailing encouragement to keep churning out the writing. Sincere thanks also to Dr Alana Mann for her unknowing initial encouragement to pursue honours. I would particularly like to recognise the support, advice and conviction provided by Dr Megan Le Masurier. Words are ordinarily my favourite currency, but your kindness and empathy leave me at a complete loss for them.

I also thank all those who participated in my research – I appreciate all the time and knowledge you kindly shared. To the honours girls – Katie and Kirsten. I am certain that our collective therapy sessions in the nooks and crannies of various libraries and cafés kept me ambulatory this year. These simple thanks for your friendship (and baked goods) are not enough.

Finally and most importantly to my parents: thank you for your unconditional love and support.

Sheenal.
ABSTRACT

In the last two decades, the deeply flawed ethical disposition of the press, or print media, and changes in the traditional business models of the print media have been carefully staged as policy challenges for both the Australian government and the eponymous public. This thesis attempts to characterise and critically untangle the technology of ‘inquiry’ that has been offered by government as a remedy to these perceived failings – a deeply intrusive, diagnostic, productive and creative technology that demands assessment when the traditionally unfettered and unregulated press becomes its field of intervention. With the print media as the key unit of analysis, ‘inquiry’ is historicised through genealogical analysis and subsequently refracted through the Foucauldian prism of governmentality to offer, quite simply, an analytics of inquiry as it relates to the print media in Australia.

The first part of the paper undertakes a modest genealogical analysis of inquiry and traces a trajectory toward a governmentalisation of inquiry, before composing a general conceptual space for thinking of inquiries as ‘technologies’ by proposing a tetrad analytic encompassing the polytelic, polytechnic, polytemporal and polyspatial dimensions of inquiry. The second part of the paper patiently knits a governmental perspective with the discursive, using the tetrad as a starting point to analyse the 1992 Joint Select Committee Inquiry into the Print Media and the 2011 Independent Inquiry into Media and Media Regulation. This offers a preliminary insight into the unstable ecology of rationalities, strategies, techniques, governmental programmes, powers, resistances and co-existing technologies that animated these two inquiries into the print media. By making the self-evident nature of inquiry contingent, it becomes possible to illustrate the specific historical conditions which render inquiries into the print media intelligible.

Key words: inquiry, print media, press, governmentality, Foucault, technology of government.
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ABBREVIATIONS

ALP                    Australian Labor Party
APC                    Australian Press Council
ACMA                   Australian Communications and Media Authority
HoR                    House of Representatives
IJA                    International Journalists Association
Independent Media Inquiry Independent Inquiry into Media and Media Regulation (2011)
MEAA                   Media, Entertainment and Arts Alliance
MP                     Member of Parliament
NSW                    New South Wales
PM                     Prime Minister
Print Media Inquiry    Joint Select Committee Inquiry into the Print Media (1992)
TPC                    Trade Practices Commission
UK                     United Kingdom
USA                    United States of America
WWII                   World War Two

NOTES

The terms ‘press’ and ‘print media’ are used interchangeably to refer to the ensemble of media organisations, news agencies, reporters, journalists, publishers and photographers involved in the dissemination of news, information and entertainment in print. Though contemporary definitions of the ‘press’ include other broadcast media, its traditional kinship with print is sustained here. It was used in this sense in the series of UK Royal Commissions into the newspaper industry and retaining this meaning provides a way of keeping comparisons between the UK and Australian inquiries consistent.
biopolitics/biopower refer to the technologies, knowledges, discourses, politics and practices used to bring about the production and management of a state’s human resources. Biopower analyses, regulates, controls, explains and defines the human subject, its body and behaviour.

disciplinary institutions refers to the institutions emerging in 19th century Europe such as the prison, workhouse, schools and barracks which tool hold of the bodies and minds of their inhabitants and shaped them according to disciplinary procedures and ‘quite coercions’.

discipline refers first to the notion of punishment or coercion and second to the notion of sets of skills and knowledges which must be mastered in order to achieve success in particular fields. Foucault connects these two meaning through his concept of ‘power-knowledge’.

discourse generally refers to a type of language associated with an institution, and includes the ideas and statements which express an institution’s values. In Foucault’s writings, it is used to describe individual acts of language, or ‘language in action’ – the ideas and statements that allow us to make sense of and ‘see’ things.

dividing practices refers to the ways in which social groups are separated from one another on the basis of judgments made about their actions and attitudes. For example, the mad are divided from the sane, the sick from the healthy, the criminal from the legal.

ethics refers to how people behave in relation to the moral norms – the set of rules, prohibitions and codes of a society.

games of truth refers to the sets of rules within particular institutions by which the truth is produced.

genealogy is a process of analysing and uncovering the historical relationship between truth, knowledge and power. Foucault suggests, following Nietzsche, that knowledge and truth are produced by struggles both between and within institutions, fields, and disciplines and then presented as if they are eternal and universal.

governing/government for Foucault, can be understood in terms of both a body politics – the ways in which we conduct ourselves, the relationships we have with our body and other bodies in society – and, in a more conventional sense, the way in which a state rules over its people.

governmentality is the term Foucault uses to describe the change in technologies of, and attitudes towards, governing which developed in Europe in the 18th century. This involved a greater emphasis on the state’s ability to manage its resources (including its population) economically and efficiently, and a concomitant increase in state intervention in the lives of its citizens. There have been two major consequences of this change. The first is that citizens are both regulated by the state and its institutions and discourses, and educated to monitor and regulate their own behaviour. The second, which derives from what Foucault calls the ‘liberal attitude’, is the emergence of an understanding, on the part of citizens, of the need to ‘negotiate’ those forces of ‘subject regulation’ through a process of ‘self-governing’.

knowledge for Foucault, is made up of perspectives, ideas, narratives, commentaries, rules, categories, laws, terms, explanations and definitions produced and valorised by disciplines, fields and institutions through the application of scientific principles. Different and new knowledge emerges from the struggle between the different areas within a culture.
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<th>liberalism</th>
<th>is an attitude and practice that monitors and works to limit the control, intrusion or intervention of the state in the social, economic and cultural activities of its citizens.</th>
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<tr>
<td>power</td>
<td>for Foucault is not a thing that is held and used by individuals or groups. Rather, it is both a complex flow and a set of relations between different groups and areas of society which changes with circumstances and time. The other point Foucault makes about power is that it is not solely negative (working to repress or control people); it is also highly productive. Power produces resistance to itself; it produces what we are and what we can do; and it produces how we see ourselves and the world.</td>
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<td>power-knowledge</td>
<td>is Foucault's concept that knowledge is something that makes us its subjects, because we make sense of ourselves by referring back to various bodies of knowledge.</td>
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<td>technologies</td>
<td>for Foucault, refers to two main functions or mechanisms: first, the ways in which societies pacify, dominate and regulate subjects; and second, ‘technologies of the self’ which allow individuals to shape their own bodies and thoughts.</td>
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In 1867, Walter Bagehot observed, “the great maxim of modern thought is not only the toleration of everything but the examination of everything”.¹ In the course of his essay on the British Constitution, Bagehot dwelt on the dawn of modern science, seen to mark a break in systems of thought from value-based, moralistic judgment towards the impartial and objective study of the minutiae of life. But he also implored Parliament to follow suit – urging this legislative body to inquire into the opinions and ideas of all in the nation no matter the comparative insignificance or triviality of each.² It is no coincidence that British Parliament was declared the “grand inquest of the nation”³ in the 19th century – exposing government's scientific sensibility, its ancient power and will to inquire.

More than a century later, it is precisely this blasé Arendtian banality⁴ of inquiry that fascinates; even more so considering the intellectual role government inquires play in modern apparatuses of government – at times to organise curiosity, at others to function as a ritual of knowledge-collection. A perpetual metaphor in modern politics, inquiry has a powerful rhetorical existence, particularly in context of liberal (and neoliberal) political rationalities which at once emphasise and transgress the limits of government and adopt calculative, inscriptive approaches to power.

Under liberal and democratic political rationalities that seek to constrain, limit and critique the powers of government, inquiry becomes self-perpetuating because it is positioned awkwardly as both exterior to government and intrinsic to it. Much of the contemporary thinking produced around inquiries animates this capacity for

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² Bagehot, The English Constitution, p. 121.
³ Stockdale v Hansard (1839) 112 ER 1112 at p. 1185 (Denman CJ).
self-renewal through critique. Thus, we more often than not resolve to criticise the way an inquiry proceeds by way of its uses and abuses of power, or debate the appropriateness of mobilising this technology against a certain subject or field. When scholars do criticise practices of inquiry, the dominant strategy is to highlight and remedy its flaws or recommend another investigative device to replace it. It does little to deconstruct the unrelenting mentality of inquiry itself. So why and how is it possible for the government to inquire into the Australian print media – an entity popularly thought to be free from government intervention?

Government inquiries have a long history. This paralegal, administrative instrument unfurled dramatically in 2011 with the Leveson Inquiry in the United Kingdom (UK) – established as a response to the News of the World phone-hacking scandal – and Australia’s Independent Inquiry into Media and Media Regulation. The ensuing burlesque commentary and debate extolled the virtue and audacity of state intervention, press freedom, the public interest and regulation. It is difficult to comprehend the significance of these moments, when inquiries seemingly puncture the liberal line of separation between the state and media. While some contemporary scholars and other experts occasionally ruminate on the exceptional, the spectacular nature of Royal Commissions and public inquiries, others quickly contradict it with a sense of the muted, constant states of inquiry in government. Inquiries thus alternate uncomfortably between states of routine and exception; ordinary and the extraordinary. There is a distinct aura of normality attached to them, which when problematised, betrays this polarity and provides a different perspective on the agonistic occasion of its intersection with the print media (or press).

The nexus between technologies of inquiry and the print media produces a small but intriguing cul-de-sac for analysis. The print media, or press, is a relative outlier when it comes to government inquiries. Unburdened by techniques of control and regulation applied to other media forms such as broadcasting, it presents a rich case study in governmentality.

Situated in an Australian context with the print media as the key unit of analysis, my thesis seizes an opportunity to compose a general conceptual space for imagining inquiry as a technology of government by refracting this object through Michél Foucault’s analytics of governmentality and power. The utility of this characterisation will be tested with the critical examination of two inquiries into the Australian print media: the 1992 Joint Select Committee inquiry into the Print Media and the 2011 Independent Inquiry into the Media and Media Regulation. No research has precisely attempted to situate print media inquiries under the proposed lens.10

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10 According only to my research as of July 2012.
Buried in a litany of nouns in neo-Foucauldian literature, this sublimated notion of ‘inquiry’ ought to be unearthed and profiled critically given its manifest presence in contemporary regimes of government. While this perspective consciously seeks to interrupt the ontological immanence of ‘inquiry’, importantly, it does not function as some kind of universal ‘corrective’ on pre-existing scholarship. Governmentality is marked not by indifference to other modes of thought on any subject, but a dialogic if not iterative, relationship to it.

The specific focus on print media inquiries is both analytically necessary and fruitful given the remit of this paper. It is ideally positioned to decentralise the agonistic government-media problematic that produces discourses and strategies through *topoi*11 of press freedom, the Fourth Estate, media ownership, and democracy. A Foucauldian loupe encourages a more nuanced perspective on power – to envision inquiries as technologies of government, to pay heed to its operative political rationalities. In some respects this investigation diverges from the most authoritative works in governmentality studies – it does not analyse a particular rationality (e.g. freedom) nor a governmental programme or mode of power. Instead, it moves diagonally to characterise and analyse a technology of government.

Chapter One critically reviews existing literature mobilised around government inquiries generally, before moving on to critique the small, ad hoc pool of scholarship that deal specifically with inquiries into the print media. Finally, the place of government inquiries and the press in Foucault’s work and contemporary governmentality scholarship is mapped out.

The angular perspective and associated theories adopted in this thesis are explained in Chapter Two with a particular focus on governmentality and Foucault’s analytics of power. A two-stage mixed-methods approach including the analytics of government, genealogy and discourse analysis has been constructed and applied here. The perspective of governmentality situates inquiries in context of broader social, political and economic changes just as a discursive approach helps render visible governmentality at the level of language. These will be sketched briefly and more detailed explanations will preface the chapters where each has been extended.

From this point, the thesis progresses in three parts, angling in toward a more specific problematic at every turn, from a ‘big picture’ perspective on inquiries, then the print media before staging a critical juncture between the two and composing a series of analytical observations.

Chapter Three denatures the pervasive module of inquiry with a modest genealogical analysis that attempts to mark the career of this will to inquire by asking how inquiry has been inserted into the lives of the governed. Pausing at the moment inquiries entered into the political rationality of liberalism, an indispensable ingredient in Foucault’s *governmentalisation of the state* thesis, this

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chapter appropriates the spirit of his original analytic to argue it is possible to consider a corresponding trend towards the governmentalisation of inquiries.

In Chapter Four, a conceptual framework and justification for constituting inquiries as technologies of government is presented. Derived from observations made in the genealogical analysis, a tetrad analytic is proposed here as general way of thinking through the various dimensions of this technology. The tetrad embraces a pre-existing term used in the governmentality literature, *polytemporal*, and appropriates three new branches, and *polyspatial*, *polytelic* and *polytechnic*, to capture the multiple, non-linear, creative and technical elements of government inquiry. Definitions of each will be offered in this chapter.

A sensitive investigation is required to position print media inquiries historically in Australia to advance one perspective on how and why it has become possible to speak of and conduct ‘inquiries’ into the print media. The print media or press must be draped in Foucauldian terms. To this end, Chapter Five historicises the print media apparatus in Australia and locates journalism as a technology. ‘Media regulation’ is a popular collocation in scholarship, but this chapter exposes the oddity of thinking in terms of how the print media is governed or has been governed in the past in Australia.

Chapter Six traces the work of this technology of government in the 1992 Print Media Inquiry and the 2011 Independent Media Inquiry to render an account of how it embodies, produces and reproduces a specific desire to govern the print media through inquiry. This entails a critical interrogation of not just the language of inquiries, but how it moves, thinks, acts and intertwines with a range of other discursive and non-discursive practices, actors and elements. Inquiries as a technology cannot be properly understood independently of the myriad other rationalities, technologies, techniques, strategies, expertises, tactics, necessary resistances and apparatuses that co-constitute, animate and interrupt it. The analytics of inquiry in this chapter exposes these force relations to argue that media crises or epidemics in each case are constructed and rationalised as economic and technological problematics. Each inquiry forms part of a broader programme to rearrange publics, economies and the print media. Given the centrality of language in inquiry, sensitivity to discursive mechanisms and representational strategies help ‘textualise’ governmentality and enliven the faculty of language in print media inquiries.
This review progresses in three parts. It first critically examines a compendium of literature organised around the central theme of government ‘inquiries’ and then specifically, print media inquiries, to demarcate the need for a fresh analytical perspective on inquiries into the press. Finally, a terrain is proposed for this research with a brief account of how inquiries have been constituted by governmentality scholars and the scope which exists here for producing an analytics of inquiry sensitive to the unique intersection between government inquiries and the press.

There are a series of conceptual deficits in understanding government inquiries as an instrument which then makes it difficult to study its intersection with another like the print media. There are at least three which bear immediately on the ‘inquiry-press’ problem-field.

First, government inquiries are relatively under-researched and under-theorised in an Australian context, and discussions of inquiries into the print media are part of that exclusion. Some scholars preface their work by pointing to the “dearth of literature” on government inquiries, particularly the relatively recent phenomenon of public inquiries. It has only been in the last few decades that scholars in Australia, the UK and Canada have turned their attention to

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systematically studying this field of ‘public inquiries’ though there was a relative surge of work in the late 1960s to 1970s. Legal, public administrative/institutionalist and policy approaches dominate the literature and discursive approaches specifically to the field of inquiries into the media are few. Second, many useful discussions of media inquiries tend to treat the inquiry adjunctively as part of substantive debates on media policy or regulation.

Thirdly, a rich labyrinth of scholarship applies Foucault’s framework of *governmentality* to contemporary social issues, at times without questioning how governmental power may operate differently in an Australian context. These bodies of literature operate at Foucauldian ‘surface’ level of discourse by applying critical/analytic approaches to discern changes and continuities in political thought and various ‘problematics’ of government. While recognising inquiry as one of many technologies of government, a deeper examination of its elements is oddly absent. The aim is to excavate this subsumed notion of ‘inquiry’ from this broad theoretical spectrum, offer a more specific conceptual apparatus for its analysis as a technology and localise the governmental eye to Australia and the print media.

1 INQUIRY

The transitive notion of ‘inquiry’ has multiple theoretical identities – as a concept, idea, philosophy, rationale, process, institution. Scholars have seized on the word and variations of it, as simple metaphors to nominate the curious nature of society in different contexts. Given its broad treatment in scholarly and popular literature, it is useful to think of it as exhibiting a ‘polyvalent’ character.

The research canvassed here will be restricted to treatments of government inquiries in common law jurisdictions – Australia, the United Kingdom and Canada – notably because the species of inquiry share a common history in this context. I do not intend to rehearse all the strains of debate in the space of inquiry; rather I will critique two dominant strategies perceptible in this field. Current approaches to government inquiries are interdisciplinary, but generally fall under two fluid

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20 There is another that straddles both the legal and discursive realms: anthropological approaches to a specific genre of inquiry called international truth commissions. It is outside the ambit of this investigation, but noteworthy.
Literature Review

categories, established for purely analytical purposes: legal/administrative, textual/discursive. Each one is distinguishable based on epistemological logic, methodology and theoretical lineage. There is however, one element that helps organise a consistent critique of both and that is to resolve how scholars conceptualise power and truth in their discussions of inquiry. This sequences a platform for comparison to governmental approaches to inquiry which adopts Foucault’s classic knot of power/knowledge (or truth). This view exposed power as ubiquitous and truth as contingent on regimes conditioned by a co-constitutive relationship between power and knowledge.

A governmental perspective on inquiries is not developed against these approaches nor does it stand somehow apart and indifferent to it. Academic disciplines determine what counts as true or legitimate knowledge about government inquiries. Conditioned by various axes of power and regimes of truth, these grids of knowledge are indicia of how government inquiries have been rendered thinkable through prisms of legal, political, administrative and cultural discourses. As disciplined texts embodying a co-constitutive power/knowledge relationship (that is, artefacts enabled by, and enabling, arrangements of power/knowledge at specific historical junctures), this literature is subsumed in the analytics of government, particularly as some of the works exhibit properties of Foucault’s governing ‘manuals’ – pedagogical treatises which provide guidance for governing the conduct of inquiries and the conduct of expert ‘inquiry practitioners’ operating at the precise point where the will to inquire enters the lives of the governed, the place where the games of inquiry unfold.


In their classic treatise on Royal Commissions, Clokie and Robinson noted inquiries were mobilised in the 20th century for five reasons – to pave the way for government policy, allow experts to seek out feasible policy solutions, solve economic or social problems which Cabinet cannot, circumvent public criticism or postpone government action on a particular issue whilst pacifying the concerned public. Since this mid-1930s review, this desire to categorise inquiries has persisted and these five reasons have remained largely unchanged. Similarly, the traditional comparative legal and political method of exploring inquiries through a knot of its positives and negatives persists as does the concern for the administrative management and policy-making effectiveness of the tool.

In this realm of traditional political analyses, scholars from legal, political science or policy studies disciplines tend to position inquiries as government institutions and critique its various practices and procedures. Reared by specific judicial/administrative discourse formations, this library of scholarship is tethered to a common set of questions: what is the nature of government inquiries, what role do they serve and how they can be improved (or in Foucauldian terms, governed)?

These musings yield historical accounts of government inquiries or its legal regimes, careful descriptions of its many genres, rich linear treatments of its processes or diagrams of their political anatomy. Here, recognition of the futility of formulating a general theory of government inquiries accompanies a contrary desire for it; one ultimately redirected towards a kind of enterprise in political anthropology which surveys, orders, classifies and recognises different species of inquiry with a scientific eye. Several academics have established qualitative criteria that distinguish genres of government inquiries such as task forces, public inquiries, Parliamentary committees, statutory tribunals or departmental inquiries. These strategies of segmentation are difficult to sustain and execute in analysis – for example, in the bid to differentiate between Parliamentary and public inquiries into the print media, there is a risk that the mentality of inquiry escapes untouched.

The first comprehensive book to deal with public inquiries in the UK was launched in a timely fashion in 2011 as the Leveson Inquiry mobilised, championing a “public
accountability” approach to the topic. In a Canadian context, Ed Ratushny’s *The Conduct of Public Inquiries* is a highly respected exposition of the public inquiry as a legal and political process. Ratushny’s theoretical lens and methods are predominantly legalistic, and he largely echoes Beer's conceptual repertoire by resolving commissions of inquiry to be “residual institutions” used as alternative political tools by governments. Australian scholars were relatively late to question and problematise government inquiries. In fact, a 1974 Royal Commission on Australian Government Administration noted a shortage of political scientists or public administration experts to supply the inquiry with theories and solutions. Representing a distinct public administrative studies approach, in Australia, the work of Scott Prasser is notable for framing public inquiries specifically as “institutions of last resort” – a designation echoing Ratushny’s residual institution thesis.

Sharing a largely foundationalist ontology and a positivist or post-positivist epistemology, this pool of scholarship tends to adopt a juridico-discursive conception of power and a forensic, scientific conception of truth that rests on the authority and objectivity of legal method. Power is seen as traditionally coercive, vested in and possessed by the various organs of government – the judiciary, executive and legislature. As a result, inquiries tend to be studied as historical institutions geared towards the discovery of truth and scholars intrigued with tracing the veins of power behind inquiries in statutes and customs. There also tends to be little discussion of resistance. If so, it is treated under the rubric of the rights and freedoms of citizen-subjects with critiques that the coercive power to summon witnesses or documentation abrogates rights to privacy, due process or violates constitutional principle.

A particular epistemological and ethical logic is detectable here – one that understands inquiry to be an “administrative tool and a fact-finding mission” oriented towards the discovery of facts, an absolute truth and reasonable solutions through objective, impartial and fair interrogation, due process, consultation, verification, inscription, testimony, submission, research, report-writing and public presentation. A Canadian scholar for example sutures public inquiries to the political process, exposing it as an instrument designed to “uncover the truth”. Yet he proceeds to mount a critique based on a mutually exclusive binary of “institutional effectiveness and individual rights”, its cumbersome and costly countenance, as well as its extra-judicial powers of coercion.

There are at least two conceptual frameworks that feature prominently to explain the political function of inquiries. The first invokes a narrative of ‘crisis’ – a strategy

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35 Beer, *Public Inquiries*.
36 Ratushny, *The Conduct of Public Inquiries*.
38 Prasser, *Royal Commissions and Public Inquiries in Australia*, p. xvii.
40 Prasser, *Royal Commissions and Public Inquiries in Australia*.
43 See for example: Ratushny, *The Conduct of Public Inquiries*, p.20.
which position government inquiries as responses to political, moral and social problems.\textsuperscript{46} The second is pedagogical and proposes that inquiries serve an educative function by encouraging mass learning, participation and deliberation around critical issues.\textsuperscript{47} Both frameworks perpetuate a liberal distinction between government and society where inquiries are seen to “straddle the boundaries between the state and civil society”\textsuperscript{48} and act as a conduit between the two.

‘GOVERNING MANUALS’

The language employed in several of these books supports their characterisation as modern-day ‘governing manuals’ produced by legal and political experts for inquiry practitioners and governments. Government inquiries became more and more a legal/administrative object of academic study and public critique from the 19th century, reflective perhaps, of a desire to counter-govern this sovereign power to inquire through techniques of management, optimisation and standardisation. Conditioned by the dominance of legal and political ways of thinking, these research experts simultaneously exerted their own power to epistemologically code and perpetuate inquiries as institutional entities.

For example, Lord Brown of Eaton praises Jason Beer’s “encyclopaedic and authoritative”\textsuperscript{49} account as the first of its kind to be published for “practitioners” working in the “specialised field of work” that constitutes inquiry. He presents an advisory architecture for managing inquiries from budgets, security, staff, data management, publicity, websites, timetables and protocols.\textsuperscript{50} Similarly, Ratushny offers a sequence of recommendations for how inquiries\textit{ ought to be conducted}.\textsuperscript{51} The collection of quotes\textsuperscript{52} in Figure 1.1 demonstrates Ratushny’s deontological approach to the matter.

*Figure 1.1 A Manual for Governing the Conduct of Inquiries (Ed Ratushny)*

- Rules of participation and procedure must be fair
- Governments must get the terms of reference and selection of commissioner/s right
- There must be proper consultation in the production of the terms of reference
- Commissioners must not seek to become media stars
- Public hearing schedules must allow for parties to prepare
- Commissioners need to remain independent and show leadership
- Ought to be fair, open and cooperative rather than adversarial
- In writing the report, keep the audience in mind and commit to fairness and transparency in styles of reasoning

The instrumental lexicon found in these accounts speaks also to the technical palaver of governmentality studies. Many authors have used the vocabulary of instruments, devices, mechanisms and tools to describe inquiries, but divorced from

\textsuperscript{46} See for example: Beer,\textit{ Public Inquiries}.
\textsuperscript{47} See for example: Ratushny,\textit{ The Conduct of Public Inquiries}, p.16.
\textsuperscript{49} Beer,\textit{ Public Inquiries}, p. vii.
\textsuperscript{50} Beer,\textit{ Public Inquiries}, p. 169.
\textsuperscript{51} Ratushny,\textit{ The Conduct of Public Inquiries}, p. xiii.
\textsuperscript{52} Ratushny,\textit{ The Conduct of Public Inquiries}, pp.3, 130-131, 147, 195, 199, 259, 363, 365.
any Foucauldian implications. From a public administration perspective, Smith and Weller describe inquiries as a “technique” geared towards the “creative production of intelligence”.\textsuperscript{53} Robson was compelled to christen public inquiries an “instrument of government”.\textsuperscript{54}

This literature divulges also, a thinking that intimately links inquiry to the art of government: Wheare in 1955 inscribed the Parliamentary trend of \textit{Government by Committee}\textsuperscript{55} and in 2004 the UK’s Public Administration Select Committee chronicled a trend of \textit{Government by Inquiry}.\textsuperscript{56} The latter in fact pressed for periodic reviews of inquiries and that a Ministers’ decision to institute inquiries ought to be publicised.\textsuperscript{57} Both suggestions evidence the rise of a neoliberal political rationality in public administration as techniques of performance review, accountability and transparency. Against the background of a public service restructuring in both the UK and Australia, Lord Justice Salmon led the Royal Commission on Tribunals of Inquiry (UK) in 1966\textsuperscript{58} – among the first of many \textit{inquiries into inquiries} inverting the great British ‘tradition’ of inquiry into a problem-field; acting both as a critique of and rendering more productive the conduct of inquiries. These ‘meta’-inquiries have no independent ability to re-arrange the laws, codes of practice, protocols and guidelines that determine their conduct. Instead, they are attempts to conduct the conduct of inquiries; to govern them from a close distance. This point will be taken up and developed further in Chapter Three as part of a detectable trend – a \textit{governmentalisation of inquiry}.

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In contrast to these legal/administrative perspectives, the seminal work of Frank Burton and Pat Carlen provides a starting point in reimagining inquiry discursively which they describe in unambiguously masculine terms as an “official vasectomy”.\textsuperscript{59}

\textit{Textual/discursive approaches}

A sparse ensemble of scholarship can be located under this broad typology beginning in the late 1970s as Foucault’s provocative take on power began to circulate. These accounts problematise both power and reveal the constructed, contingent nature of truths. Carlen and Burton, who studied government inquiries as producers of ‘official discourse’, fall under this rubric.\textsuperscript{60} Their social constructivist epistemology decomposed power and discourse to equate the work of government inquiries with the production of ideology. The final commission reports, ordained objects of inscription, are “touched with one hand the ancient machinery of forensic inquiry, with the other hand the new methods of inductive and experimental

\textsuperscript{55} K C Wheare, \textit{Government by Committee} (Oxford: Oxford University Press, 1955).  
\textsuperscript{57} House of Commons Public Administration Select Committee, \textit{Government by Inquiry}, p. 3.  
\textsuperscript{60} Burton and Carlen, \textit{Official Discourse}. It is important to note that an inquiry or inquiry report per se cannot represent an official ideology – these reports are tabled, debated and resisted.
Despite the importance of their findings, Burton and Carlen do focus disproportionately on the prohibitive and coercive potential of inquiries, as well as equating relations between power and discourse to ideology.

A governmental perspective to some extent overcomes the analytical limits of ‘ideology’, using the analytic of ‘rationality’ to denote “a series of solutions to the problems of government”. Foucault was one among many “new philosophers” who broke away from the analysis of power in terms of ideology. These sciences ascribed pivotal roles to the state, economy, capitalism and class in explaining the nature and work of power. The analytics of governmentality, with the interdependent ‘power/knowledge’ construct at its centre, refuses to reduce knowledge to ideology – it reveals other discourse formations, interweaving between discursive and non-discursive elements, rationalities, techniques, and practicalities associated with the technology of inquiry.

More recently, narrative contributions to inquiries have emerged from scholars of organisational and industrial studies. Using case studies, these academics analyse how textual features in inquiry reports construct authority and legitimacy. Taking inspiration from Carlen and Burton, Andrew Brown detours the procedural saga of inquiries, to focus on the report as a symbolic artefact which functions as a remedy for a state suffering a “legitimation deficit”. Curious about the way inquiry reports construct and inscribe authority, he argues these texts are “highly convention-governed sense-making narratives that employ various forms of verisimilitude in order to bolster their authority.” These discursive practices, he continues, operate to renew state hegemonic domination by tendering authoritative accounts of public issues.

Brown’s deconstructive approach is sensitive to the workings of power at a textual level, but remains tethered to the social theory of hegemony which tends to be state-centric and examines power relations through the prism of the modern welfare state. Here, legitimacy must be secured to sustain capitalist relations of production in the face of social or public disasters which threaten to reveal its defects. Moreover, he explores only the final report – this is but one aspect of the discursive plexus inquiries arrange.

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64 Smart, Foucault, Marxism and Critique, p. 136.
2 INQUIRIES AND THE PRINT MEDIA

Media theory has not yet engaged substantively with the intersection between government inquiries as a technology and the press. However, a trove of careful scholarship explores the policy implications specific government inquiries have on the regulation of broadcasting, radio, print and other modes of communication in Australia and elsewhere. These accounts are rather more concerned with the substantive content yielded by inquiries into the press and as such, tend to smuggle in legal/administrative theorisations of inquiries as institutions, drawing particularly on the ‘crisis’ and ‘pedagogy’ frameworks.

Scholars adopting a political economy approach for example, have critically mapped the role inquiries have played in shaping the contours of media policy, as have media historians in exploring their significance through the lens of traditional press theory or the trope of regulation. As part of a critical historical study of the Australian press, Julianne Schultz offered a discussion of the political nature of inquiries into the press through the Four Estates paradigm – Judiciary, Executive, Parliament and the Press. Summoning this liberal logic of separated powers, she noted: “despite the longstanding commitment to the separation of powers between political institutions, over the past fifteen years state and federal parliaments have initiated several inquiries into the news media...”

Media law and ethics scholarship is also an important frame here, where inquiries (if covered at all) tend to form part of historical narratives which contextualise this form of media intervention by reference to the other regimes of legal and regulatory frameworks which govern it. Ethics-oriented analyses reference past inquiries, particularly the 1947 US Hutchinson Commission as part of broader accounts of journalistic ethics, censorship, the interface between the press and the public interest or industrial self-regulation. In the aftermath of the Leveson Inquiry and Australia’s Independent Media Inquiry, Denis Muller understood these practices as responses to the contemporary ‘crisis’ of journalistic accountability/credibility and the need for regulation to re-establish public trust in the profession. The News of the World scandal, the weakening of News Ltd’s reputation and the subsequent re-territorialisation of the crisis in Australia simply afforded both governments a political and policy opportunity to intervene through inquiry.
Political communication constitutes an interrelated field, where discussions of inquiries nestle comfortably alongside theories of democratic communication, as a form of strategic interaction between government and the citizen public during periods of crisis or as a crucible for participatory decision-making in a democratic political system. Rodney Tiffen’s work on political scandals is a prime example where, inter alia, he accounted for the critical role played by commissions of inquiry as controversial instruments of exposure and accountability. His analysis is exceptionally sensitive to the techniques of publicity that forge a close relationship between the work of inquiries and the media’s reporting of it. Tiffen draws on the legal/administrative language of public inquiries outlined previously and a pedagogical frame to explain the value of scandal-induced inquiry: “they brought an authority and integrity to public reporting” and steered a course towards social change through policy.

It would be impossible to review every treatment of print media inquiries in media scholarship. Nevertheless, this small sample of works demonstrates first, the adjunctive position inquiries occupy in this space where the appetite is greater for media knowledge accrued, reinforced or challenged through inquiries. Second, relations between state, press and inquiries are comprehended through bodies of knowledge and associated representational strategies, such as the Fourth Estate, which perpetuate the agonistic spirit of this occasion. Of course, this is view is neither unseemly nor fallacious. But with a slightly angled perspective, a set of alternate diagnostic or thinking tools, this language of intervention and assorted strategies of critique and justification (e.g. the ‘public interest’) acquires a specific, technical profile where the ancient will to inquire transects a congruent will and desire to govern.

3 GOVERNMENTALITY, FOUCALUT, INQUIRIES AND THE PRESS

For Michél Foucault, modernity is fundamentally characterised by a modality of power he termed governmentality, meaning literally government rationality. Foucault used the term governmentality in two senses. First as an “analytical grid” through which one could explore relations of power and practice in the art of government – historically specific, contingent couplings of knowledge and power.

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used to direct the conduct of conduct, and, second, more specifically to mark the emergence of a mode of (liberal) power that governed by problematising, knowing and inscribing the wealth and health of the population. As a prelude to a detailed inscription of this framework in the next chapter, this section specifically establishes the pre-existing governmental approach to inquiries and the press with a focus on what I will call ‘Foucault’s footnote’.

Since the 1990s, there has been an overwhelming explosion of governmental and genealogical scholarship. Today, governmentality is a trans-disciplinary analytic – popular in sociology, political science, anthropology, education and the field of cultural studies. It has only really been dealt with in the field of media studies in the 21st century globally, but Australian scholars engaged with aspects of it in the 1990s to spur approaches to cultural policy. Surprisingly though, neither Foucault nor his contemporaries have problematised government inquiries and its relationship to the press with due diligence.

Foucault had little to say about government inquiries or the press. But while delivering his lectures about the rise of liberalism as the political rationality par excellence of the 18th century, he neglected to convey a small footnote he had made in his papers. This innocuous scribble lies dormant but effectively sets the scene for this perspective on government inquiries and the press. If liberalism, he wrote, rationalises a form of political organisation based on “the reason of...least government” then like the constitution that inscribes the rule of law or the Parliamentary body that inhibits the power of government, “the press, commissions [and] inquiries” too are limiting functionaries. Foucault’s footnote appears to be an afterthought, but accomplishes two things: identifies the entry and intelligibility of inquiries in modern liberal political theory, and secondly, indexes the role of the press in this equation. We will return to Foucault’s footnote in Chapters Three and Four to build on these observations.

The work of Nikolas Rose and Peter Miller, two leading scholars in governmentality studies, marks a second point of incursion where inquiries were placed in a governmental perspective. Commissions of inquiry, they argued, are imaginable as ‘technologies of government’ employed to design solutions to the problems of government. Charting the organisation of French government in the late 17th century, Rose and Miller argue that the reign of Louis XIV was characterised by a
vast machinery of “government through inquiry” which rendered social bodies calculable and governable by “exerting a kind of intellectual mastery” over it.

Borrowing this foundation, Marilyn Strathern produced an in-depth case study of a Canadian commission of inquiry, arguing they employ an “ethical technology” of “survey” or “social audit” which collects, records and deploys opinion attributable to the sovereign public, to legitimise government action, thought and policy. Strathern’s account is an invaluable contribution towards charting more specific dimensions of government inquiry as a technology. However, some problems are encountered. First, Strathern does not elaborate on what constitutes a ‘technology’. Secondly, her problem-field is not inquiry as a whole, but the subset of social audit or survey, as a ‘technology’. ‘Audit’ has been characterised by some scholars as a technology, and by others, a technique. Based on this, one could argue Strathern confuses technology with technique – Foucault made a distinction, albeit a carefully hidden one, between the two in the following passage on technologies of security:

“you could perfectly well study the history of the disciplinary technique of putting someone in a cell, which goes back a long way...But there is another history, which would be the history of technologies, that is to say the much more general, but of course much more fuzzy history of the correlations and systems of the dominant feature which determine that, in a given society and for a given sector...a technology of security, for example, will be set up, taking up again and sometimes even multiplying juridical and disciplinary elements and redeploying them....

A shadowed difference transpires from the very deliberate way he compares the study of techniques to that of technologies in this extract. Though largely a matter of perspective, it is a distinction organised around a rotating axis of specificity and generality where techniques occupy the former label and technologies the latter. For example, where crime statistics and imprisonment constitute techniques, technologies are broader systems that connect, correlate, multiply and redeploy an ensemble of techniques. As the genealogical analysis in Chapter Three will demonstrate, technology is a more apt designation for government inquiries because these are systems that have been animated by an assemblage of juridico-legal, inscriptive and administrative techniques (commission, testimony, confession, imprisonment, public hearings).

However, even if we dispute this characterisation, Strathern’s work remains firmly tied to a broader theorem of “audit society” which she has rearticulated in the field of anthropology (i.e. historically situated ethnographic studies of audit in organisational contexts). There is scope here to characterise inquiry per se as a

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95 Rose and Miller, “Political Power Beyond the State: Problematics of Government,” p. 186.
98 Strathern, “Robust Knowledge and Fragile Futures,” p. 468.
technology, and to explore the myriad other techniques (other than audit) co-existing technologies, rationalities, expertise and strategies in print media inquiries.

Foucault’s original perspective and those of his contemporaries’ are not incorrect or deficient, but having already articulated inquiries as a problématique, this art of formulating inquiry as a problem is always open to interruption and further conceptualisation. There are certain points of disconnect here. Foucault stumbled on inquiries and the press in his genealogy of modern government. Rose and Miller mark a specific moment in French history where inquiries took a governmental turn. Both locate government inquiries in context of an 18th century liberal political rationality – a moment pivotal to what I argue can be likened to a governmentalisation of inquiry. If this is the turning point, what were its conditions of possibility? There is room here to explore inquiries genealogically and understand some of its historical continuities and discontinuities.

A concomitant need to re-contour its relatively lean characterisation as a technology of government arises. Only with this augmented understanding of the technology of inquiry itself, can we construct an analytics of inquiry to note some specific programmatic and discursive effects flowing from the modern ‘inquiry-press’ problematic. How do inquiries inscribe forms of power on the press, society and publics? How does it administer, regulate and render the press and publics productive? What rationalities are detectable? What power/knowledge formations underpin and make inquiries into the media possible?

Exiting from this detour into the nexus between governmentality, inquiries and the press, the next chapter articulates in greater detail the two broad analytical constructs underpinning this thesis – power and governmentality.

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104 See Chapter Three.
A preliminary understanding of the peculiar grammar of Michél Foucault’s work is essential for two reasons. First, to frame the basic principles that mark this thesis’ point of departure from the approaches to inquiries and the print media critiqued in the last chapter; and second, to particularise the governmental perspective.

An intellectual flaneur at heart, there were at least three overlapping but distinct phases in Foucault’s work – archaeological, genealogical and the ethical. At every turn, he sought to understand the ontology of the present and constitution of human subjectivity. As well as providing a concise outline of the two-part mixed methods approach adopted to enliven this ‘inquiry into inquiries’, this chapter first details the two analytical prisms anchoring this oblique examination of government inquiries and the print media: Foucault’s analytic of power and the “perspective” of governmentality. Separating the two in theory is largely unhelpful considering the relationship between the two is iterative – Foucault’s unveiling of the microphysical

and profoundly productive nature of power in *The History of Sexuality* is connected to his account of the art of government. Where the former was the product of an intentional exclusion of state-centric, juridical analyses of power, governmentality provided a means of reconciling that forced analytical gap between the minute lines, the mundane sites of power and structural forms of domination using conceptual links such as ‘colonisation’ and ‘convergence’ which investigate how infinitesimal mechanisms of power enter into more global, macro strategies.

1 POWER

Foucault is known for radically decomposing the ontology of power. Power is not suspended in a simple hierarchy nor is it eternally prohibitive or coercive. Abandoning this ancient, juridico-discursive mentality that conflates the site of power for its source, he declared, exposes power as a force characterised by immanence and ubiquity. For example, those inquiries mobilised by Parliament are not simply authorised by a resident power of law and constitution – this power itself is contingent on bodies of legal and political knowledge legitimated as truth. Nor are inquiries necessarily thinkable as coercive.

In contrast, Foucault described the lavish “pleasure that comes of exercising a power that questions, monitors, watches, spies, searches out, palpates, brings to light; and on the other hand, the pleasure that kindles at having to evade this power, free from it, fool it, or travesty it”.

Power is everywhere for Foucault, “not because it embraces everything, but because it comes from everywhere”. It is productive, pleasuring, brachiated, mobile, relational, strategic, dispersed, tactical and networked. Where there is power, there is also a reciprocal, but asymmetrical, possibility of resistance and the activation of specific forms of agency. His infamous *power/knowledge* matrix captures the mutually reinforcing relationship between the two notions, “with knowledge producing the effects of power and power producing effects of knowledge”.

Venturing beyond his general philosophy on power, there are at least three historically specific, but not mutually exclusive, denominations of power: sovereign (juridical), disciplinary and governmental. Each modality is co-constituted and rendered operative by specific lines of interaction between power and knowledge.

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109 Smart, Foucault, Marxism and Critique, p. 83.
110 Foucault, *The History of Sexuality Volume 1*, p. 94.
111 Foucault, *The History of Sexuality Volume 1*, p. 93.
112 Foucault, *The History of Sexuality Volume 1*, p. 45.
113 Smart, Foucault, Marxism and Critique, p. 84.
116 Smart, Foucault, Marxism and Critique, p. 84.
There is no precise chemistry to it, but all three points of this trinity are relevant to the study of print media inquiries. I shall outline sovereign and disciplinary modes of power here before introducing governmental power in context of a broader discussion of governmentality in the next section.

Sovereign, or juridical, power is cast as repressive and coercive in nature, embodied in techniques of law or the forms of visible, public violence directed towards the corporeal body in feudal times. In other words, it entailed the sovereign’s power over life and death, and a form of government based on mastery and control.

This 19th century modality of disciplinary (or anatomo-political) power takes the individual as its object of action. In context of an enclosed space or institution (take the prison and Bentham’s Panopticon as a classic example), disciplinary power normalises the conduct of individuals to render bodies docile and productive. Discipline is administered through apparatuses such as industry, military, school and family118 using tactics such as spatial surveillance, visibility, observation, calculation, regulation and training.119

Mitchell Dean’s comparison between governmental powers to that of sovereignty stages the next section. The distinction, he argues, is in “governing through freedom to the powers of life and death, the exercise of choice to the sovereign decision, the contract to violence, economic citizenship to moral discipline, individual obligation and political order, and rights and liberty to enforcement”.120

2 GOVERNMENTALITY

Resigned to this “barbarous but unavoidable neologism”,121 it was Roland Barthes who first dealt with the notion of gouvernementalité. Foucault reappropriated the term as “governmentality” in his public lectures at the Collège de France in 1978 and 1979 to describe a very specific modality of power that began to unfurl in 16th century Europe.

Stated baldly and at the risk of simplification, his lectures scripted a genealogy of the modern state pinpointing the role of thought, or political rationalities, in conditioning the art of government: from pastoral power and the rationality of feudalism in the Middle Ages which amplified the power of the sovereign towards the contemporary rationalities of liberalism and political economy where governing turned not on how to govern, but on “how not to govern too much”.122
There are two possible interpretations of ‘governmentality’ in Foucault’s lectures. In the first instance, it codes a specific trajectory of change in European history – the emergence of the population as a political problem for the modern secular state in between the 16th and 18th centuries and the concomitant development of ‘governmental’ modes of power concerned with the proper disposition and management of the health, economy, security, productivity, prosperity and sociality of the species-body (bio-politics).

No longer embroiled in territorial or religious conflict, leaders had to confront the problem of how to govern. The modern state was a solution to this problem of government comprising a range of governing apparatuses, political programmes and a territorially bound population.

The population became an object of knowledge, a site for the application of power and ‘government’ the means for conducting the conduct of subjects through the science of political economy, a growing administrative apparatus, experts, and inscriptive practices such as censuses, statistics and reports. To Foucault, the twin birth of modern statehood and modern political subjects provided a script for the governmentalisation of the state driven in part by the political rationality of liberalism which sculpted a new set of relations between state and society around the principle of freedom.

Foucault explains:

“[governmentality is]...the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target the population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security...”[my emphasis].

The transformative powers of liberalism and democracy brought with it a decided change in the practices of government towards implementing policies and programs anchored in a science of the social. This new realm of the ‘social’ was brought to bear through statistics and politicised calculations in the 18th century and the management of populations made possible through technical programmes borne of alignments between forms of knowledge, domains of expertise, decentralised sites of power, apparatuses and technologies. The conditions of life of bodies, not the body per se, entered the orders of knowledge and power, spawning a governmental interest in securing the well-being health, sanitation, birth, mortality and social relations (hence his use of the phrase ‘apparatuses of security’).

Nikolas Rose, Peter Miller and Mitchell Dean, have extended Foucault’s legacy to demarcate a new perspective to the study of this “will to govern” (called the

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124 Smart, Foucault, Marxism and Critique, p. 119.
129 Rose, Powers of Freedom: Reframing Political Thought.
analytics of government or governmentality studies) by adopting a broader interpretation of governmentality. It becomes a grid of intelligibility – offering a broad analytical perspective examining the overlapping and slippery relations of thought and power in specific instances of government, be they pastoral, sovereign, disciplinary or governmental in nature. It encompasses a technical vocabulary and ensemble of concepts that allow contemporary researchers to study the problematisation of experience, the production of mentalities of rule and modes of subjectification in history. Relationships between the means, ends, practices and constitutive knowledges of government are drawn: political rationalities (knowledge, expertise that renders things and humans thinkable), technés of government (the programs, instruments, tactics, technologies, devices, calculations, apparatuses and documents that actualise mentalities of rule) and the modes of subjectification constructed as a result (individuals or collectives).

These pioneering academics have extended Foucault's genealogical project, detecting a shift in the discursive field which renders possible and directs the exercise of power, from liberalism towards advanced liberalism in the late 20th century. Though relations between the state and the governed formed the apex of Foucault's analysis, Toby Miller and Bob Jessop are among the scholars who argue that 'government' can be explored beyond the state to examine how a heterogeneous ensemble of programmes, both state and non-state, seek to modify conduct “by working through our desires, aspirations, interests and beliefs”. Thus, corporations, interest groups, the media, and individuals are tangled in a multiplex of relations in which they alternate between occupying states of the governed and the governors. Inherent in this will to govern, is the possibility of failure, unpredictability and resistance.

This rubric provides a language for considering how government inquiries problematise the conduct of the state, the public and the press; and in turn, how the conduct of inquiries itself becomes a problem. However, it is not without flaws. Ian Hunter disputes the idea that Foucault's account of governmentality is transferable – it simply does not act as a trans-historical, universal narrative. Here, it must be translated to an Australian context sensitive to the colonial

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133 Lawrence Grossberg prefers to restrict the governmental framework to this specific state-governed relationship. See: Packer, “Mapping the Intersections of Foucault and Cultural Studies: An Interview with Lawrence Grossberg and Toby Miller,” p. 39.
137 For example, cultural studies scholars like Meaghan Morris are critical of the way this perspective allows researchers to assume a pseudo-objective position – it does not require researchers to declare and make clear for whom they speak. See: Packer, “Mapping the Intersections of Foucault and Cultural Studies: An Interview with Lawrence Grossberg and Toby Miller,” p. 35; Jonathan Sterne, “Bureaumentality” in Foucault, Cultural Studies and Governmentality, eds. Jack Bratich, Jeremy Packer and Cameron McCarthy (Albany: State University of New York Press, 2003), p. 104.
experience, take account of the role of the print media in regimes of government and deal with the persistent relevance of the 'public' as a mode of subjectification.

3 A MIXED METHODS APPROACH

An adapted mixed-methods, triangulated approach best serves the questions that comprise this thesis: genealogy to historicise and rupture the self-evident nature of government inquiries, historical research to re-frame the Australian press through a governmental framework and finally, a recombinant ‘analytics of inquiry’ assembled with strains of the analytics of government to enliven the theoretical premises and descriptors of governmentality at a technical and discursive level in two print media inquiry case studies.

Three factors bear on the scope and generalisability of these findings. In telescoping the unit of analysis to the print media/press alone, a potentially rich history of inquiry as it relates to broadcasting, television, telecommunications and digital communication is neglected. Secondly, only two case studies are explored. While this may compromise the external legitimacy of this research, it offers profundity. Thirdly, the selected case studies are those mobilised by the federal government. This does not discount the possibility of registering print media inquiries carried out by other institutions as forming part of the social context.

Each method will be carefully justified and outlined in the chapters where each has been extended. The primary rationale for this apparent “methodological eclecticism” rests in the openness that characterises Foucault’s work and the lack of a coherent methodological design in studies of governmentality. In the case of the analytics of government, there is little research critiquing the challenge it poses for various indicia of research quality and performance. As Marston and McDonald make clear, researchers bear the onus to “draw out of the governmentality literature a unique conceptual scaffold to support and guide their research and...develop an appropriate and congruent research design and methodology”.

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139 This decision can be redeemed particularly because the tool of inquiry is so seldom directed towards the press. This infrequency makes the print form a research-worthy outlier.
Where Aristotle wrote “all men [sic] by nature desire to know,” his predecessor, Socrates, insisted that “the unexamined life was not worth living”. Prefacing his analysis of a local British public inquiry, Douglas Carnall noted that “inquiries seem to have been popular ever since”. This indestructible parable that humankind has a natural, trans-historical desire and will to inquire, fixed by philosophic, psychological and anthropological discourses, is transferred to the mind of the government in a flourishing sentence just as a continuous arc is drawn between modes of inquiry in antiquity and in modern government. But this mentality is troubled by a certain mercurial spirit. Inquiries are constructed discursively as spectacular and scandalous in some moments and at others, an unexamined, constitutional fixture in the government machinery.

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In the lead-up to the 2011 Independent Media Inquiry, News Ltd’s Chairman, John Hartigan, branded the government inquiry a “witch-hunt” mounted by the Greens Party. Redolent with memories of the medieval inquisitions and McCarthy’s crusade against Communism, this rhetoric raises questions about the psychic life of inquiry in the lives of the governed and the ways in which various techniques and discursive practices associated with inquiries have been invented, borrowed, reprised and layered overtime.

Beginning with an account of the genealogical perspective, this chapter critically examines the self-evident nature of inquiry by asking, what have been some of the historical conditions of possibility of government inquiries? Though inevitably non-linear, incomplete and fragmented, this chapter teases out some of the tangling lines of philosophical, ecclesiastical, legal and administrative discourses and filaments of power that have constituted the problem-field of inquiry. Some ‘moments’ are explored from antiquity, the early modern period, modernity and ‘post’ or reflexive modernity – from Greek philosophy, antique inquiries of empire, the medieval inquisitions, and the Domesday Inquest. Second, I return to Foucault’s footnote to advance an argument for the *governmentalisation* of inquiry, where the examination of life through inquiry became a paradoxical technology of limitation for liberal government, and a technology for acting on the social body through freedom.

After identifying this entry of inquiry into modern political theory and governmental practice, I pause at the moment inquiries formed part of a colonial governmentality in Australia to deliver a more conventional history with a brief account of at least three possible historical trajectories informing the present ontology of government inquiries in Australia: the consolidation of governing apparatuses, postmodern assaults on truth and the politics of information-oriented, participatory government.

## 1 Method: Genealogy

Neither method nor methodology, genealogy embodies an imprecise, critical, diagnostic and archival approach to the historicisation of the instance, the desire, the will to inquire. Originally articulated by Friedrich Nietzsche and later essayed by Foucault, genealogy does not produce a grand, complete history of inquiry. Instead, this perspective prioritises the formation of local, specific understandings of social phenomena and entails a committed analysis of the changing discursive fields underpinning the arcs of continuity and discontinuity in the history of inquiries.

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There are two interrelated parts to a genealogy – the analysis of descent and emergence. In simplified terms, the former attempts to “reveal the multiplicity of factors behind an event” – the contingent errors, alignments and inventions animating inquiries. The analysis of ‘emergence’ inspects the “relations of domination” or the “confrontations, conflicts, and struggles which produce historical developments and events.”

Using a catalogue of archival evidence, both secondary and primary where possible, I hope to show that the will to inquire, has been contingent, specific and changeling. And more, that modern government inquiries are constituted by modes of knowing and techniques that have both continued and shifted overtime. A discursive examination of the writings of theologians, jurists, economists and philosophers are particularly useful for discovering conditions or shifts in thought in a certain moment in time and space.

There is a caveat here and Taylor sums it up neatly: like all histories, this genealogy will be unavoidably fragmented, “episodic and incomplete”, but this selective mosaic of historical moments are isolated precisely to interrupt present-day assumptions about the self-evident instinct attached to inquiries.

2 A WILL TO INQUIRE

Modern scholars of government inquiries offer a compelling political analysis of its British inception. It begins with the 11th century Domesday Inquest – an expression of Crown power and the first Royal Commission. Royal Commissions in the next few centuries acquired a coercive role in service of the monarchy to increase taxes, enclose land and control the power of the Church. As Parliamentary power surged in the 13th century and then again in the 16th century, Royal Commissions declined as the Parliamentary and bureaucratic apparatus grew to accommodate these fact-finding functions through the instalment of select committees and quasi-judicial tribunals. In the expanding and interventionist state of the early 18th century, commissions were employed largely in a judicial manner to acquire information and enforce Crown policy. Commissions again petered out until its 19th century renaissance as part of the British governmental apparatus, this time with fervour for

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152 Foucault, “Nietzsche, Genealogy, History,” p. 344; May, Between Genealogy and Epistemology, p. 100.
153 Smart, Foucault, Marxism and Critique, p. 76.
154 Smart, Foucault, Marxism and Critique, pp. 76-77.
155 Theda Skocpol notes that the critical use of secondary historical sources, such as the writings of academics, can yield valuable data in a historical exercise such as this, particularly where access to relevant primary data regarding an episode, such as the medieval inquisition, is “impossible or onerous” or where the topic is “too big for purely primary research”. Researchers must simply remain sensitive to different hypothesis or disputes about particular historical events. See: Theda Skocpol, “Emerging Agendas and Recurrent Strategies in Historical Sociology,” in Vision and Method in Historical Sociology, ed. Theda Skocpol (Cambridge: Cambridge University Press, 1984), p. 382.
156 This was in fact a seminal aspect of Foucault’s method. See: Packer, “Disciplining Mobility. Governing and Safety,” p. 136.
161 Keller, Re-Drawing the Color Line, p. 45.
the expert, scientific approach to social inquiry they offered and firmly knitted to the fabric of 19th century democracy as a tool that staged the “public as participant in and audience for democratic government”.  

But the “games of inquiry”, inextricably linked to games of truth and power, are more byzantine and disordered. In contrast to this aetiological approach, a genealogical perspective asks how inquiry entered the lives of the governed, under what conditions and in what specific historical forms. Or as Foucault put, it actively interrogates:

> “the ensemble of discursive and non-discursive practices that make something enter into the play of true and false and constitute it as an object of thought (whether in the form of moral reflection, scientific knowledge, political analysis)” [my emphasis].

This requires that we suspend for a moment, the collocation ‘government inquiry’ which is attached to the emergence of government in the 16th century, and turn inquiry per se into our problem-field. In fact Foucault’s triptych of moral reflection, scientific knowledge and political analysis provides a neat way of capturing the various states objectification for inquiry.

**etymology**

Though inquiry is a rather implosive term, an etymological map provides a sequence of historical connectors between the terms ‘inquire’, ‘inquiry’ and ‘inquisition’ to highlight points of interpolation and transversal between philosophical, judicial, administrative and ecclesiastical modalities of inquiry.

Inquiry (noun) denotes “an act of asking for information” or “an official investigation” from the term *enquiry* first noted in the *York Plays* circa 1440. The related word inquire (verb) is concerned primarily with questioning for the purpose of extracting information. The word stems from the Middle English word *enquere* or *inquere* from the Old French word *enquerre*, from the Latin *inquirere*.

The Latin terms *inquirere* and *inquisitio* are also the origins of the word ‘inquisition’ (noun). This term appeared in the 14th century to denote “period of prolonged and intensive questioning or investigation” referring at times, to judicial or official inquiries and tribunals.

These terms are context-specific, but synaptic links between them establish a starting point and justification for positing relationships between the historical moments presented in the genealogical analysis of inquiry.

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162 Keller, Re-Drawing the Color Line, p. 42.
From Socrates to Plutarch, the musings of philosophers firmly wedded the practice of inquiry to a project of discovering the proper government of life, body and soul. Enraptured by a pursuit for moral goodness, Plutarch urged ‘man’ to exploit his natural “love of inquiry” to “pursue and make after the best and choicest of everything, that he may not only employ his contemplation, but may also be improved by it”. If we were to borrow Foucault’s words, inquiry in the times of antiquity is conceivable as a technology of the self – a manner of self-care and mastery through moral reflection, a way of constituting the self as an ethical subject based on absolute, rational, normative truths.

For the Socrates we see through Plato’s dialogues, inquiry ought to be a way of life so that “people come to see that they do not in fact know what they think they know” and recognise what is “right and true”. Socrates was a great believer in self-reflection as a method of facilitating spiritual growth, and as a corollary, saw value in submitting the lives of others to examination.

The great ancient historian, Herodotus, produced a record of his systematic “inquiries” into the Greco-Persian conflicts. We find also a meta-referential discussion of practices of ‘kingly inquiry’ that linked the “human quest for information and knowledge” to the accumulation of personal power through violent conquest. Though the reliability of Herodotus’ histories is disputed, in his work we find vivid scenarios of barbaric kings of the ancient world undertaking their own inquiries, motivated by curiosity and a desire to seize an empire through strategic knowledge.

Herodotus shares several examples of where royal inquiries are undertaken by delegated missionaries on behalf of the king in the period of battle between Persia and Greece. Here, “the king’s desire to know is linked to his desire to conquer” and inquiries are embroiled in violent, strategic struggles for power. Prior to battle, King Croesus embarks on a series of inquiries to strategise and bolster his campaign against the Persians. Croesus interviews not only the Greek oracles but also significant Greek figures to appropriate allies. The act of spying on power and seeking information is replete with a desire for greater power through possession and conquest.

177 Demont, “Figures of Inquiry in Herodotus’s ‘Inquiries’,” p. 185.
Practices of inquiry in the service of government based on the technique of ‘commission’ are also detectable in the antique era. Roman historian Livy wrote that the consular tribune and dictator, Mamercus Aemilius Mamercinus, was a member of a commission of inquiry in the Roman Republic in the 5th century BC. The Praetor of Apulia led an inquiry (quaestio, meaning ‘investigation’) into the Bacchanalia in Italy in the 2nd century BC. This was only one among many judicial inquiries conducted into the ‘Bacchanalian conspiracies’ resulting in the repression of slave shepherds and Bacchanals in 184 BC. These investigations into the paganism and rituals of the Bacchanals, observes one scholar, exhibit a wicked likeness to the dividing practices and juridico-legal techniques re-activated and transformed during the witch trials and inquisitions of the Middle Ages. To seek was to know, and to know was to master and control. These judicial techniques of commission, prosecution, and prohibition evolved through Roman civil law and political theory – and they continue to mark modern inquiry practices in attenuated forms.

Consider now Figure 3.1 below: a simplified timeline marking the ‘birth’ of the inquisitions, inquiries based on the technique of commission and the ‘public’ inquiry. It is to this complex, overlapping assemblage that we turn now.

Figure 3.1 Inquisitions, Commissions and Public Inquiries

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180 Orgiastic, mystic festival of the wine god, Bacchus, eventually repressed in Rome.


Medieval inquisitions, each one specific to a time and place, were dispositifs of torture, confession, interrogation and punishment guided by inquisitorial manuals and entrenched in legislation. These assemblages of practices and institutions dating from the 12th to the 19th century (with the Spanish Inquisition officially terminated in 1834) represent a complex set of specific, violent histories where to govern, meant to control.

Several juridico-legal techniques of spiritual discipline and punishment were appropriated and invented in inquisitorial contexts. The medieval inquisitions of Europe in the 12th century drew on pre-existing legal practices in a struggle against Catharism and other forms of heresy. The language contemporary scholars use to assess these medieval practices reveals a striking parallel to those used in analyses of government inquiries. Alcalà not only positions papal inquisition as a “last resort” response to change, but also assembles a suite of discursive and non-discursive practices – legal methods of inquiry used to “ascertain facts”, arrest, secret imprisonment, torture, and regimes of censorship. Add to this the spectacular and secret techniques of punishment, auto de fe’s, sermons and the construction of indexes, the expertise and power of bishops, commissioners, Inquisitors-General and legal practitioners.

I would like to focus on just three specific trajectories – the translation of judicial/administrative practices of inquiry into governing apparatuses of the modern state, the production of inquisitorial ‘expertise’, and the ‘invention’ of techniques of confession. These bear intimately on modern forms of government inquiry.

Narratives of institutionalisation and bureaucratisation (indicia of the centralisation of power), both of the Church and later the state, figure prominently as conditions and catalysts for the possible existence of inquisitions. After the fall of the Roman Empire, a new set of relations and conflicts emerged between the Church, Crown and the subject. Against this feudal background, the inquisitions of the Middle Ages were traversed by a “spectacular, ritualistic, visible, and manifestly violent” modality of sovereign power. The papal (and later, Crown) monarch wielded a

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185 Walter Wakefield cited in Ruiz, “The Holy Office in Medieval France and in Late Modern Castile,” p. 35.


190 Smart, Foucault, Marxism and Critique, p. 109.
power over the body and soul of the marked heretic or deviant witch, a power over its life and death. The tensions between ecclesiastical and secular sovereign modalities of power, between theological and secular rationalities, played out strongly in context particularly of the Spanish Inquisition.

Influenced more by fledgling narratives of modernity and democracy, the Spanish Inquisition stirred to life in the 15th century via a papal bull which mandated the investigation of individuals guilty of “faithless[ness] and heresy”. The Spanish experience is politically exceptional in one way – it marks a moment of connexion to the modern state with sovereign rather than ecclesiastical control. The mass behaviour and beliefs of early modern subjects became a problem for the emerging state. Though governing remains equated to controlling through a “pedagogy of fear”, the striking aspect of this unlikely Church-state cooperation is the way royal governing apparatuses allied with the powerful Holy Office to render the conduct of Spanish subjects amenable to the inquiring powers and practices of the ‘state’.

If the Spanish Inquisition marks at least one moment where the will to inquire transected sovereign-subject relations to render heretical subjects knowable and punishable, the production of expertise in commissions and inquisitorial practices answers the associated question of who could know and how. Various legal and ecclesiastical techniques, devices and procedures, used to produce and adjudicate truth, were inscribed in inquisitorial manuals of the day such as the Repertorium Inquisitorum and Manuel de los Inquisidores, responsible for the professionalisation and systematisation of inquisitorial practice.

These writings were underscored by a religious/administrative theory of prosecution and belief in the securing the public good through conformity. Torquemada’s Instructions of 1498 were instrumental for the Spanish Inquisition – it prescribed an ideal, structured inquisitorial regime animated by expert jurists, theologians and state-trained prosecutors. The Roman Inquisition in the mid-16th century was also co-produced by a library of inquisitorial manuals and handbooks that sought to systematise the work of inquisitors and engender a certain kind of inquisitorial expertise.

The privilege accorded to judicial expertise is just one of the practices rearticulated in appropriated forms in contemporary government inquiries. Early diagnosticians and confessants were often jurists, lawyers, theologians – or in Foucault’s words, general intellectuals. Just as modern commissioners tend to be esteemed professionals, inquisitors too were expected to be literate, disciplined and wise.

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194 Bennassar, “Patterns of the Inquisitorial Mind as the Basis for a Pedagogy of Fear,” p. 177.
198Arnold, Inquisition and Power: Catharism and the Confession Subject in Medieval Languedoc, p. 78.
These manuals also reveal a counter-factual narrative – inquisitorial powers and practices were profoundly productive. Arnold for example, cites the pleasure of interrogation, the active production of knowledge and power around heresy, the construction of expert inquisitors and heretical confessing subjects who are “taught to find the pleasure of release and contrition in his or her speech.”

The emergence of this experimental technique of confession is an important one – a probe designed to individualise, examine and discipline individual souls with the threat of violence and promise of salvation. A rising interest in the lives and interior beliefs of heretics in the 13th century produced the “confessing subject” as heresy itself was re-articulated as a mass, rather than individual, problem for the Church. Motivated by a “desire to know and...control the laity”, confession was formally introduced in 1215 through a decree that commanded all Christians to confess. It was then rearticulated in the inquisitions in 1252. Arnold notes that the nature of recorded evidence in the medieval inquisitions of Languedoc changed between 1240 and 1320 from formulaic inscriptions to rich, detailed accounts of confession from persecuted heretics. Though primarily suppressive, techniques of confession have not disappeared under modern liberal regimes of rule: forms of legal and political confession occupy an important place in government inquiries that demand different kinds of truths from political subjects. Where there existed no concept of the heretical subject’s ‘right’ of confession or reply, modern government inquiries mobilise a strong rights-discourse of participation and submission that is at once individualising and totalising.

“...he [King William] sent his most skilful councillors in circuit throughout the realm...a careful survey of the whole country was made...and was set down in common language and drawn up into a book...[so]that every man may be content with his own rights, and not encroach unpunished on those of others...”
- Richard fitz Neal, 12th century.

It is somewhat difficult to imagine that as inquisitorial practices and techniques evolved in Europe, a parallel feudal-bureaucratic manifestation of inquiry emerged in newly conquered England: the legendary 12th century Domesday Inquest (1085) widely considered as the inaugural Royal Commission. Yet prior to this, in 10th century France and Germany, it was possible for the Crown to conduct inquiries in order to investigate breaches of the peace and resolve civil disputes. In these practices we find possible precursors to the practice of the Crown issuing commissions of inquiry into people and territories outside of a penal or repressive regime.

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199 Arnold, Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc, p. 11.  
200 Arnold, Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc, p. 22.  
201 Taylor, The Culture of Confession from Augustine to Foucault, p. 51.  
203 Arnold, Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc, p. 4.  
204 See Chapter Six.  
Domesday was certainly not the first inquest of its nature – statistical records about Cambridgeshire were produced in the *Inquisitio Comitatus Cantabrigiensis* and inquests became a regular fixture in the evolving 13th century bureaucracy. The point of difference lies in the scale of the undertaking – it involved the participation of the entire kingdom “from the humblest peasant to the closest allies of the King”. Royal power had entered the lives of its subjects and through participation in customs of law, bound them to the Crown.

The political rationality of kingship, which emphasises the power of the Crown and its community of subjects, arguably made this mode of inquiry into territory, resources and inhabitants possible. Apart from the ongoing relevance of techniques of commission, judicial practices and customs (e.g. oral testimony) in producing and verifying truth, two important notions crystallised in context of British inquests. First, the practice of producing single reports where the composition of an official record at the end of the process does not signal finality, but rather presents an opportunity to govern in future. Inscription was genred, permanent and made public. Second, the idea that inquest could form a means of communication with subjects – a technique of asymmetrical consultation. By virtue of Domesday’s relatively participatory nature (at least 3000 individuals were consulted and gave evidence), medieval inquest practices ensured the power and authority of the Crown entered into the business and customs of local shires.

Though these early inquests pre-date the emergence of governmental power, it represented a moment, an unintended one, of interdependency between inscription, inquest and calculation. The geographical and legal topography of the land was carefully inscribed as non-propositional and inventory-like data in tables and fractions. This is an important point because, as Roffe notes, the Domesday Books were originally described as a *descriptio* or, “a writing down” – this self-description privileges the inscriptive over the investigatory impulse attached to inquests.

Executive inquests began to wane as Parliamentary power increased after the 13th century in Britain. A qualitative, managerial science of “inquiry” emerged as early as the 15th century in British models of government. Francis Bacon in particular, inculcated a philosophic-scientific theory of governing in post-Reformation England through calculated and specialised policy. Breaking away from rationalities of feudalism and kingship which paved the way for rulers to inquire into the lives of subjects in order to control and master them through knowledge and the application of sovereign forms of power (e.g. law and administration), relations between the governed and the governors slowly shifted.

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206 Roffe, *Domesday: The Inquest and the Book*, p. 3.
207 Inquiry into the Sergeanies (1250); Survey of Royal Fisc (1255); Inquest of Officials (1258); Raman Inquest 1274-75; Hundred Roll Inquest (1279-80).
208 Roffe, *Domesday: The Inquest and the Book*, p. 3.
3 The ‘governmentalisation’ of inquiry

“The beginning of Inquiry is Disease: all Science, if we consider well, as it must have originated in the feeling of something being wrong, so it is and continues to be but Division, Dismemberment, and partial healing of the wrong.”
- Thomas Carlyle, Characteristics, 1831.

Thus far, this chapter has explored some historical moments of inquiry, sampled its various rationalities, objectives, possibilities and techniques. These events help denaturalise and disrupt the assumption of continuity attached to the will to inquire – the idea that this anthropic faculty merged seamlessly into mentalities of government. Instead, it manifests in specific instances, enabled by specific thoughts, and animated by a map of techniques. Modes and practices of inquiry are at times invented and new, and at others, re-articulated, borrowed, reprised, rejected and colonised from other discursive practices.

This section takes a longer pause at another moment: the constitution of government inquiries in context of modern statehood and during Foucault’s era of governmentality. We come full circle to Foucault’s footnote which established a governmental will to inquire under predominantly 18th century liberal political rationalities. A reverence for the “idea of a society governed by information”215 traversed the 17th, 18th and 19th centuries as statistical and arithmetic techniques for the establishment of rational, objective truths developed. The ascent of modern statehood was marked by an intelligence driven approach to governing through economic experts, censuses and records of births, deaths and baptisms in the populations.216 These ‘experts’, neutral diagnosticians of the economy and population, represented a break from the ecclesiastical, juristic experts responsible for making moral pronouncements of good and evil.

Knowing the way inquiries move through this liberal logic is an essential precursor to understanding its relationship to the press. Adopting Foucault’s stance, I argue that one way of understanding the contemporary rotating paradox between the chronic and extraordinary states of government inquiry is to first, consider the role of liberal political thought in making both possible, and second, to view it against a trajectory towards a governmentalisation of inquiry. Both are discussed only in context of British and Australian developments.

Confronted with the problem of governing the new realm of the ‘social’, government inquiries may have become a regular, administrative fixture in state apparatuses where the will to inquire is directed more and more towards civil society and citizens. Juridical, sovereign modalities of inquiry have not disappeared, but inquiry per se has now become a problem-field.

In context of a political rationality which positions ‘society’ as both a condition of government and its object, a limitation on government and its target, government inquiries occupy a troubled space in liberal thinking.

Promoting the “art of the least possible government”, liberalism emerged as a critique of sovereignty and a challenge to the excesses of government particularly from the 18th century. Based on a separation of state and civil society to safeguard the rights of the citizen-subject, and anchored to conceptions of freedom, liberalism cultured a reason of least and limited government. In theory, while this tempered the violence and arbitrariness of authoritarianism through mechanisms such as representative government and the rule of law, subjects were expected to self-regulate and self-govern with responsibility in order to protect the very conditions of liberty which the practice of liberty threatens to destroy. Suspended in this swinging pendulum, is the state which must learn to govern through freedom and govern freedom itself; to continuously find the limits of governing and rationalise governing beyond them, particularly through experts and new forms of knowledge.

Government is thus condemned to a cycle of incessant self-critique and self-review powered by a need and thirst for knowledge – knowledge to formulate problems render them governable; knowledge with which to critique government per se. For Foucault, it was this political rationality that made inquiries and commissions conceivable as a limit on the sovereign power of government, rather than an unwarranted intrusion into the private lives and life conditions of citizens. As Foucault notes, commissions constitute a “permanent criticism of governmental policy”. The power to mobilise inquiries is fixed by political epistemes and corresponding technical mechanisms – constitutions, tranches of legislation, committees, government research organs and departments – and invoked in the name of, and for the benefit of, the polity. For example, inquiries have increasingly been demanded by, rather than imposed on, the public as a tool of accountability since the 19th century. Ralph Waldo Emerson was quick to detect this inversion:

“When any breach of promise occurred, in the old days of prerogative, it was resented by the people as an intolerable grievance. And, in modern times, any slipperiness in the government in political faith, or any repudiation or crookedness in matters of finance, would bring the whole nation to a committee of inquiry and reform. Private men keep their promises, never so trivial. Down goes the flying word on the tablets, and is indelible as Domesday Book.”

219 Dean, Governmentality: Power and Rule in Modern Society, 2nd ed, p. 139.
221 The Sydney Gazette and New South Wales Advertiser (27 March 1832), p. 4.
But indeed, a lateral possibility arises from this re-articulated relationship between state, society and inquiries: one of extending governmental power by enabling rather than disabling the knowledge, the forms of inscription required to govern.

Mitchell Dean ghosts over this realisation by noting the way inquiries and reports “give to the social a kind of ‘positivity’”.223 The British Poor Laws Commission is a prime example.224 The standard of representative democracy, which marked the coming of a new political order, sustains conditions for the application of government inquiries precisely because it provides a “guarantee of the submission of forces and bodies”.225 Indeed, satirist Thomas Carlyle lamented a modern, industrialised society obsessed with itself in the 19th century. It was an unbearably mechanical place, marred by “all manner of Inquiries into what was once the unfelt, involuntary sphere of man’s existence...”226 Never, he opined, had Society been so diseased with self-consciousness to the point where “our whole relations to the Universe and to our fellow-man have become an Inquiry, a Doubt; nothing will go on of its own accord...all things must be probed into, the whole of working of man's world be anatomically studied”.227

The emergence of ‘public inquiries’ in the late 18th century Britain is one expression of this shift. The British Inclosure Acts, which abolished feudal farming systems,228 instituted ad hoc commissions of inquiry to investigate land boundary disputes in order to render informed administrative decisions to be made. Public meetings were an essential part of inclosures as were appeals, site inspections, obligations to hear all persons, the production of reports and decisions.229 Inquiries were cast in terms of interests and rights – rights to appear before inquiries, to object, to present individual and community interests. With the surge in democratic models of political organisation in the 19th century, public inquiries signalled a shift – accommodative of a public desire to participate (and legitimate government) and open to the work of specific expertise.230 Participation was made possible through public hearings though from the 1950s onwards, techniques of making written submissions slowly began to take precedence.231

As both a condition and object of governmental power, the dialecticism of inquiry means that it can become a self-devouring, autopoeitic entity. The cure for the ills of inquiry, it seems, is more or different forms of it.

223 Dean, Governmentality: Power and Rule in Modern Society, 2nd ed, p. 150.
a governmentalisation of inquiry

Samantha Ashenden is a strong proponent of imagining public inquiries as forms of “reflexive government”. This observation can be used as a starting point and carefully extended towards the notion that inquiries have been governmentalised. By this I do not mean to imply a linear, universal trajectory towards a certain and permanent relationship between modes of inquiry and governmental modes of power. This concept gestures to the idea that inquiry now constitutes a problem to be governed – the inquiry, commissioners and participants need to be known and managed.

Governmentalisation refers to a process where “something comes to be regarded as a suitable object to be governed” through knowledge, programmes, strategies, tactics and techniques. In the literature review, I argued that some of the literature on inquiries functions as ‘governing manuals’ feeding a trend of conducting inquiries into inquiries. This marks one specific moment in the governmentalisation of inquiry – a process of attending to its own conditional logic, design and intelligibility in order to become a more efficient, optimised version of itself. Given the dialectic of inquiry in liberal mentalities of government, inquiries into inquiries culture this autological and self-referential tendency.

Spurred by the unchecked diversity and uncoordinated procedures of inquiry apparatuses, in 1957, the Franks Committee Report on Administrative Tribunals and Inquiries was released in the UK offering a suite of recommendations for the improvement of inquiry procedure. One of the most significant instances of this manner of critique emerged in the aftermath of the UK’s Sizewell Inquiry into nuclear power in 1985. The public discussion mobilised around the faults of the inquiry was unusual notes Armstrong, particularly as “government spokespersons rarely comment publicly on the inquiry system.”

There are several other examples we can consult. A CERD (a UK non-profit organisation) report, Inquiry into Inquiries, examined means by which “the process can be more productive and more credible, and the end result more effective”. Just as inquiries are deployed to investigate issues of public concern, this inquiry into inquiries was convened specifically respond to failing public confidence in the process. It is designed to act on the public temper precisely because the affective perception of inquiry is pivotal to its operation.

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In an Australian context, in 2009 the Australian Law Reform Commission published an exhaustive legal review of Australia’s largely un-codified inquiry system.239 This was perhaps the first governmental review to make recommendations on best practice, including the suggestion that government ought to publish an “inquiries handbook”240 to produce a disciplined account of current practice and institutional knowledge. This would essentially constitute a ‘governance manual’ to guide Ministers, legal experts, witnesses and participants on when to establish inquiries, and how to manage its conduct.241

Evincing a clear attachment to neoliberal vocabularies of performance management, this managerial discourse of extrapolating “best practice”242 for inquiries is redolent with concerns for monitoring and enhancing its productivity and effectiveness. It embodies a distinct *will to improve* by undertaking work on its design, processes, costs, subjects; its techniques for establishing fact and truth, strategies for enhancing its therapeutic and pedagogical functions; mechanisms to construct is transparency and credibility. Since at least 2005, legal experts and academics have established websites about public inquiries in the UK243 and in Australia.244 *PublicInquiries.org* professes to be a “practical legal resource drawing on the experience of practitioners and participants and offers “practical guidance and advice for anyone interest in public inquiries”.245

These acts of constructing public, accessible knowledge about inquiries and attaching a professional, expert identity to the inquiry practitioner, opens them to critique, monitoring and improvement. Subjected to the art of formulating and governing through problems, inquiries seem both intrinsic and inimical to government, cycle between the ordinary and extraordinary as different powers, different discourses present its excesses and successes.

Understanding that government inquiries are governable and yet able to self-renew through critique will help frame the implications of its technical intersection with the press in Chapter Six.

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245 Underwood and Short, “PublicInquiries.org”.
4 GOVERNMENT INQUIRIES IN AUSTRALIA

“North...comforted himself with the belief that the fact of the convict's death under the lash would cause indignation and subsequent inquiry. ‘The truth must come out if they only ask,’ thought he. Self-deceiving North! Four years a Government chaplain, and not yet attained to a knowledge of a Government's method of 'asking' about such matters! Kirkland's mangled flesh would have fed the worms before the ink on the last 'minute' from deliberating Authority was dry.”
- Marcus Clarke, For the Term of His Natural Life, 1888.

This section simply attempts to understand the operation of government inquiries in an Australian context. First, because the political rationalities considered thus far (e.g. kingship, liberalism) do not help understand the colonial context in which inquiries were first mobilised in the Australian penal colony. And second, because a brief historical snapshot of how government inquiries have evolved since Federation can help identify some conditions making inquiries into the press possible.

**colonial beginnings**

Committees of inquiry are “coming quite into vogue now-a-days” noted a discerning Australian writer in 1825. This was a timely observation – a colonial inquiry, deployed in full force into the lives of disciplined convicts and English free settlers had been finalised at a turning point in the penal colonies of Australia.

Though records show that the first inquiry into the state of the colony was conducted as early as 1812 by a Select Committee in the UK, Australia's first commission-based inquiry was conducted by John Thomas Bigge in 1819 with a mandate to inquire into the conditions of the NSW colony and its suitability for the continuation of transportation. The truth of the colonial situation had to be known before it could be appropriately governed through programmes and policy.

The mobilisation of inquiry under specific forms of colonial governmentality, argues John Ritchie was not necessarily new. The Colonial Office in the UK had commissioned similar inquiries into its various colonies in the 18th century including Trinidad, West Africa and the Americas. These commissions and reports rendered colonial subjects and colonial problems intelligible as much as they created them. But the Bigge reports are significant because they were without precedent as the first to be commissioned after the Napoleonic Wars (1803-1815) and conduct entirely at the discretion of a single commissioner.

With a convict population largely rendered docile through strict regimes of discipline and punishment and the absolute nature of governing power, the inquiry could act on the population through sovereign will. But this did not silence critique,

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246 The Australian (22 September 1825), pp. 2-3.
248 Ritchie, Punishment and Profit, p. 60.
particularly from British free settlers\textsuperscript{249} unused to the extensity and intensity of these inquiring powers. One writer ‘Verax’ in a Letter to the Editor responds to another writer’s frustration with the conflict that arises when a dispute is made the subject of a Commission of Inquiry: calling it an “Inquisition”; an “unconstitutional tribunal...so novel in its nature! – a tribunal unknown to Englishmen...”\textsuperscript{250} According to Wettenhall, the inquiries were roundly criticised for a “failure to observe proper rules of evidence and cross-examination and for their biased treatment of Macquarie’s governorship.”\textsuperscript{251} W C Wentworth and other emancipists criticised the reports on the grounds of impartiality and expressed mutual abhorrence at Bigge’s central recommendation to strengthen the punitive regime of transportation in NSW.\textsuperscript{252} In fact, it was the violent dismantling of the Commissioner’s reputation in the “radical colonial press”\textsuperscript{253} which led the Colonial Office to instruct Governor Darling to legislate a newspaper licensing system.\textsuperscript{254}

As colonial legislatures and principles of representative and responsible government commenced practice in the colonies, historian Paul Finn notes that the production of Royal Commission reports, select committees and boards of inquiry “ran into many hundreds”\textsuperscript{255} as the usage of committees of inquiry by colonial legislatures and executives exploded. There is no scope here to examine the truth of this statement, but it does seem to resonate with the post-Federation Australian experience.

government inquiries since federation: a neighbourly power

Evidencing an affinity with the liberal rationality outlined in the previous section, since Federation, the power of the federal government to appoint commissions of inquiry has been routinely subjected to constitutional challenge in efforts to discover the limits of inquisitorial power and to mark sites of legitimate intervention.\textsuperscript{256}

Similarly, in a High Court decision about the legality of a NSW Royal Commission in 1902, Chief Justice Griffith argued that the power of inquiry is one possessed by every individual citizen, and so long as this power is exercised lawfully, there is no limitation upon it. By attributing the power of inquiry to citizens, Griffith draws on the liberal-democratic rationality that renders this re-articulation possible.

He then proceeded to draw a symmetrical equation between this individual power and that of the Crown using a metaphor of ‘neighbourliness’:

\textsuperscript{249} The Australian (1 September 1837), p. 2.
\textsuperscript{250} Hobart Town Gazette (1 October 1825), p. 4.
\textsuperscript{252} Ritchie, Punishment and Profit, pp. xiii, 245.
\textsuperscript{253} Ritchie, Punishment and Profit, p. 253.
\textsuperscript{254} Ritchie, Punishment and Profit, p. 247.
“although the issue of a commission of enquiry by the Crown is not unlawful, the Crown being in this respect in the same position as a private individual, who may ‘make the most impertinent inquiry into (his) neighbour’s affairs’, coercive powers may not, in the absence of statutory authority, be exercised and any interference with the liberty of the subject or with property, unless authorised by statute or the general law, or interference with the course of the administration of justice, are likewise unlawful”

The leitmotif of neighbourliness engenders a certain sense of reciprocity: the inquisitorial powers of the state, barring formal legal authority, is equal to that of the private citizen. The will to inquire may be impertinent, but it must not be illegal. More than three decades later, Justice Dixon reinforced this characterisation by drawing a distinction between ‘mere’ and ‘coercive’ government inquiries. While this may activate Foucault’s classic take on inquiry as a limited and limiting functionary, it also stages the opposite: the citizen-body remains subject to the curious impertinence of its executive ‘neighbour’. The reverse is also true with the Crown open to public inquiry and critique. Impertinence may exclude coercion, but it is a principle wide enough to accommodate the governmental modes of power which thrive on the fruits of inquiry.

Figures 3.2 and 3.3 below present data on the evolution of inquiries collated from the Australian Parliament website – it shows the number of inquiry/review reports issued by each type of committee since Federation. The Productivity Commission alone, which is excluded from the table, has conducted over 50 public inquiries since its inception in 1998. Overtime, a trend emerges favouring Parliament-based committee systems at the expense of the more coercive and independent Royal Commissions, which experienced a resurgence in the 1970s-80s.

Though it is impossible to extrapolate firm conclusions from these numbers, these trends potentially evidence four historical trajectories useful for understanding the contemporary mentality underpinning government inquiries.

258 McGuinness v AG (Vic) (1940) 63 CLR 73 at p. 120.
**Figure 3.2 Australian Parliamentary and Senate Committees since Federation**

<table>
<thead>
<tr>
<th>Year</th>
<th>House Standing Committees</th>
<th>House Select Committees</th>
<th>Joint Standing Committee</th>
<th>Joint Committee</th>
<th>Joint Select Committee</th>
<th>Privileges Committee</th>
<th>Sessional Committee</th>
<th>Parliamentary Joint Committee</th>
<th>Joint Statutory Committee</th>
<th>Members Interests Committee</th>
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<tr>
<td>1901-1911</td>
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<td>-</td>
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<td>-</td>
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<td>-</td>
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</tr>
<tr>
<td>1912-1922</td>
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<td>90</td>
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<td>1923-1933</td>
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<td>-</td>
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<td>1967-1977</td>
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<tr>
<td>1978-1988</td>
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<td>381</td>
<td>14</td>
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<td>8</td>
<td>19</td>
<td>-</td>
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<tr>
<td>1989-1999</td>
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<td>8</td>
<td>401</td>
<td>62</td>
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<td>17</td>
<td>-</td>
<td>-</td>
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<tr>
<td>2000-2010</td>
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<td>403</td>
<td>94</td>
<td>1</td>
<td>11</td>
<td>-</td>
<td>60</td>
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<td>1</td>
</tr>
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<td>18</td>
<td>11</td>
<td>-</td>
<td>19</td>
<td>-</td>
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<td>-</td>
</tr>
</tbody>
</table>

* As of July 2012.

**Figure 3.3 Australian Royal Commissions or Commissions of Inquiry since Federation**

<table>
<thead>
<tr>
<th>Year</th>
<th>Royal Commissions or Commissions of Inquiry</th>
<th>Year</th>
<th>Royal Commissions or Commissions of Inquiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901-1911</td>
<td>17</td>
<td>1967-1977</td>
<td>16</td>
</tr>
<tr>
<td>1912-1922</td>
<td>31</td>
<td>1978-1988</td>
<td>16</td>
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<tr>
<td>1923-1933</td>
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<td>3</td>
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<td>5</td>
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<tr>
<td>1945-1955</td>
<td>6</td>
<td>2011-2012</td>
<td>-</td>
</tr>
<tr>
<td>1956-1966</td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* As of July 2012. Note that the Australian Parliament website uses the terms Royal Commissions or Commissions of Inquiry interchangeably.
First, there was a distinct growth and consolidation of administrative governing apparatuses in Australia, particularly from the 1960s and 1970s onwards as the committee system of government diversified and the quantitative output multiplied. The committee system, comprising political representatives, specific policy experts and in some instances, public participants, secured a more permanent, but quieter, capacity to conduct inquiries.

The second possibility lies in what Deborah Posel calls the ‘postmodern’ dismantling of truth. The modern architecture of truth was radically problematised in the late 1970s and 1980s. The opuses of Foucault, Nietzsche and Derrida rejected the proposition that truth was an absolute, a priori, universal entity. Instead, certain discourses are elevated to the status of truth in formidable, contingent games of power. The recognition that the will to power, to truth is contingent and exclusive, conditions the possibility of its critique. The games of inquiry inherit this complex. Charged with the responsibility of producing official, objective, authoritative facts, government inquiries are increasingly subject to suspicion, allegations of bias and falsity. Yet these critiques are more often than not predicated on the assumption that the construction of consensual truth is both desirable and possible – with able-minded neutral experts, forensic techniques of examination, and techniques of transparency, accountability and participation.

These shifts have arguably taken shape in context of a wider ethical politics of democratic, participatory, information-oriented government. We can look to government inquiry reports to see how new social and political concepts, like the knowledge economy and information society, have been used to rethink and rewrite inquiries. In 1990, the Standing Committee on Procedure reviewed the committee system and recognised on the need to optimise the inquiry process with mechanisms of deliberation and public participation.

The following year, a Standing Committee for Long Term Strategies imagined *Australia as an Information Society*. Calling the altered programmatic space these concepts promoted a ‘paradigm change’, the report explicitly recognised the technical value of information for governing a society seemingly obsessed with it. Where does information come from? Who owns and circulates it? How can government formulate an information policy to regulate its explosion? The harvesting, accessibility and protection of information was refracted through discourses of privacy, the right to know, responsible use and the protection of national security. Concluding that “access to information for all citizens is essential to the achievement of social justice in a democracy”, the report insisted that the more citizens know, the better able they are to participate in the governing

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process. An extensive programme to “maximise” community participation in inquiries was proposed in 1999 including the publication of public inquiry hearing schedules, daily Parliamentary updates, supply of education material to schools and various media strategies to allow committees to seek “further input to an inquiry”.

A decade later, another programme was put forward in 2010. Inquiries were enveloped in a rationality of democracy with the report positioning the Committee inquiry system as “an interface between representative democracy and participatory democracy, acting as a ‘bridge’ between the Parliament and the people”. New methods of inquiry, innovative evidence-gathering and techniques of public interaction, such as email submissions, teleconferencing and online forums, translate discursive concepts such a dialogue and deliberation, into action. The way submissions and transcripts are constructed as government resources containing “technical and attitudinal” information, further indicates the importance of ‘popular’ public expertise and perception in regimes of governance.

* This chapter has taken a busy journey to trace elements of the will to inquire and ponder how it has been rendered intelligible through writings and practices of moral reflection, scientific knowledge and political analysis: messy, discontinuous shifts from antiquity to modernity, Inquisition to public inquiry, ancient Greece to Australia and towards a potential governmentalisation of inquiry. The next chapter imports these observations into a governmental context to contend that inquiries are thinkable as technologies of government and assemble a simple tetrad analytic to augment this persuasion.

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A genealogy of inquiry in the preceding chapter attempted to unbundle the will to inquire through a series of historical moments. Where there are some elements of continuity between modes of inquiry, different chords of power as well as discontinuities and differentiation exists in specific instances of inquiry. These result from the different political rationalities and discourses that shape them and the mass of techniques, technologies and tactics that accompany them.

Beginning with an explanation of the governmental framework, this chapter absorbs these eclectic observations to extend the characterisation of inquiries as a technology of government. This designation helps capture the strategic, technical dimensions of inquiry and prepares one-half of the ‘inquiry-press’ problematic for analysis in Chapter Six. In the current literature, it is unclear whether this nomination is restricted to the modern (liberal) government context or whether it can be applied to antique or medieval contexts. Considering the remit of this thesis, the former strategy will be adopted. Second, a tetrad analytic is configured to offer a
richer conceptual language for thinking through the polytemporal, polyspatial, polytelic and polytechnic dimensions of inquiry. Neither definitive nor irrefutable; these concepts function as lateral, even temporary, thinking tools.

1 FRAMEWORK: THE ANALYTICS OF GOVERNMENT

The ‘analytics of government’ simply unfolds a diagnostic, empirical perspective to studying the art of government, in this case, a study of this artistry diagonally through the technology of inquiry. It is not a method per se or coherent methodology, instead it provides a sharply focused prism through which we can study attempts to conduct the conduct of the species body, industries, organisations, government and other entities.

Floating at a ‘surface’ level of analysis, governmentality examines the ‘skin’ of this art with a sensitivity to historicity, specificity and the concrete practices, rationalities, forms of expertise and technical assemblages that render government possible. Mitchell Dean’s preliminary framework helps locate the place of technologies in this analytical space.

Dean proposes that analytics explore instances of government by posing four questions (see Figure 4.1): 1. Epistemes: what rationalities or modes of thinking are used to construct truth (for example, particular political theories or academic disciplines) 2. Telos: what are the goals of government? 3. Technē: what techniques, technologies, devices or forms of expertise are used to translate rationality into effect? 4. What modes of subjectification take place through this interplay?

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271 See Dean’s critique of the normative deficiency in governmentality studies: Dean, “Governmentality and Powers of Life and Death,” p. 22.
272 Dean, Governmentality: Power and Rule in Modern Society, 2nd ed.
Technologies fall under the study of technēs, or all those procedures, mechanisms, and forms of expertise employed to manage conduct.

Because these four elements do not posit a linear examination of government, we need only re-orient it in order to study a technology of it. With technology as a starting point, the changing discursive fields of thought which render it operative, the ends to which it is directed and the modes of subjectification produced as an effect of its deployment, can be registered.

But first we must refine Rose and Miller’s original characterisation of inquiry as a technology. Second, while governmentality promotes a technical vocabulary, it remains broad and indulges creative conceptualisation. I draw on two interrelated lines of argument to justify the development of a ‘tetrad analytic’ to provide a simple but more specific conceptual language for understanding the technology of inquiry.

First, the governmental perspective, following Foucault’s spirit, fixes a permanent desire for new, hybridised and borrowed concepts. At times accused of suffering conceptual deficiencies, governmentality is not solely concerned with making empirical diagnoses. Combined with its relative ‘newness’ as an analytical approach and dissociative thinking style, it encourages the production of concepts to better understand the present. William Walters explicitly assigns analysts the task of pioneering new maps and prisms to respond to the “fragmentary” nature of our present times. Second, Rose adds that these concepts are “more important for what they do than what they mean”. Their utility lies in operating as levers that “provide a purchase for critical thought upon particular problems in the present”.

The tetrad analytic is not an attempt to generate a specific meaning or general theory of the technology of inquiry – the value of naming it in this manner lies in its ability to help us think about inquiries.

2 INQUIRY AS A TECHNOLOGY OF GOVERNMENT

While assaying the nature and changing trajectories of political power in 17th century France, Nikolas Rose and Peter Miller distally advocated that inquiries were conceivable as ‘technologies of government’. It is a simple task to boost this portrayal by marshalling more specific definitions of technologies rendered by the same authors, fused with observations about inquiries from the genealogical analysis presented in the last chapter. These arguments are derived from and build on the qualitative work of Foucault, Nikolas Rose, and Marilyn Strathern.

273 Dean, Governmentality: Power and Rule in Modern Society, 2nd ed, p. 3.
A technology, wrote Foucault, is the application of a valid “type of rationality” to mark interventions in society and the economy.278 Nikolas Rose provides a more abundant definition where technology refers “an assembly of forms of knowledge with a variety of mechanical devices and an assortment of little techniques orientated to produce certain outcomes”.279 Technologies, he continued, involve the “inculcation of a form of life, the reshaping of various roles for humans...little body techniques required to use the devices, new inscription practices...mental techniques required to think in terms of certain practices...”280

Mitchell Dean echoes the technical timbre of this definition, arguing that technologies link a variety of techniques and instruments to the achievement of governmental ends.281 Where political rationalities are discursive, technologies effectively ‘translate’ these rationalities and purposes into practice.282 Inquiries however, elide this careful distinction – as an intellectual technology, they animate rationalities but also mediate, modify, even produce them.283

Borrowing and adding to Rose’s definition then, inquiries are imaginable as technologies of government suspended in the will to inquire, to govern, to power, to truth:

A creative and technical assembly of forms knowledge, modes of knowing, apparatuses and assortments of little techniques that seek out, diagnose, calculate and inscribe the truths of specific problematics in order to render them governable according to various goals and ambitions of government. In these games of inquiry animated by the dialectic of power and resistance, the technology addresses and operates on its own conditions of possibility – its epistemological and ethical disposition; the states of subjectification, forms of expertise, modalities of power and discourses which it produces and which holds it together.

‘Government’ here carries two meanings which can be used to expand or restrict the analytical scope of this definition. It can specifically refer to state-based efforts to govern, or more broadly to designate any attempt to conduct the conduct of another.

As a deeply productive, cerebral and interventionist technology, it inculcates a range of specific life forms – inquisitive, participatory and confessing subjects, expert inquisitors; functions according to a range of political rationalities – liberalism, neoliberalism and democracy; is constituted by assemblages of pedagogical, legal and administrative knowledge; embodies the techniques and arts of research, disquisition, survey, submission, audit, law, judgment, deliberation, participation, as

well as a medley of other discursive and non-discursive practices that produce, mediate, legitimise and delegitimise ways of rendering a problem intelligible and governable.

This loose definition acquires analytical colour from specific interplays between the time, place, modalities of power, mentalities of rule and regimes of practice traceable in a studied instance of its application. Unsurprisingly, inquiries need not always be thought of as a technology, nor always one in the service of government. But one of the advantages of this conceptual positioning is that it eliminates, to an extent, the need to begin analyses of government inquiries with the wearisome task of classifying or distinguishing the transitive genres of inquiry – statutory, Royal, Parliamentary, public, independent and the like. These ‘institutional’ differences instead acquire analytical value as various practices, techniques, devices or modalities of power that animate that specific instance of inquiry.

3 A TETRAD ANALYTIC

The preceding section built on the characterisation of inquiries as technologies of government, thus locating its place in the quadrangular analytics of government proposed by Mitchell Dean. Without abandoning this original template, here this general analytic is re-contoured to help augment the conceptual significance of four additional facets of this technology: its polytemporal, polyspatial, polytelic and polytechnic dimensions (see Figure 4.2).

By synthesising pre-existing concepts in governmentality studies and re-contextualising others, this ‘tetrad analytic’ offers a conceptual language for thinking through the technology of inquiry without imposing some form of reifying, compartmentalising theory of it. Drawing particularly on the idea of thinking of something in terms of its multiplicities, these help make sense in context of the genealogical analysis conducted in Chapter Three which noted some specific continuities and discontinuities of the will to inquire. These can now be analysed through the frames of time, space, purpose, thought and technique.
**polytemporal**

Originally coined by Bruno Latour, William Walters hauled this notion of ‘polytemporality’ into the analytics of government, to defend and describe the idea that technologies and techniques that seem ‘new’ or novel in some way, may in fact simply be revivals or re-appropriations of obsolete forms of power.\(^{284}\) Latour argued ‘things’ and ‘objects’ are recombinant such that “every cohort of elements may bring together elements from all times”.\(^{285}\) It is a simple but profound observation to import into analyses of inquiries.

Inquiries are not a new or entirely innovative technology of government. The genealogical analysis in Chapter Three gestured to this polytemporal note. While there is always scope for innovation and experimentation, it rearticulates, distorts, borrows and abandons other discursive practices such as the language of law and administration and techniques of confession, testimony or report-writing.

Polytemporality captures the ongoing articulation of sovereign, coercive techniques of law in the Royal Commissions and independent inquiries framed as exterior to the executive or legislative branches of government. Polytemporality is also a fine


way of framing the reprisal and recontextualisation of witch hunting rhetoric in the 2011 Independent Media Inquiry – an old representational strategy transported to a different time.

**polyspatial**

The concept of ‘polyspatiality’ occupies an important place in cultural studies. Cultural theorist Lawrence Grossberg uses it to capture the many spaces and mobility of power in the modern cities. The city, he argued, is a “complex or overlapping system of spatial empowerment and disempowerment, of mobility and placement, of openness and closure. It is a polyspatial city.”

We could think about the technology of inquiry using this spatial logic. On one reading, ‘polyspatial’ offers a simple reference to this technology's usage or translation across various contexts or sites – mobilised by the self on the self, by the state to know and conduct risk groups, problem subjects or the social conditions of the species. But Grossberg's adaptation draws attention to the layered, mobile and distributed spaces of inquiry – it does not create nor operate in a single embodied centre of inquiry. Rather, it is given proximal form through private meetings, public hearings held in universities, town halls, community halls or Parliament as well as in distal, even unintended, sites – multiple spaces of discussion online, in other inquiries, in universities, in various media and academia. The programmes, documents and artefacts engineered in the process are mobile, reproducible, extendable and referable in future moments of government. The spatial architecture of each instance of inquiry is specific and different, each space characterised by different degrees, in Grossberg's terms, of openness and closure, and activating different varieties of subjectification, agency and resistance.

**polytelic**

The Greek word *telos* refers to a goal, and governmentality scholars use it to refer to the purpose or objective attached to instances of government. However, I propose that we may think of the technology of inquiry, as *polytelic*. This notionally extends the characterisation to mean inquiries may have multiple, unforeseen and often competing goals. For example, political speeches or media releases may publicly attach a particular purpose to an inquiry, but accompanying this act of power are forms of resistance which may challenge, redefine or aspire to re-direct the trajectory of an inquiry. The art of government must take into account the possibility of error and failure. It also draws usefully on a sequence of meaning conferred upon this term in Complex Problem Solving Theory – an area of cognitive research that focuses on problem-oriented decision-making.

This psychometric literature on systems of decision-making helps problematise the way *telos* is made to mean something in governmentality literature.

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288 Note that the term ‘polytelic’ also has applications in the biological sciences. See: Taciana Cavalcanti and Gabriel Rua, “Inflorescence Patterns in the Woody Brazilian Genus Diplostemon (Lythraceae),” *Flora* 203 (2008), pp. 261-271.
Funke argues that polytelically, or the presence of multiple, contradictory, goals and dynamic, intransparent variables is an inherent feature of complex problems. This polytelic environment creates tension, requires cognitive work to “select and prioritise goals” and to “resolve goal conflicts”. If we paralyse the cognitive mien of this research and focus only on how it adds dimension to the concept of polytelically, it enlivens the goal-oriented branch of the analytics of government. In a governmentality context then, this term first recognises the inherent complexity of the problem-space in which the technology of inquiry operates. Second, it forces us to consider that this technology may be characterised by the existence of multiple objectives, contradictions, intransparencies, dynamisms and perennial possibilities of error, unexpectedness or failure.

**polytechnic**

The technē or technics of government figure prominently in the analytics of government as those tools which actualise rationalities or discourses. As noted above, the technology of inquiry troubles this discursive/technical divide. By converting this term into its multiple form, polytechnic, it more accurately captures the knowledge intensive, intellectual-creative dialectic of the technology of inquiry.

The term ‘polytechnic’ attracts a somewhat derogatory contemporary meaning in educational contexts, commonly used to describe technical or vocation-oriented educational institutions. I want to partly recompose a Greek translation of the term using a thin interpretation of Martin Heidegger’s work on technology as a starting point. This conceptual lever unveils another dimension of the technology of inquiry – its intimate link to truth and knowledge, competing scientific practicality and creativity; technicality and artistry.

The Greek prefix poly means many, and technic refers variably to the techniques of art and science or to technology per se. Though his work is far more complex than stated here, Heidegger charted implications of the relationship between modern technology and humanity. He returned to the Greek origins of the term technology – technē – which referred to “activities and skills of the craftsman” and “the arts of the mind and the fine arts”. As Heidegger puts it, technē is a name “for knowing in the widest sense... to understand and be expert in [something]. Such knowing provides an opening up. As an opening up it is a revealing.”

In the simplest of terms then, Heidegger provides a basis for understanding technology as a mode of knowing and unearths the artistry and skill attached to the

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technical. Organised around the double helix of science and art, describing inquiry as polytechnic captures the multiple scientific, technical and creative skills and knowledges that constitute it and the many modes of knowing it inhabits including a range of inter-reliant techniques, skills, strategies and devices for producing truth.

* 

This chapter provided a flexible but contoured definition of inquiry as a technology of government and four-dimensional conceptual lever for understanding specific instances of it through analysis. The tetrad is not used to ‘tag’ the analysis of a governmental event with these terms – where every technique, strategy or device is shuffled under one analytic branch or the other – but rather to understand these properties as a whole. Both can now be programmed with particularities arising from an instance of government – as in Chapter Six, where the Australian press-inquiry problematic takes centre stage. The following chapter shapes the second element of this complex – the press and journalists.
THE PRINT MEDIA AND JOURNALISTS

governing a ‘free press’

“This is true liberty, when free born men | Having to advise the public, may speak free.” – Euripides

“Of all the institutions of Australia, the Press has exhibited the greatest vitality, exercised the most powerful influence and illustrated the most decided progression.”
- James Bonwick, Struggles of the Australian Press, 1890.

The preceding two chapters marked out a detailed understanding of the technology of inquiry by refracting it through the analytics of government. Having staged one part of the ‘inquiry-press’ problematic, this chapter attempts to unbundle the latter to complete the analytical precursors necessary for treating the specific juncture between the technology of inquiry and the press in the next chapter.

 Echoing the strategy adopted in Chapter Three, ‘Foucault’s footnote’ is then used as the ideal starting point to embellish the analytical significance of the press under liberal rationalities. Like inquiries, for Foucault the press too was a mechanism or apparatus enabling the art of least government but David Nolan’s recent governmental perspective on journalism permits a rephrasing of journalism as a technology of power under the dialectic rationality of liberalism.

Then, a brief contextual exploration of state-press relations in Australia is presented – how did the conduct of the press become a ‘problem’ to be governed? Convention
usually frames this through the trope of press ‘regulation’, but this chapter exposes the oddity of thinking about how the free press has been ‘governed’ in the past. Through this lens, the usual aura of crisis and incredulity constructed around government inquiries into the print media is tempered – inquiries become one among many ways the state governs and governs through press freedom.

1 The press as an apparatus of power

In his satirical critique of the regime of Napoleon III, Maurice Joly staged a series of imaginary dialogues between two pivotal political thinkers, Niccolò Machiavelli and Montesquieu, about the folding of constitutional liberalism into tyranny – the former having written a manual for the exercise of princely power, and the latter, one in favour of constitutional sovereignty. Machiavelli, in this fictional agora, declares:

“since it is almost always because of the press that governments in parliamentary countries are brought down, my scheme envisions neutralising the press by the press itself. Because journalism wields such great power, do you know what my government will do? I will become like them. I will be journalism incarnate!”

Machiavelli brashly proposes that the press can both be governed (through regimes of censorship, editorial influence, taxation and prohibition) and help govern by managing the resources of public opinion and rendering the body politic available to the power and policy of government. But for the fictional Montesquieu, who seemingly shares Foucault’s brief opinion on the press, it “hinders arbitrariness in the exercise of power...forces one to govern constitutionally...[and]constraints the trustees of public authority to honesty, modesty and respect for oneself and others”.

Though parodic in nature, this performance showcases two political forms of the state-press relationship. Guided by ostensibly different political rationalities, authoritarianism and liberalism, Machiavelli’s governed/govern observation can be imported into Foucault and Montesquieu’s outlook on the press, subject to the principle of reversibility. Under liberal mentalities, where the distance between those who govern and those who are governed are distorted, the press is at once governed by governors (as per Machiavelli), governs the governors (as per Foucault) and relies on regimes of self-government.

While Nikolas Rose briefly acknowledged the media’s role as an apparatus of government, David Nolan expresses this reversible relationship in a way that resonates with the positioning of inquiries as technologies of government. If the

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297 Joly, Dialogue in Hell Between Machiavelli and Montesquieu, p. 42.
press, like schools or the military operates as an apparatus of government,\textsuperscript{299} journalism is a technology of it.\textsuperscript{300} Theories of the press have an ostensible presence in the inquiries into it, but they not only represent attempts to situate the press in relation to state and society, but in Nolan’s argument, function as rationalities of journalism. The British Tradition of the ‘Fourth Estate’ or the role of the press in public sphere theory for example, situates journalism as “a vital element within a broader apparatus of liberal government”.\textsuperscript{301} The construct of the Fourth Estate engineered a deliberate space for the press in the political theory of the separation of powers and instantiated a distance from these branches with mentalities of self-regulation and strategies of free speech, autonomy and public duty.\textsuperscript{302}

Discourses of press freedom – a condition frequently measured, rated and ranked by research experts\textsuperscript{303} – establishes a representational disconnect from the state and arc of connection to the ‘public’, but it is precisely this condition of freedom which paradoxically resists and renders it amenable to government. Freedom being nothing more “than an actual relation between governors and the governed”,\textsuperscript{304} liberalism allows both the creation and destruction of it. The state may control and limit through law and regulation that which risks that freedom and therefore sets the conditions for its exercise (freedom of expression, market, property, discussion, opinion).

Journalism as a profession or craft, and perhaps even the popular myth of the free press, serves two reinforcing purposes in this liberal regime: a supplier of perpetual commentary characteristic of the “dialogical self-critique of liberal democratic societies”\textsuperscript{305} and secondly, as a conduit for the production and circulation of critiques in public discourse. If knowledge is a pre-requisite for governing something, then the press daily inscribes and analyses minute and macrocosmic conditions of life through popular and specific forms of expertise – economy, culture, politics, environment, sport. This is a technology that educates, confers a sense of rights and duties; instills little routines of citizenship and practices of opinion-making and political participation. Under this paradigm, journalists become expert truth-seekers and servants of the public interest\textsuperscript{306} – a mode of subjectification reinforced through disciplinary manuals\textsuperscript{307} minute techniques of self-discipline, self-censorship, self-mastery, and normalising codes of conduct.

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\textsuperscript{299} Apparatus (or dispositif) is defined by Giorgio Agamben as “literally anything that has in some way the capacity to capture, orient, determine intercept, model, control or secure the gestures, behaviours, opinions or discourses of living beings...” The print media or press dispositif consists of an assemblage of things, practices and architectural forms – newsrooms, codes of conduct, advertising, writing, discourses of freedom, democracy and accountability. See: Giorgio Agamben, What is an Apparatus? And Other Essays (Stanford: Stanford University Press, 2009), p. 14.

\textsuperscript{300} See: J Arbuckle Reid, The Australian Reader: Selection From Leading Journals on Memorable Historic Events (Melbourne: J Whitelaw and Son, 1890), p. 10.


\textsuperscript{302} Nolan, “Media Governmentality, Howardism and the Hanson Effect,” p. 1369.

\textsuperscript{303} See: J Arbuckle Reid, The Australian Reader: Selection From Leading Journals on Memorable Historic Events (Melbourne: J Whitelaw and Son, 1890), p. 10.


\textsuperscript{305} Foucault, The Birth of Biopolitics: Lectures at the Collège de France 1978-1979, p. 63.

\textsuperscript{306} Nolan, “Media Governmentality, Howardism and the Hanson Effect,” p. 1371.

\textsuperscript{307} Nolan, “Media Governmentality, Howardism and the Hanson Effect,” p. 1371.


routed through professional associations such as the APC and MEAA. Self-regulation founded a disciplinary attachment to truth, objectivity and impartiality, and authored a vulnerability to criticism which would only inflate in the late 20th century as notions of absolute truth and other abstractions of positivism, were decomposed, parallel to a surging favour for the programmatic democracy the press could help provide.

A famous inscription punctuates the cover page of the Hutchins Commission report:

“If there is ever to be an amelioration of the condition of mankind, philosophers, theologians, legislators, politicians and moralists will find that the regulation of the press is the most difficult, dangerous and important problem they have to resolve. Mankind cannot now be governed without it” [my emphasis].

This extract from John Adams bears testimony to the significance of the press in contemporary regimes of government and the increasingly difficult task of governing it. How has Australia historically dealt with this problematic?

2 AUSTRALIA AND THE PRESS

“the Press is...a new power; and it is neither arranged on a right footing as yet, nor is it properly appreciated, nor has time settled or sanctioned the names or the conditions of the persons who take a part in its government. We hear of editors, reporters, writers in newspapers, and sometimes ‘publicists’...they are in public estimation, somewhat derogatory expressions...the profession, were it officée, would effectually exclude the professor from many circles of society...”


During the 1898 Australian Federation Conference, an exchange took place between Sir Isaacs and a Mr Wise comparing the possibility and desirability of government by Parliament or government by press. Parliament is a medieval institution noted Isaacs, easily supplanted by the deliberative organs of the press. Wise indulged the point at length: the press now exercises a great and powerful influence as a deliberative assembly responsible for the formation of a new form of inscription – public opinion.

In the end both men agreed to the supremacy of representative institutions, but this interlude evidences the powerful presence of the press as a governing instrument in pre-Federation Australian history. The political theory of the separation of powers, which so greatly complements political rationalities of liberalism and democracy,
provided a neat thought-action complex to which the press affixed itself as the Fourth Estate. The eternal problem in this relationship between the state, press and society was evident: if both the people and the press check the power of the state, who would govern the press?

The press is no stranger to the art of being formulated as a problem – in the era of inquisition, particularly in the 16th century, specific techniques and regimes of censorship were invented and applied to control the spread of ideas and beliefs contrary to religious doctrine. Yet histories of the Australian print media both emphasise its relative condition of freedom from government regulation under liberal political rationalities of the 19th century, compared for example, to broadcasting. There is equal recognition of the role played by the press in constituting Australian statehood and producing ‘free’ self-governing citizen-subjects.

Take the familiar saga of Governor Darling’s attempt to control the colonial press in NSW through sovereign techniques of taxation, prohibition and judicial punishment. Following relative conditions of censorship and government control between 1803 and 1827, colonial newspapers produced critiques of penal governance and campaigned for a liberal form of self-determination, a subset of the political elite grew wary of dissent and accountability. Indeed, NSW newspaper proprietor E S Hall boldly declared his Monitor a “perpetual Commission of Inquiry”. In a letter, Governor Darling complained that the “People are taught about the rights of Englishmen and the free institutions of the Mother Country”. The press had emerged as a critique to Darling’s authoritarianism and established the seeds of democracy in the frontiers. It is ironic that Darling’s conduct towards the public press was made the subject of a committee inquiry.

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define modern political rationalities of democracy in specific times and places – for example perhaps, more qualitative features of participation, deliberation and debate. See: Rose, The Powers of Freedom: Reframing Political Thought, pp. 221, 224.


317 Madeus O’Kane, The Bulletin (1 July 1882), p. 5; Brunson Fletcher, Standards of Empire: The Making of a Journalist (Sydney: Angus and Robertson, 1924), p. 36.

318 Arthur W Jose, History of Australia From the Earliest Times to the Present Day (Sydney: Angus and Robertson Ltd, 1921), p. 49.


324 House of Commons, Report from the Select Committee on the Conduct of General Darling While Governor of New South Wales with the Minutes of Evidence and Appendix (United Kingdom Parliament, 1 September 1835), p. ii.
This early reverie of censorship was however, preceded by a governmental interest in using the press to culture a productive, informed citizen-body. Governor Philip King wrote:

“the settlers and inhabitants...should be benefitted by useful information being dispersed among them...a weekly publication would greatly facilitate that design...I gave permission to an ingenious man, who manages the Government printing press, to collect materials weekly...the motive which has guided me in granting this indulgence to the inhabitants has been for the bettering of their condition”. 325

Governor Brisbane too, championed the press as a cultivator of “free and informed” citizen-subjects and a colonial public sphere.

In other words, the press operated as a technology to produce disciplined, citizen-individuals. Alastair Davidson’s history of the Australian state provides more specific evidence for this claim – newspapers and journals of the colonies were an essential element of government programmes to produce healthier, happier and more fertile and productive women and families.327

Sandy Blair detects a change following this age of absolutism, one which aligns with a global moment of acceleration in methods and techniques of inscription:328 the colonial press “was held in check by newer, more subtle devices”. 329 This instance in the 1830s, attributable to the sway of English liberalism, marks a turning point in ways the press was ‘governed’ – no longer solely about visible coercion and control, but conducting its conduct with a sequence of molecular tactics and striations of knowledge, including, the economic seduction of government advertising and printing contracts,330 threats of political boycott, printing registration laws and the employment of public relations expertise.331

The Audit Bureau of Circulations (1931) turned a statistical eye to an increasingly commercialised print economy to calculate the science of profitable journalism, to measure and record the distribution and concentration of an industry.332 But more and more imaginable through discourses of a nation political system and national economy post-Federation, these discursive mechanisms help conceptualise the press as an intelligible, governable domain: a theory linking the press to publics and democracy, economic and financial data quantifying ownership and inhibited competition, tables and graphs of audience share, circulation and geographic distribution, research papers and textbooks inscribing different relations and processes in the ‘media landscape’ or the manuals and commentaries of the 1920s that powered practices of division between popular/quality press to assign values of public service and vulgar pleasure.

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Techniques of law and lines of coercion have not and did not disappear as a modality of regulation – the press is still subject to tranches of privacy, intellectual property, defamation, discrimination, corporations and trade laws as well as oversight power of the Privileges Committee (now the Standing Committee of Privileges and Members’ Interests) in the federal House of Representatives.  

There is another governmental tactic at work in this governed-governing relationship between the state and press – one disguised in the regular exchange of insults between the two. Goldie Osuri calls them “governmental statements” – a discursive tactic used to frame truths around specific problems and promote an expected pedagogy of regulation. In press conferences, speeches, Parliamentary debates, public lectures, opinion pieces and government reports, notes for example, governmental statements featured heavily as a political strategy in a colonial context to stigmatise editors and journalists in “despatches and official documents”. In the 20th century, these molecular tactics consolidated into a “wholesale dismissal of journalism as personalised vendetta”.  

These work at the level of subjectivity – delivered as common-sense advice to journalists, the public and media-owners to encourage self-regulation, self-responsibility and self-censorship. These statements may censure bias, sensationalism or selectivity in the presentation of news but importantly, feature notes of advice and expectation. The Minister for Information in 1943, Arthur Caldwell, termed journalists “mental harlots” – pathologising the hedonistic, greedy body and mind of the press and journalists, constructing them as a problem and challenging the diseased condition of press freedom with critiques of capitalism that came to be seen as characteristic of the Labor party. The profession, mind and soul of journalists were expressed through a metaphor of “drunkenness” – signalling an excess, arbitrary state of power.  

These early skirmishes conveyed a deep sense of moral outrage at the temerity of the press, but devoid of any significant exhortation to master or improve journalism. In contemporary times, Australian politicians regularly vent their grievance about media bias. MP Bob McMullan in 2006 took issue with poll reporting practices in the media, reprising a concern for the decay of democratic process and health. In another grievance debate, MP Hollis critiqued the self-
regulatory temple of the APC, describing it as a “sham whose function is to protect the Press from criticism”.\textsuperscript{341} A clear discourse of accountability emerges as he urges Parliament to “make the print media much more answerable, much more accountable”.\textsuperscript{342} Hollis patiently recounts an incident where he was made victim of bias, labels the offending editor a “disgrace to the noble profession of journalism”\textsuperscript{343} and employing techniques of rhetoric and judgment, carefully faults the newspaper’s performance by precise and ordered reference to the APC’s Code of Ethics.

3 INQUIRIES INTO THE PRINT MEDIA

In contemporary assemblages of government, there is a rich ‘tradition’ of inquests, Royal Commissions, ad hoc public inquiries, statutory tribunals, statutory inquiries and boards of inquiry. There are those contracted out to think tanks and government research organs such as the Productivity Commission;\textsuperscript{344} regulatory agencies with a permanent oversight mandate such as Australian Communications and Media Authority (ACMA), Trade Practices Commission (TPC)\textsuperscript{345} and the Foreign Investment Review Board (FIRB); non-government interest groups and organisations that conduct their own form of inquiry; professional associations and self-regulatory agencies such as the Australian Press Council (APC), Media, Entertainment and Arts Alliance (MEAA) and the International Journalists Association (IJA).

Given this matrix, what is the significance of the contiguity between the print media, or press, and inquiry? Official government inquiries, such as Royal Commissions, have been mobilised into the press in the United Kingdom and Canada. Yet it has only been in the last three decades that this trend has migrated to Australia.

Government inquiries into the print media emerged post-WWII (see Figure 5.1), gathering momentum, particularly in the 1970s, with the popular consolidation of democracy as a model and political rationality the press and state, as well as a reorienting of capitalism that changed the economic narrative for both. These are took shape in context of at least four historical moments and global lines of thought beginning in the 20\textsuperscript{th} century: a rapidly expanding project of media research that turned the press into an object of knowledge and intelligible as an ethical, economic and political problem, secondly, post-war changes to media structures resulting in ownership concentration, thirdly, the problematisation of objectivity in the profession which ran parallel to the broader challenge to the politics of truth\textsuperscript{346} and lastly, challenges to the political rationality of liberalism and models of democracy on which the state-press-public relation was based. For example, in a 1975 Trilateral Commission, Samuel Huntington argued the media shouldered considerable

\textsuperscript{346} See Chapter Three.
responsibility for the “global crisis in democracy” by eroding “reverence for authority in many post-industrial societies”. The technology of inquiry, it seems, has historically helped to program technical thinking around these troubled relations and rationalities.

Figure 5.1. Key Government Inquiries into the Press/Print Media (USA, UK, Canada and Australia).

The Commission on Freedom of the Press (Hutchins Commission) was organised in the USA, not by the state, but the dean of the University of Chicago and a magazine publisher. Reporting its findings in 1947, the Commission is famous for espousing a concrete theory of social responsibility – a liberal utilitarian discourse which sought to reconcile the public role of journalism with the proper conduct of journalists in a democracy. This new rationality of the press, underpinned by strategies of accountability, was a critique of and response to, profound agitation over media monopoly and troubled press standards. Journalists ought to conduct themselves responsibly in the service of the public, the report argued, to avoid government regulation.

Following the war, the first Royal Commission on the Press was assembled in the UK, focusing on a familiar triptych: the concentration of media ownership, the decline of ‘quality journalism’ and the impact of this duality on freedom of expression. Reporting in 1949, the commission reproduced the rationality of ‘self-regulation’ as a means of governing journalists. Two more Royal Commissions followed in 1961-1962 and 1974-1977 respectively. The former revisited the economic problematic of concentrated media ownership, using the language of diversity and the public interest. The latter (which also produced a minority report) adopted a deeply

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ethical agenda, interrogating the strategies of independence, diversity and editorial standards pivotal to the industry’s disciplinary profile.\textsuperscript{354}

Figure 5.2 images how inquiries have been mobilised to turn the ‘media’ into an object of inquiry in Australia. The table logs the disproportionate attention paid to broadcasting: the technology of inquiry was used early to annex the airwaves and broadcasting spectrum as a public good, and as a problem of distribution, was by virtue a problem for government. Two events precede the era of federal inquiries into the press. The first, Victoria’s Norris Inquiry of 1981 which followed News Corp’s unsuccessful takeover of HWT, and the second, an extraordinary examination of media bias against the Federated Ship Painters and Dockers Union in 1982 as an adjunctive part of a state Royal Commission.\textsuperscript{355} This decade was characterised by the popularisation of discourses construing media ownership and concentration as a threat to the “proper function of a free press”\textsuperscript{356} as well as the proliferation of media studies in tertiary education which in turn, intensified “critical analysis of the performance of the press” in Australia.\textsuperscript{357}

Federal inquiries into the press (at least four to date) began in earnest only in 1992 in the midst of a period of economic deregulation.\textsuperscript{358} A preference for committee-based inquiries (which at times risk bipartisan estrangement) is clear, though relative proclivity of ALP governments to mobilise this technology against the press cannot be understood clearly on this evidence alone.\textsuperscript{359}

There is however, one indulgent possibility resting in Foucault’s figure of ‘party governmentality’.\textsuperscript{360} The composition refers to the totalitarian state in a passage where Foucault posited that governmentality in the 20th century were moving in twin directions away from state-based governing to either authoritarian and liberal forms.\textsuperscript{361} If we nudge this concept slightly away from its attachment to authoritarian modalities of power toward a more literal cosmos, ‘party governmentality’ helps decompose idea of government in an Australian context, where political parties may approach the press apparatus with different mentalities.

Unlike the Liberal/National coalition which traditionally adopts liberty and freedom as governing principles, the ALP prioritises liberty, equality and democracy.\textsuperscript{362} Where freedom is linked to egalitarianism or equality, there lays a justification for intervention into the social to create, destroy and redistribute freedom; to create

\begin{footnotes}
357 Marshall, \textit{Industrial Relations and Industrial Democracy in the Printing and Newspaper Publishing Industries}, p. 36.
358 Notably though, the \textit{Royal Commission on the Activities of the Federated Ship Painters and Dockers Union} in 1982 forged an unusual path into examining the normative practices of journalism by reference to union allegations of media bias and misrepresentation. See: Office of the Royal Commission, \textit{Media Bias and the Victorian Branch}.
359 Evidence shows however, that in terms of a monthly average, Labor governments are three times more likely to call an inquiry than the Coalition. See: Prasser, \textit{Royal Commissions and Public Inquiries in Australia}, p. 53.
360 Foucault, \textit{The Birth of Biopolitics: Lectures at the Collège de France 1978-79}, p. 186
\end{footnotes}
conditions for its exercise by all in theory. This could help understand the ALP’s federal inquiry record. Secondly, one could also consider the historical points of strategic alliance and translation between professional self-regulatory bodies and the ALP.\textsuperscript{363} The AJA lobbied strongly for the Royal Commission into media ownership and formed the APC in 1976 after the then Minister for Media aired the possibility of introducing press licensing.\textsuperscript{364} The APC also declared support for the 2011 Independent Media Inquiry.\textsuperscript{365}

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The three sections in this chapter refracted the press, journalism and journalists through the gestalt of governmentality as an apparatus, technology and mode of subjectification, explored some historical means and ways of governing the ‘free press’ in Australia and finally paused at to take a broad contextual look at the intersection between the technology of inquiry and the press. The next chapter breaches this planar surface to examine two specific manifestations of the will to inquire into the press in dialogue with the analytic inflections proposed in this chapter and Chapter Four.

### Parliamentary and Senate Reviews, Reports and Inquiries

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<th>Government/Party</th>
<th>Inquiry</th>
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<td>Royal Commission on Wireless</td>
<td>1927</td>
<td>Nationalist/Country - PM Stanley Bruce</td>
<td>Public Royal Commission</td>
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<td>Royal Commission appointed to inquire into statements in the press in regard to offers alleged to have been made to members to resign seats in the Federal Parliament</td>
<td>1928</td>
<td>Nationalist/Country - PM Stanley Bruce</td>
<td>Public Royal Commission</td>
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<td>Report on wireless broadcasting (Gibson Report)</td>
<td>1942</td>
<td>Labor (Minority) - PM John Curtin</td>
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<td>12th Report: Frequency modulation broadcasting, television broadcasting and facsimile broadcasting</td>
<td>1946</td>
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<tr>
<td>14th Report: The broadcasting of news</td>
<td>1946</td>
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<td>Royal Commission on Television</td>
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<td>47th Report: Broadcasting and television services – Underspending of Capital Works and Services Division</td>
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<td>All Aspects of Television and Broadcasting, including Australian Content of Television Programmes (Progress Report)</td>
<td>1972</td>
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<td>All Aspects of Television and Broadcasting, including Australian Content of Television Programmes (Second Progress Report)</td>
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<td>All Aspects of Television and Broadcasting, including Australian Content of Television Programmes (Third Progress Report)</td>
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<td>The Impact of Television on the Development and Learning Behaviour of Children</td>
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<td>Broadcasting and Television Amendment Bill</td>
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<td>Examination of Annual Reports - Children’s Television Standards (Third Report)</td>
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<td>News and facts: The Australian print media industry</td>
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<td>Off the Record - Shield Laws for Journalists' Confidential Sources (First Report into the Rights and Obligations of the Media)</td>
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<td>Percentage Players: The 1991 and 1993 Fairfax Ownership Decisions (First Report)</td>
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<td>R-Rated Material on PayTV; Regulation of Bulletin Board Systems; Codes of Practices in the Television Industry</td>
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<td>Operation of Codes of Practice in the Television Industry: Part 1</td>
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<td>Television Broadcasting Services (Digital Conversion) Bill 1998</td>
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<td>Australian Content Standard for Television and Paragraph 160(d) of the Broadcasting Services Act 1992</td>
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<td>In the Public Interest: Monitoring Australia's Media</td>
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<td>Self Regulation in the Information and Communications Industries</td>
<td>Senate Select Committee on Information Technologies: Minority Report (Sen. Stott Despoja)</td>
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<td>Broadcasting Services Amendment (Digital Television and Datacasting) Bill 2000</td>
<td>Environment, Communications, Information Technology and the Arts</td>
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<td>Report on the Broadcasting Services Amendment (Media Ownership) Bill 2002</td>
<td>Senate Environment, Communications, Information Technology and the Arts Legislation Committee</td>
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<td>Review of the Special Broadcasting Service Annual Report 2002-03</td>
<td>Standing Committee on Communications, Information Technology and the Arts</td>
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<td>Media coverage of House proceedings: Including the Chamber, Main Committee and committees - Final report</td>
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<td>A Lost Opportunity? Inquiry into the Provisions of the Australian Communications and Media Authority Bill 2004 and related bills and Matters</td>
<td>Environment, Communications, Information Technology and the Arts</td>
<td>2006</td>
<td>Coalition - PM John Howard</td>
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<td>Broadcasting Services Amendment (Media Ownership) Bill 2006 and Related Bills, and Background Paper by the Minister for Communications, Information Technology and the Arts on New Services on Digital Spectrum</td>
<td>Standing Committee on Communications, Information Technology and the Arts</td>
<td>2007</td>
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<td>Standing Committee on Communications, Information Technology and the Arts</td>
<td>2008</td>
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<td>Standing Committee on the Environment, Communications and the Arts</td>
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<td>Sexualisation of Children in the Contemporary Media</td>
<td>Senate Standing Committee on the Environment, Communications and the Arts</td>
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<td>The reporting of sports news and the emergence of digital media</td>
<td>Standing Committee on Legal and Constitutional Affairs</td>
<td>2009</td>
<td>Labor - PM Kevin Rudd</td>
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<td>Interim Report - Evidence Amendment (Journalists' Privilege) Bill 2009</td>
<td>Standing Committee on Legal and Constitutional Affairs</td>
<td>2009</td>
<td>Labor - PM Kevin Rudd</td>
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<td>Evidence Amendment (Journalists' Privilege) Bill 2009</td>
<td>Standing Committee on the Environment, Communications and the Arts</td>
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<td>Labor - PM Kevin Rudd</td>
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<td>Broadcasting Legislation Amendment (Digital Television Switch-Over) Bill 2008</td>
<td>Standing Committee on Legal and Constitutional Affairs</td>
<td>2010</td>
<td>Labor - PM Kevin Rudd</td>
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<tr>
<td>Evidence Amendment (Journalists' Privilege) Bill 2010 and Evidence Amendment (Journalists' Privilege) Bill 2010 (No. 2)</td>
<td>Standing Committee on Legal and Constitutional Affairs</td>
<td>2011</td>
<td>Labor (Minority)- PM Julia Gillard</td>
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<td>Broadening the debate: Inquiry into the role and potential of the National Broadband Network</td>
<td>Standing Committee on Infrastructure and Communications</td>
<td>2011</td>
<td>Labor (Minority)- PM Julia Gillard</td>
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Independent Inquiry into Media and Media Regulation
VI

TWO INQUIRIES INTO THE PRINT MEDIA

an analytics of inquiry

“...the challenge for the Inquiry...is not to solve this problem but to convince the community that there is a problem...”
- David Griffiths, submission to the 1992 Print Media Inquiry.

This chapter undertakes the task of programming specifics into the conceptual tools proposed in the preceding chapters to produce a simple analytics of inquiry using two case studies – the 1992 Print Media Inquiry and the 2011 Independent Media Inquiry. If in 1992 the press altered the state’s perceived economic space, then in 2011, it altered the state’s information space. The technology of inquiry in these embodies, produces and reproduces a specific desire, a will to govern the press, journalists and the public through inquiry where media crises or epidemics in each case are constructed and rationalised as economic and technological problematics. Unbundling this desire diagonally through the technology of inquiry positions us ideally to examine what discourses render the ‘inquiry-press’ problem field intelligible at this specific moment. Liberalism and democracy helps frame the nexus between the technology of inquiry and the press as a form of rare ectopic displacement. But the logic of recursion and dialecticism attached to liberal governmentality disrupts the usual agonism and mental schema of coercive, sovereign intervention hovering over this intersection.
Taking an interior turn, this chapter then diagnoses a series of technical and discursive observations about the games of inquiry in this space as an inscriptive, productive, creative and diagnostic force. In other words, the assemblage of discursive mechanisms, strategies, tactics, techniques, forms of expertise and other technologies used to attend to its own conduct and intelligibility, to render the press calculable and therefore governable, and modes of public and journalistic subjectivity possible. A striated field, understandable through the tetrad analytic, emerges with technologies of communication, participation, empowerment, citizenship; techniques of confession, submission, testimony, consultation, deliberation, judgment; judicial, economic, managerial and media expertise; strategies of legitimacy, authority, accountability, responsibility.

First though, the analytical method employed in this endeavour is prepared. Given the centrality of language in inquiry, an attention to discourse is thinly recombined into the analytics of inquiry to help enliven the faculty of language in print media inquiries.

1 METHOD: ANALYTICS OF INQUIRY

As “the study of particularity and complexity”, 366 case studies complete the narrative of this thesis which began with a wide lens narrowed in every chapter. Focusing on two print media inquiries as case studies, both federal inquires conducted a decade apart, presents two moments of intersection between the technology of inquiry and the print media, making it possible to deliver a richer analysis given resource and time constraints. The analytic descriptions and observations made are valid only for the circumscribed cases, but offers the opportunity for extrapolation in future research.

Chapter Four examined inquiries as a technology of government and articulated four specific conceptual dimensions to formulate a kind of tetrad analytic, or thinking tool, of inquiry. This chapter adopts and builds on that framework to engineer a suitable approach to the examination of these two inquiries into the print media – in other words, a simple analytics of inquiry that accords analytical significance to the textual politics of inquiry.

Governmentality is nothing if not perspectivist but rests on the deliberate conversion of language-based approaches to discourse analysis into a technical one. 367 In its typical form, it is conditioned by a spatial motif of extension – it moves along a surface, along a plane of analysis in search for the technical. This logic usefully orders the space of analysis for print media inquiries, but does not venture towards depth. But scholars such as Li argue that the study of the technical should not be privileged over the analysis of discourse, language and representation. 368

367 Bennett, “Culture and Governmentality,” p. 54.
If the analytics of government examines the ‘skin’ of power relations, we can
reconstitute the discursive element of governmentality to mark an incursion into its
flesh. Recently, Rose and Miller have suggested language is a premium technology in
governmental regimes. All government, they argue, relies on modes of
representation to compose, calculate, inscribe and manage a governable reality:

“it is in language that programmes of government are elaborated, and through which a
consonance is established between the broadly specified ethical, epistemological and
ontological appeals of political discourse – to the nation, to virtue, to what is or is not
possible or desirable – and the plans, schemes and objectives that seek to address specific
problematisations...”

Given the limited purview provided by two case studies, the technical ‘surface’ can
be torn to sample some textual layers of this governing instance. Critical diagnoses
of rationalities, techniques, tactics, strategies and discourses can be knitted to the
comparatively infinitesimal, molecular representational strategies and discursive
mechanisms co-constituted by patterns of language such as genre, metaphor,
intertextuality, and interdiscursivity.

The textual matrices generated by and through each inquiry form the primary
dataset for the analytics of inquiry, including the final reports, terms of reference,
public hearing transcripts, media releases, biographies, freedom of information
documents, submissions, news articles and the writings/speeches of governors,
experts and politicians. In these texts, speeches and reports we find evidence of
the flux of political rationalities, ambitions, technologies, techniques, programmes
animating the specific desire to govern the print media as well as forms of resistance
to it. This cluster of evidence was collected in a non-linear fashion – as Beaugrande
notes, this is to be expected in discourse work where researchers are constantly
“uncovering, resisting, or reversing the routine sense-making procedures that were
expected” as well as sourcing additional contextual material (such as interview
answers) to generate plausible interpretations of selected discursive mechanisms.

interviews

It is arguable that governmentality studies often privileges a researcher’s
interpretation of data. To negate my own knowledge-gap about the inquiries and
experiment with sources of evidence other than those of a documentary nature,
confidential, semi-structured, asynchronous, e-mail interviews were conducted with
five persons involved as staff, committee members or submission-makers in the

369 Nikolas Rose and Peter Miller, Governing the Present (Cambridge: Polity Press, 2008), p. 31; see also: Nicky
Solomon, “Academic Work and Adult Education: A Site of Multiple Subjects,” in Foucault and Lifelong Learning:
373 Robert de Beaugrande, “Critical Discourse Analysis: History, Ideology, Methodology,” Studies in Language and
374 This critique is often directed to the field of discourse analysis. See: Brian Paltridge, Discourse Analysis: An
1992 and/or the 2011 inquiries into the print media. These participants have been de-identified to protect the level of privacy and confidence characterising the conduct of government inquiries (see Appendix A and B). Throughout this chapter, quotes and experiences are ascribed to them using a simple code: interviewee A, B, C, D and E.

Sets of tailored questions were emailed to participants with a two-month period assigned for completion. The flexible/directional semi-structured format coped well with the online medium and allowed for multiple email exchanges. This provided sufficient time for more considered and discursive responses. Online interviewing is a relatively under-theorised qualitative research tool but one that has been used successfully, particularly in market research as part of hybrid methods and of course, in cultural studies and anthropological studies of cyber-communities.

Given that the interviews function primarily to triangulate findings, online interviews were an appropriate. Email interviews overcame both the problem of access to participants, time/space and that of memory. Thought the instinct is to assume online spaces would allow participants to defer and curate their responses selectively, James and Busher argue it can encourage more self-disclosure. Here, interviewees were given time and personal space to recollect events and documentation from an inquiry held over 20 years ago. Trust was secured and maintained through consistent contact, secure communication, provision of researcher details and prompt responses to participant inquiries.

Seeking input from participants in the inquiries generates a degree of confidence in the reliability and plausibility of these analytics. Having encountered no research yet on the analytical privilege accorded to researchers in governmentality studies, there is an opportunity to critique the research practices associated with the analytics of government. In my experience, the interviews challenged its reliance on textual and archival data alone.

Armed with these tools, the rest of the chapter employs them to detect and map a series of analytic observations about the interplay between inquiries and the print media. Replete with a range of medieval concepts and techniques and performing a small range of spatial, temporal and technical operations, the juncture between government inquiries and the press even in these two case studies is a space too luxe to be done complete justice here. Primarily picking up on points of similarity between the two case studies, it begins with an exploration of some specific coordinates of thought that move through this nexus.

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2 A TECHNOLOGY AND AN APPARATUS

Foucault was adamant liberalism is characterised by a permanent “culture of danger” and where both the technology (inquiry) and apparatus (press) seeks to govern and is governed by the other, the work of one on the other yields the kind of liberal-democratic subluxation that tickles this dangerous spirit.

Liberalism, coupled with strands of democratic rationalities, is at once the thought that holds inquiries, the press and the state together and paradoxically, that which is used to break it apart; at once a condition of possibility and effect of these shifting relations of power and force. The liberal-democratic rationality is translated into practice through an assortment of apparatuses, techniques, devices and representational strategies such as responsible government, constitutions, political parties, elections, legislation, accountability and programmes of open government. As Foucault noted, liberalism is characterised by a permanent fear of governing too much – for example, in the instance of launching an inquiry into the press – yet asserts itself with the extension of governing power by invoking the principle of security to make calculated interventions into the lives of citizens and other entities. The will to inquire then, is suspended in this paradox – a will perpetually marked by the danger of governing too much, or ironically, not enough. In the moment when this will traverses the press, the resulting interference patterns yield an intriguing set of analytic observations when viewed under a governmental microscope.

In the era of Enlightenment, liberalism emerged as a critique of absolutism and a challenge to papal and monarchical authority, rising to prominence with John Locke’s classic discourse on democratic, liberal government in the 17th century followed by the writings and speeches of Charles Montesquieu and Edmund Burke who both articulated a contemporary model of representative democracy based on the separation of powers – a principle activating governmental accountability and a series of new political technologies and mechanisms such as voting, elections, codes of conduct, representative democracy, Parliament, and Senate. In the 19th century, the rationality of democracy attached to liberalism was renewed and shaped by the words of James Mill and J S Mill. After Burke, it is in their work that we find the strongest link between liberalism and the press. Where J S Mill staunchly defended the liberty of the press as “one of the securities against corrupt or tyrannical government”, James Mill too advocated that a free press would facilitate better communication in a democratic political society.

Political communication then is firmly tied in these accounts to rationalities of liberalism and democracy – as outlined in Chapter 5, the press and journalism itself,
were apparatuses and technologies of limitation in models of least government where freedom of speech and opinion held accountable the power of the state.

A peculiar, interpenetrative dynamic emerges in the specific moment where the technology of inquiry and press apparatus transect. Each one interrupts the other and modifies the conditions of possibility of the other – to both constrain and enable the other; to engender conflict, mediation, exchange, critique, resistance. Where one mounts an intervention to imagine or program the rearrangement of media landscapes and regulate conditions for the exercise of freedom, the other hosts the capacity to counter-govern the inquiry or ally with its goals.

Inquiries rupture, disassemble, analyse and reassemble the paraphernalia of print media; and the print media in turn captures and analyses the conduct of the inquiry. This creates a feedback loop – unwanted as it may be by staunchly independent commissioners and political representatives – which evoke enticing possibilities of iteration, influence, and reflexivity. This peculiar arc of connection between the two also provides the conditions to challenge the legitimacy, authority, accountability and responsibilities of each. This is amplified by their generally shared spaces of rationality – liberalism and democracy – where the language used to critique the power, rule and conduct of the other is somewhat isomorphic. For example, just as both inquiries reinforce the rationalities and norms of journalism to critique press performance, thereby reproducing its position and role in the recursive loop of least government, the press appropriates the language of government to criticise the conduct of inquiries and the government.

At the level of thought, the recursive nature of each element in this model then produces a certain reversibility of relations. Intervention, critique and problematisation become mutual and reversible between the three. The state, able to invoke the principle of security and its duty to the public, to interrupt the press through inquiry – not to flout freedom, but rather to produce and secure it from dangerous, unethical journalistic and economic abandon; the press, just as easily, able to seize its own sense of public duty, to critique the excesses of government and problematise the inquiry itself, and; the inquiry, a technology at once capable of critiquing and enabling government by both state and/or press. The technology of inquiry is not immune from problematisation – techniques of audit and performance management, such as the issuing of Freedom of Information requests and budgetary allocations, are used by the public to calculate, monitor, judge and govern the conduct of the inquiry, the experts and the politicians that constitute it.

Assuming this self-devouring, self-perpetuating, recursive and dangerously reversible analytic field, it is easy to see why an intersection between inquiries and the print media produces such a unique equation. The *mise en abîme* between the inquiry and reports of it in the press is a particularly fascinating aspect – just as the inquiry produces an image of the press, the press conjures an image of the inquiry imaging the press. There is yet another reciprocal (but unequal) effect here – commissioners and committee members assume the subject-position of ‘inquirers’ into the press, journalists assume and reflect this inquisitive glare unto the inquiry. And in rare moments, participants giving evidence or submissions become inquirers, questioning the agents, techniques and tactics of the inquiry.
The curious nexus between this technology and apparatus, produces what Paul Demont calls the “observed observer paradox” – an epithet capturing the mutuality of participation, inquisition and observation between the two: the press observed by inquirers, and the inquirers themselves observed by the print media.

For example, in the 1992 Print Media Inquiry, committee member Dr Charlesworth criticised the print media’s coverage of the Committee’s hearings and proceedings, sending both a letter to the West Australian and repeating it before the attention of Parliament:

> “The selective coverage of Friday's Print Media hearings by your newspaper is alarming. During two hours of questioning a number of issues relating to the West Australian and its performance and management were raised. Reports in the West on Saturday did not reflect the tenor or breadth of that questioning...no doubt employees of the West Australian would like to be informed about the prospective redundancies outlined by Mr Aspinall in his evidence...balanced coverage of Friday's hearings would have been in the public interest...”

Designed to organise interruption, these tactical government statements, particularly coming from a Committee member, operate in the service of governmental power – a distant query of newspaper and journalistic practice and an attempt to hold newspapers accountable to their own codes of practice and professed duties.

The media and the inquiry seemingly fold and unfold into the other. Fold is an apt term in this context, oscillating as it does between denoting a sense of fracturing or imploding; yielding or acquiescing, and; fastening or securing. The inquiry-press problem field dances unexpectedly across each possibility – a complete rupture, an accession of one to the other, or a kind of stasis that could secure the nature and role of each under liberal regimes of governance.

**3 TALES OF TWO INQUIRIES**

> “...the Committee is not seeking to help or hinder any bidder and is not seeking to interfere in the bidding process; we are simply seeking information.”
> - Chairman Lee, 1992 Print Media Inquiry.

> “I'm going to ask as many people as I can for help.”

Government inquiries are technologies that assemble and reassemble the press problematic – a clever bid to know the problem before it can be governed, before abstract freedoms and the political/economic life of the press can be administered and rearranged. It seeks to render a more productive press, to optimise it and indeed, enliven a more productive political population through a series of co-constitutive technologies of citizenship, empowerment and participation.

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With it, the print media becomes operable through a set of specific discourses – mass media research, sociology, social psychology, psychology, political economy, economics, literature, philosophy, journalism and legal studies. Amid these competing accounts of the ethics and economics of the press, inquiries rest on an epistemological logic that aims to construct authoritative and (as far as possible) objective truths about the press problem that are actionable through techniques of policy. While this mentality addresses the possibility of multiple truths and resistance, it lays an ethical claim to the power and legitimacy of an objective, collective, reasoned truth formed through administrative and legal methods of truth-telling and expert judgment. It is in effect, mobilised around the double knot of inquisition and disquisition – a will to inquire and another, a kind of writing down of the press.

But technologies do not exist nor operate in isolation – they are constituted by and co-constitute regimes of truth, governmental assemblages, strategies, tactics, techniques, devices, programmes and other technologies. Nor are they exclusively governmental in nature – inquiries rotate on the axis of governmental, sovereign and disciplinary power with legislative or executive origins nestling alongside the deployment of governmental tactics and experts. The 1992 print media inquiry for example, occurred in context of new a series of governmental programmes and research for economic change and broadcasting regulation. And the 2011 inquiry, in context of programmes for regulating digital economy, media convergence and a National Broadband Network – each one connected to the task of organising a more productive, participatory, healthy, social and therefore knowable and governable population. We are paradoxically forced to reconcile enticing narratives of exponential connectivity with a parallel awareness of individual security.

Moving through the thought-patterns established in the previous section, the aim here is to diagnose and document some broad analytic observations as to why and how these two inquiries into the press were made possible given the discourse of ectopia, of liberal displacement that seems to surround this specific desire, this will to govern through inquiry.

The rest of the chapter then delves deeper into the technical and discursive games of the two inquiries – what strategies, tactics, technologies and techniques animate this bid to optimise and increase press productivity? For example, how techniques of confession and research have been apparently ‘colonised’ and reappropriated in these government inquiries as modes of truth-telling and the different modes of objectification that take place – the confessing subject, the productive citizen, participatory citizen, active citizen, the consumer, the public.

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two inquiries: conditions of possibility

Historically in Australia, press regulation has largely remained a project for professional and media organisations than one for the state, apart of course, for regimes of law. So it is a rare moment when some measure public sentiment and specific forms of expertise coordinate and align with the state’s political desire to know and program the press. Why and how is it possible? Four offerings are explored here: the availability of knowledge, representational strategies of the ‘public interest’, the idea that it is possible because it is opposable, and strategies of legitimacy and diversity. The ethical and epistemological dangers that arise on the occasion of a government-led print media inquiry are to some extent tempered by strategies of legitimacy, which engage the liberal pendulum by first deconstructing, then promptly re-asserting the importance of a free, responsible and critical press as well as defending the idea of a government willing to secure the right of the ‘public’ to a diverse, objective and free press.

The ceremony of inquiring into the print media is one partly made possible by a discursive formation of legal, administrative and political knowledge, as well as by a range of specific and popular forms of expertise, both economic and ethical, that has culminated around the ‘Australian media landscape’ in the passing decades. This space has become increasingly knowable – quantifiable, measurable, able to be expressed through specialised concepts and cause-effect relationships. The formation of specific types of knowledge provides one platform for understanding the constitution and possibility of these two inquiries into the Australia press – the economic, technological and social.

As Dean and Hindess argue, liberal government is not possible without the “abstract and theoretical knowledge of social processes”399 supplied by various sciences and forms of expertise. The growth of research on the media in Australia provided a language or “grids of intelligibility”400 to know the press problem.

It was only in the 1950s that a discipline of ‘media economics’ really emerged to translate mass communication into economic terms in the USA401 – re-articulated as a domain of suppliers, consumers, advertisers and markets for information and entertainment with research on newspaper concentration and competition making sense of its changing economics post-WWII. In the 1980s, Allan Brown scripted Australia’s mounting obsession with the trilogy of economics, ownership and regulation in the media.402 Brown lamented the lack of economic perspectives on the media in Australia – his book was allegedly the first to examine newspapers, television and radio through an economic lens.403 These murmurs of economic

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theory and modelling techniques conceived the print media as a commodity or product calculable and operable through the language and relations of (micro)economics: economies of scale, overhead and production costs, circulation, ownership concentration, foreign ownership, cross-media ownership, media diversity, competition as well as macroeconomic concepts such as policy and regulation. Democracy, freedom of information, of enterprise and of opinion was now expressible as economic trends and relationships – according to one line of thought, multiple sources of information and entertainment as well as independent ownership was necessary for a diverse, healthy democracy. More broadly, since the late 1970s Australia had begun to embrace programmes of economic deregulation, free enterprise and the idea that governments may be in a position to monitor, maintain and arrange competitive markets.

When News Corp attempted a takeover of the Herald and Weekly Times in 1979 and then in 1987, these discourses flooded the realm of ‘popular’ knowledge as important contextual precursors to the 1992 Print Media Inquiry which sought to examine ownership concentration and diversity in the industry after a private consortium featuring major press player, Kerry Packer, bid for the John Fairfax Group. A notable aspect of the 1992 inquiry was the committee’s frustration at the lack of knowledge available about the print media – especially of the financial, statistical nature required to conduct economic analyses. Various intellectual techniques – charts, pictures, news clippings, tables and text – documenting newspaper circulation, revenue and expenditure were used to re-spatialise the economy of the press in the final report, but perhaps insufficiently to render it completely governable.

The 2011 Independent Media Inquiry followed the re-territorialisation of the News of the World scandal in Australia where journalistic accountability, technology and privacy came under the public microscope. While British PM David Cameron quickly announced two inquiries – one into the phone-hacking scandal and the second into British media regulation – PM Julia Gillard noted the scandal raised “hard questions” about News Limited’s journalistic practices in Australia. Just as the 1992 inquiry was held together by economic-social discourses, the 2011 inquiry was buttressed by a technical lens composed of ethics, law, economics and technology. Press performance and journalistic behaviour was refracted through leitmotifs of convergence, connectivity and privacy. Collocations like “the converged media world”, “converged world” and “new grey area online” were

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404 Brown, Commercial Media in Australia: Economics, Ownership, Technology and Regulation, p. xii.
408 House of Representatives Select Committee on the Print Media, News and Fair Facts, p. 223.
409 House of Representatives Select Committee on the Print Media, News and Fair Facts, p. 223; Brown, Commercial
Media in Australia: Economics, Ownership, Technology and Regulation, p. 50.
410 House of Representatives Select Committee on the Print Media, News and Fair Facts, 329.
411 Muller, “Why Journalist’s are Mistrusted and What Can be Done About It,” p. 94.
consistently issued to refract the ethical and economic flaws of the press industry through images of a speedier and compressed digital world that requires diagnosis before it pulls away. The final report recommended the establishment of a News Media Council to monitor all media platforms – a proposed regime for enforced self regulation that interlaces techniques of accountability and ethics in a bid to repair the press-public relationship.

Though inquiries may seem overtly intrusive and coercive, it is congruent with liberal rationalities of government – justifiable with strategies that link the search for knowledge with the management and conditioning of democracy, the exercise of certain freedoms such as choice and speech. This surgical intervention is performed carefully with a reliance on governmental strains of power – a reliance on experts and non-state bodies, apparatuses and organisations. Coalitions of economic, media, public relations, legal and popular experts converge to diagnose and secure the apparatuses of democracy of which the press is a major constituent.

Apart from the emergence of knowledge that allowed the press to be formulated as economic and technological fields of intervention, another condition of possibility lies in the amorphous notion of the ‘public interest’. A grand and totalising gesture, the public interest is able to traverse the dualities of state and civil society; state and the press. In historical writings, the phrase ‘public interest’ was counterposed to the private and came to connote a sense of the common good which, argues Solomon, occupied the place “of what we have come to call objectivity”. 415 In both inquiries, government actors linked the technology of inquiry to the securitisation and defence of democracy and the public interest. In the 2011 inquiry, it was delivered through techniques of persuasion. MP John Murphy posited the following scenario:

“How can any of us sit in this parliament and believe that News Ltd’s 70 per cent ownership of all of our newspapers, together with its very extensive other electronic media interests, including its 25 per cent share in monopoly pay TV Foxtel, is good for the public interest and good for our democracy? We cannot.”416

This statement is again highly modal and with the use of additive conjunctions (and, together with, including its), Murphy poses a logical, causal relationship between concentrated ownership, the public interest and ‘our’ democracy. We, our, us – these pronouns condition and invoke an imagined collective at the same time as it acts as a dividing practice, drawing a line between us and them – the Murdoch empire, News Ltd.417

The problem though, is that the press lays equal claim to public duty and a sense of the common good. Arching across the state/press dialectic, the ‘public interest’ makes it difficult to isolate strains of power from resistance in the games of media inquiry. As a collective mode of subjectivation, the ‘public’ remains under-explored in governmentality studies, which makes it difficult to offer a strong analytical treatment of its significant appearance in both inquiries. If the 19th century notion of

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the social made it possible to manage free economic subjects by transposing them onto the plane of civil society, what is the significance of the public? Having much older roots in political theory, it is possible to suggest that the notion of the public allows political and cultural subjects to be governed. This concept invokes a particular relationship between the governed and the governors where otherwise sovereign power would be limited by idea of individualistic, rights-bearing subjects of a liberal regime.

Mitchell Dean adds to this wave of understanding. The mechanism of representative democracy, which informs the participatory nature of both inquiries, positions the art of governing as emanating from the will of the governed. A liberal mode of reasoning justifies the inquiry as one staged on behalf of the Australian public. Through this mentality, “the participation of the governed in the operation of government can itself be limited and regulated”. Technologies of participation in the political intervention that is inquiry, in Dean’s terms, directs and rationalises the exercise of freedom by the governed.

Through sensitive examination, another major discursive strategy underpinning and enabling both inquiries unfurls – that of the health of Australian democracy. In 1992, concentrated media ownership was painted as “unhealthy” for the public interest and democracy. Key governmental statements floating around the 2011 inquiry adopted drew on a similar strategy. Senator Conroy articulated:

“the impact of new communications technologies is eroding the business models of traditional print media organisations, threatening their ability to continue investing the necessary resources to support news gathering and the production of quality journalism. This is a worldwide phenomenon. A healthy and robust media is essential to the democratic process”.

This tactical oration forges logical and certain relationships between the subjects, objects and actions in the text to compose a discourse of journalistic “crisis” of newness, erosion and threat.

Theories of the press, public sphere and democracy compete with other streams of thought to define the truth of journalism, journalists and society – making possible the division of ethical and unethical journalists, the conditions of healthy and unhealthy democracies, quality and poor journalism. The coupling of biomedical and socio-political discourses (and the use of anatomic metaphors) positions democracy as a natural life-form, an issue of public health requiring constant surveillance, the diagnosis of diseases and regimes for recovery. Publications, corporate and journalistic attitudes, desires and aspirations, and codes

422 House of Representatives Select Committee on the Print Media, Select Committee on the Print Media: Submissions, Volume 1 (Canberra: The Committee, 1992), pp. 43-45, 84-87, 318-328.
such as media ownership and concentration are inscribed as risks, contagions, syndromes, cancers, epidemics. This construct of a ‘healthy’ democracy is in part possible because of the modern concern with building and maintaining the models of democracy and political participation – it is a question of conditioning the political lives of the governed as well as securing the kind of press apparatus and technology of journalism required to govern well. Bergland notes for example, that a healthy society is a democratic, competitive one.\(^{426}\)

In the 2011 inquiry, discourses of vulnerability accompanied those of socio-political pathoses. The regulation topos relies on a mode of subjectivation that position print media consumers, audiences and the public as somehow vulnerable to the disease of an undemocratic and unethical press. This vulnerability runs parallel to figures of rights-bearing political and economic subjects that deserve or demand diverse, democratic, quality journalism. A submission from Mindframe, an Australian government programme, helps disaggregate these visions of mass vulnerability using mental health as a vector for translation.\(^{427}\) Mental health and media effects discourses problematise media’s relationship to society and enable the assemblage of specific groups ‘at-risk’ from negligent and irresponsible journalism.

The bid to legitimate inquiries into the press with appeals to public interest and open participation does not immunise the technology of inquiry from resistance and doubt. Rather, resistance, suspicion, and doubt multiply opportunities for the appearance of legitimacy, accountability and transparency. Some submissions in the 1992 inquiry overtly questioned the legitimacy of the committee itself, arguing that the “Committee of Inquiry is another fraud on the Australian public”.\(^{428}\) The Freedom of Information requests filed during the 2011 inquiry illustrates this point – a legal device used to mechanise accountability and transparency; an attempt to counter-govern and critique the inquiry. The sequence of tax invoices, credit forms, and emails released under the request render the conduct of the inquiry and inquirers knowable and actionable. The smallest of details - costs of accommodating and reimbursing inquiry members, the process of selecting inquirers and settlement on the terms of reference\(^{429}\) – generates a basis for subjecting the inquiry to audit, budgetary evaluations, cost-benefit analyses and moral deliberation about the spending of ‘taxpayer’ funds.

Opposition to the 2011 inquiry was marked by discourses of conspiracy. Dubbed a ‘witch-hunt’, left-wing, fascist political stunt by some stakeholders,\(^{430}\) government intervention and attempts to modify the news media mentality of self-regulation are


construed as conspiratorial. In a heated Parliamentary debate, a senator likened Minister Stephen Conroy to the Nazi Minister of Propaganda, Joseph Goebbels; a figure of reference to memories of propaganda, suppression and totalitarian control over media and information. Where participation allows these ‘resistant’ views to stream into the inquiry process, these lines of thought and forms of knowledge are triaged in a particular regime of truth that allows inquiry practitioners to mark not only what is true and false, but what is rational and irrational, acceptable and unacceptable. Protocols and rules of participation, the terms of reference and deadlines manage the excess of thought, sift through and modify discourses of paranoia and dissent. For example, the 1992 Select Committee developed and passed a policy on the conduct of hearings to regulate the use of legal representation and allow proceedings to be televised. Defamatory, hateful, or discriminatory submissions are discouraged and sealed from public view.

The strategy of diversity helps the participation/resistance dialectic ‘hang’ together under liberal-democratic rationalities. Both inquiries are characterised perhaps, by a sheer excess of discourse, in the form of submissions, reports and dissenting reports. The 1992 Select Committee received 164 submissions, interrogated 72 witnesses and collected more than 16000 pages of evidence over 72 hours. In 2011, the commission received 11 000 submissions (87% of which were from advocacy groups) and 41 persons gave evidence. Of course, this is not a reflection of quality or its nature, but it is partly attributable to the topos of diversity that features so prominently in contemporary models of democratic government and the print media. Particularly in the 1992 inquiry, the ability of inquiry members to produce dissenting reports functions as a form of built-in resistance, apropos in a representative liberal democracy, yet easily marginalised as a minority view. Excess, or at least the illusion of it, leaves open the possibility of future inquiry. It also establishes a reason for intervention – a government response to temper contradictions and conflicts between stakeholders. John Dewey made a similar point in his writings but using a logic of continuity rather than of excess:

“There is continuity in inquiry. The conclusions reached in one inquiry become means, material and procedural, of carrying on further inquiries. In the latter, the results of earlier inquiries are taken and used without being resubjected to examination.”

**The games of inquiry**

In the parasitic loop of liberalism, there is a perpetual risk of power reversibility in the press, government and public redux. Each self-devouring entity one can repossess, fracture and mutually legitimate the other. These thought relations set a grand stage for the games of inquiry, unfolding at a precise juncture where the will

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434 The Parliament of the Commonwealth of Australia, Making a Submission: Notes to Help Those Intending to Make a Submission to a Parliamentary Committee Inquiry (Department of the House of Representatives: Committee Office, April 2011).
to inquire enters the body of the press and in turn, the lives of the governed. Here we turn to examine a small suite of co-existing technologies, techniques, tactics and forms of expertise (both special and popular) traversing both Australian print media inquiries as each attempts to collect, create and triage knowledge forms around the press, to rearrange its conditions of ethical and economic performance and attempt to conduct the conduct of journalists and the ‘public’ by working through their desires, aspirations and demands. Attention is devoted to three modalities shaping this inquisitive territory: technologies of participation, the role of expertise and the deployment of devices of inscription.

Technologies of language, empowerment, citizenship, performance and participation; tactics such as governmental statements, speeches and pieces of legislation; techniques of secrecy, commission, consultation, social audit or survey\(^{438}\) that produce inquiring subjects, of confession including submissions and testimony inscribed in transcripts and reams of text, of publicity, persuasion, dialogue and deliberation\(^{439}\) devices including terms of reference, issues papers and final reports to shape and direct participation and programming; discursive mechanisms such as intertextuality, genre and interdiscursivity that negative the repressive cloak of inquiries and condition both its own field of intervention and possibilities of resistance\(^{440}\).

Linkages and interactions between these technical and discursive filaments operate to inscribe and program knowledge about the press, economy and journalists into technical form, co-create inquiry practitioners, commissioners, testators, submission-makers, witnesses, and experts who are coaxed, invited to participate through letters and press announcements.

Even now, this breathless pool does not begin to exhaust the field of power relations or technical and discursive features of the press-inquiry problematic represented by the two case studies. But it begins to pull the conceptual lever provided by the tetrad analytic. The techniques of confession, social survey and commission, protocols of tendering terms of reference and report-writing, borrowed and transformed from specific experiences of medieval inquisition and Domesday, are understandable through the prism of *polytemporality*. Even the knowledge and analysis presented in the final reports are meta-discursive, they contain, as Peter Costello said of the 1992 Print Media Inquiry,\(^{441}\) no new information. Rather it is deeply intertextual and interdiscursive: the views, texts, expertise and thoughts of others are collated, recycled\(^{442}\) and evaluated. Chapter Three began with an observation about the reprisal of ‘witch-hunt’ rhetoric during the 2011 Independent Media Inquiry. This is not an isolated case. During the 1994 Senate Select Committee inquiry into print

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\(^{438}\) Strathern, “Robust Knowledge and Fragile Futures,” p. 468.


\(^{440}\) Legitimacy is taken to specifically mean: “a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.” See: M C Suchman, “Managing Legitimacy: Strategic and Institutional Approaches,” *Academy of Management Review* 20, no. 3 (1995), p. 574.


media and foreign ownership, a group of Labor senators accused the inquiry of being a McCarthy-esque “witch-hunt” against the government. The then chief executive of John Fairfax Holdings, Stephen Mulholland, compared the work of the Select Committee to the ruthless, power abusing Star Chamber – a 15th century British court of law with a reputation for arbitrary justice and secrecy.

This rhetoric of witch-hunting, with roots in the medieval inquisitions, paints a vivid picture of unjust persecution against a demonised body. The once feared mysterious, demonic female form is replaced by an image of diseased, unethical corporations and political parties. These interdiscursive references rely on popular memories of the past to compose representational strategies for the present.

The fragile recursion characterising liberal-democratic rationalities produces a risky playground for these games of inquiry. Populated with competing strategies, interests, stakeholders, experts, and imperfect knowledge, this discursive plexus is thinkable as a dense polytelic environment prone to producing erroneous, perverse, contradictory, unexpected or unintentional effects. Seven West Media’s exit from the APC and formation of its own self-regulatory process in the 2011 inquiry is one example. It is also meaningful to notice its polytechnic properties – amassing a suite of expertise, skills, creative ideas, theories, models, philosophies and methods to seek truths and frame the press as economic, political and ethical constructs.

The polyspatiality of inquiry is vividly demonstrated by the extension and operation of this technology through different sites – Parliamentary chambers, university lecture halls and rooms, newsrooms (through site tours), seminars, roundtables, public lectures, in newspapers, television, radio, and in the 2011 inquiry, blogs, websites, forums and social media tools such as Twitter. Consider also the context of the 2011 inquiry conducted almost synchronously with five other media-related reviews with “considerable duplication of their terms of reference”:

- The parent Convergence Review, Independent Media Inquiry, National Classification Scheme Review, the government’s Privacy Review and ACMA’s Review of Privacy Guidelines for Broadcasters. Each one serving as yet another site where the press and the Independent Media Inquiry are inscribed and discussed.

‘TECHNOLOGIES OF PARTICIPATION’

In 1994, American scholar Barbara Cruikshank pioneered work on what she termed technologies of empowerment and technologies of citizenship – both operating in government programmes enraptured with a will to empower, to improve segments

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446 Including media organisations, businesses, journalists, professional media associations, government departments and agencies, academics, consultants, private citizens, labour organisations, unions, advocacy groups, think tanks, lawyers, economists and politicians.


448 In 1992, the Committee undertook inspections at The Australian, Telegraph Mirror and The Age. The 2011 commission accepted an invitation to tour The West Australian newspaper.

of the population. These are complemented she argues, by other technologies of performance such as benchmarks, evaluations, audits and performance reviews formulated and applied to account and optimise conduct. The print media inquiries deployed elements of all three. Techniques of consultation and negotiation are woven into the inquiry process, designed to render ‘stakeholders’ active and empowered. The conduct of the inquiry’s committee members and commissioners as well as participants is, at least informally, reviewed and evaluated through articles, blogs, public polls, letters to the editor in newspapers and Parliamentary debates. Arguably, there is at least one other interrelated category of technologies that works in tandem with those of empowerment, citizenship and performance – what I will call here technologies of participation.

The desire to govern the press through inquiry programs a series of effects on the politicised species-body through technologies of participation. Australian government documents since 1991 have strategised ways and means of increasing public participation in inquiries as a response to discourses of civic apathy and political disconnect. Individuals and collectives are encouraged to understand and conduct themselves as ethical subjects: active, participatory citizens, savvy media consumers or valuable stakeholders with a right and opportunity to be heard. Letters of invitation in the 2011 inquiry for example, function as a technique of cajoling participation. These were circulated to newspaper editors, the APC chair, and various academics with the “hope” of mobilising a set of particular expertise and interest.

Participation in inquiries does not confer any new rights or responsibilities – it operates as a mechanism of meta-securitisation; a means of securing/legitimating the technology of inquiry itself and generating credibility. Information and participation are placed more broadly under the rubric of ‘social justice’ in documents programming how to govern in Australia:

“...access to information for all citizens is essential to the achievement of social justice in a democracy. Information about political processes, government services and individual rights must be made available to all citizens on an equal basis”.

Publicity, confidentiality and privacy establish a normative protocol for participation through submissions, letters and public hearings. These avenues of inclusion model confession as participation. Stakeholders become confessing, truth-telling subjects responsible for the supply of evidence, testimony, analysis and opinion. Techniques of confession privilege certain modes of truth-telling that work on the acts, beliefs, aspirations and opinions of participants by exposing and surveying them. In a hand-written letter, one Chester Holt demanded that press industry ought to be “competent and truthful in all reportings” and that “there

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should be freedom of the press”. Ian Leslie, in a submission publicising a series of letters exchanged with the Chancellor of Newcastle University, insists that “a democracy needs a media which is free from control by a few powerful individuals and freed from foreign domination.”

Before a committee hearing, Fred Brenchley claims that the press “needs to be both free and plural”. Here is laid bare, in text and voice, the opinions, thoughts, experiences, motivations, arguments and desires of a nation’s citizens. And the inquirers or confessants are equally affected in this process – questions, conversations and deliberation with witnesses and experts co-constitute and modify the one who takes confession. There is a moment for example during the 1992 public hearings where a committee member, Mr Smith, expresses genuine interest in being privy to the knowledge and opinions of an expert, Professor Henningham, so much so that the inquirer-witness relationship takes a temporary turn. Henningham comes to occupy the powerful subject-position of the questioner in this extract and contributes to the inquirer’s knowledge and perception:

Mr Smith [committee member]: “…if for argument’s sake, Mr Murdoch is to have 70 per cent ownership of print media and 30 per cent ownership nationally of a network and is into some of the new technologies, is that something that cross-media ownership rules ought to address? Where does that fit in vis-à-vis your concept of freedom of the press? Who are we trying to protect here?”

Professor Henningham: “You also mentioned freedom for whom – journalists, proprietors, or whatever”.

Mr Smith: “I am all in favour of journalists having their individual views, but the system should not be skewed to just facilitate them putting their views to the community. I would have thought it goes the other way and that it is really aimed at us, the consuming public. I am really interested in your perception.”

In addressing imagined committee members and commissioners in written submissions, or appearing before them in public hearings, participants become objects of knowledge, subject to the expert calculations and judgment of confessors trained to question, listen and validate information. Foucault elaborates on the confessor-confessant power relation:

“the speaking subject is also the subject of the statements; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is...the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console and reconcile...the expression alone...produces intrinsic modifications in the person who

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455 House of Representatives Select Committee on the Print Media, Select Committee on the Print Media: Submissions, Volume 1, pp. 41-42.
458 See also pages of transcription from the 2011 public hearings where the Commissioner uses the device of ‘questions without notice’ to interrogate the opinions of an expert, Dr Hirst: “Special Commission of Inquiry into Media and Media Regulation: Public Hearings,” p. 6.
articulates it; it exonerates, redeems, and purifies...unburdens him of his wrongs, liberates him and promises him salvation...  

Though strictly removed from the ecclesiastical context of Inquisition where confession emerged as a powerful form of interior truth-telling, in both inquiries confession takes a legal, adversarial and narrative form, translated into a more ‘scientific’ means of producing truth through administrative procedures and protocols in public hearings and submission-making but open to the public airing of personal experiences and opinions. The power to adjudge and evaluate is not the exclusive task of the appointed inquirers – being a public confessional, other stakeholders and indeed the ‘public’, have the power to resist, critique and challenge what is said and written through counter-submission. In the 1992 inquiry for example, News Ltd offered a succession of responses to submissions and comments concerning their organisation – including critiques and interpretations of academic research, responses to expert opinions and questions. Tourang Limited too, facilitated deliberation and argument with evidence asserted by other stakeholders through submissions.

Whether the procurement of confessional truths is coerced (through subpoenas for witnesses or documents) or voluntary (but encouraged through invitations or requests to submit and testify as in both print media inquiries), Foucault associated this ritual with both power and pleasure. There is pleasure, he argued, in knowing, discovering, exposing, seeing and telling truth in modern times. So much so that confession, writes Richard Edwards, has become one of the most recognisable signs of modern governance. In therapeutic and political discourses, to confess and to speak truths publicly is painted as an empowering way of working on oneself. But experience does not always comport with this seductive discourse. The personal experience of interviewees reveals that where there is pleasure in participating, there is also displeasure.

Sharing expert insight and information, reveals one interviewee, “you feel you are actually helping shape public policy” and it “helps sharpen one’s views on such matters and in turn inspires further work”. Yet the prospect of being ignored invokes a sense “that...time might be wasted”. Where interviewee D declares “I felt privileged to...take part in inquiring into an institution that is valuable in a democratic society and offering recommendations for its improvement”, another brands it as “not a particularly edifying experience”.

“I was treated with respect although diffidently...and with limited and not particularly penetrating questions, I doubt whether they had read my submission...”
The writing of submissions, the declaring of self and opinion is not only an act of power, but itself a powerful governing tool. Public opinion has become a valued modality of ‘truth’ and its production important as a way of calculating popular attitudes towards the press-inquiry complex. Viewed through this logic, techniques of submission are at once individualising and totalising.

Rose and Miller explain, the act of “making people write things down...is itself a kind of government of them, an incitement to individuals to construe their lives according to such norms”. They spoke primarily of the normalising power of registering births, deaths and filling out censuses, but this logic can be extended to the process of registering opinion and knowledge. Submissions promise to distil the unknown, undifferentiated mass public/society into individual, identifiable entities that are made knowable, brought closer to governing apparatuses through the rituals of confessing experiences, knowledge and opinions through the written and spoken word. Where the art of writing submissions imposes self-discipline, self-consciousness, self-criticism and self-censorship, public hearings progress in the manner of inquisition: questions volleyed, answers interjected, details extracted, opinions gauged, clarification sought and rumours confirmed to establish facts and truths through techniques of veridiction.

In the Melbourne public hearing transcripts for the 2011 inquiry alone, at least 501 questions were asked in the course of proceedings. Data is collected and stored about the professional and personal identities of submission-makers – corporations, individuals, organisations, interest groups, academics – which are then used to profile, ascribe and evaluate the efficacy, authenticity and relevance of the information imparted in each. Submissions and their makers are neatly composed and listed in the final reports – an eclectic collection of private individuals, academics, politicians, newsagent federations, university departments, news corporations, journalists, economists, banks, editors, unions, think tanks, legal centres and state governments. At times, multiple submissions are made by key agents.

On the other hand, this data is collected, cross-referenced and curated into totalising forms – becoming a quantifiable, operable and divisible mass of public submissions and opinions, an aggregate expression of public will. In the aftermath of the 1992 inquiry, a Parliamentary representative noted for example, that the dissonance and plurality of opinion logged through the inquiry produced a dominant public point of unity: “increasing concentration in print media undermines the plurality of public opinion”.

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474 See for example the autobiographies and curriculum vitae provided in these submissions: House of Representatives Select Committee on the Print Media, Select Committee on the Print Media: Submissions, Volume 1, pp. 46-82, pp. 142-157. In a session of public hearings during the 1992 inquiry, the Chairman also expressed a great interest in the personal background and professional experience of an appearing journalist. See: House of Representatives, Select Committee on the Print Media 1991-1992, Transcripts Vol. 1, pp. 679-680. In a session of public hearings during the 2011 inquiry, the Commissioner also expressed a great interest in the personal background and professional experience of an appearing journalist. See: “Special Commission of Inquiry into Media and Media Regulation: Public Hearings,” p. 3.
475 For example, the Australian Council of Trade Unions, News Limited (with nine submissions) and Tourang Limited in the 1992 inquiry.
opinions that need to be seen in a functioning democracy, which all of us in the place take pride in working with and for.”

The forms of material information and communications technologies that facilitate and reinforce rationalities of participation – post, social media, email – collect only certain types of data and from a selected group – textual, quantitative and objective, qualitative and theoretical, anecdotal. In the 2011 inquiry especially, digital communication platforms used to facilitate submissions and publicity reinforces and reproduced contemporary ways of participating in a regime of e-governance. It was only in 2010 that the federal government formally consolidated the strategy of ‘open government’ by promising greater levels of “democratic participation through innovative use of technology” including social media.

These ‘new’ modes of electronic participation, instead of producing more mobile and active citizen-subjects, can in fact make these bodies more amenable to disembodied management. Nicoll explains that online, people are both literally and metaphorically “kept in their place”. Email and social media mechanisms utilised in the 2011 inquiry extend the spaces of inquiry but also construct a specific architecture of disciplined interaction and participation. A realm of public tweets, hyperlinks, uploads, downloads and emails make bodies metaphorically available and open to the power of discipline; and render their thoughts traceable and reproducible. Indeed, a highly structured, normative protocol exists to standardise and verify both electronic and hard-copy submissions.

Published in 2011 by the Australian Parliament for an English-speaking and productive population, one online pamphlet acts as a pedagogical tool to guide prospective inquiry participants. These notes urge submission-makers to abide by a checklist of essential elements in a submission (a response to the terms of reference, summaries, address, contact details, signature and electronic copies). It continues: “submissions should be prepared solely for the inquiry” and may include evidence, “facts, opinions and arguments and recommendations”. There is also an emphasis on record-keeping and data reproduction/dissemination – submissions should ideally be typed because this “helps with the reproduction of the submission”, and delivered electronically to enable web publishing while devices such as compulsory written submission cover sheets force participants to earmark submissions with declarations of their identity.

‘EXPERTISE’

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479 The Parliament of the Commonwealth of Australia, Making a Submission: Notes to Help Those Intending to Make a Submission to a Parliamentary Committee Inquiry.
480 The Parliament of the Commonwealth of Australia, Making a Submission: Notes to Help Those Intending to Make a Submission to a Parliamentary Committee Inquiry.
Both inquiries were fuelled by different strains and networks of special and popular expertise – a collusion of various sciences and skills: political theory, history, ethics, regulation, law and democratic theory.\textsuperscript{483} Beyond good and evil, these advisors and consultants provide means of conducting the inquiry itself and translating the press problematic using the language of law, management, journalism, economics, philosophy and politics.

Expertise is often clouded by assumptions of perfect knowledge and omniscience, but both media inquiries expose some lines of resistance, change and fragmentation in the process of naming and legitimating expert knowledge. Interviewee E notes for example, that expert opinions and advice are carefully monitored by inquirers for “political bias”.\textsuperscript{484} Just as some academics of media, law and economics afford a vocabulary for making the press problem intelligible and governable through certain discourses, others denaturalise and challenge their modes of knowing, assumptions, tools, and techniques. Secondly, expertise is not always thinkable as special or the source of legitimate, scientific knowledge. In other words, expertise has ethical, aesthetic as well as objective dimensions. Popular and experiential expertise also plays an important part by delivering anecdotal, ethnographic knowledge about journalism and the press.

Commissioners or committee members are charged with the duties of examination, deliberation and truth-telling. As ‘expert’ inquiry practitioners, they must diagnose and inscribe the press problematic – the disease, its causes and pedagogical solutions.

In the 2011 inquiry for example, Commissioner Raymond Finkelstein embodied the character of a general intellectual – a judge-savant whose competence does not lie in numerical or statistical modes of truth-telling, but in the timeless art of forensic reasoning, qualifying fugitive facts and contradictions, analysing and drawing inferences, deliberating and evaluating with precision and clarity.\textsuperscript{485} His expertise is objective, independent yet paradoxically tainted with the threat of judicial activism and subjectivism. Three additional lawyers and three academics were appointed to assist the 2011 commission to conduct research, consider submissions and deliver expert opinions on each by borrowing and reframing various journalistic, legal and academic skills and techniques.\textsuperscript{486} The mechanism of contract modifies the consultant-expert’s relationship to the inquirers observes Interviewee E – it entails a delegation of inquisitive power and responsibilisation of the expert who must now “provide objective assessment of the full range of significant competing opinions and evidence presented to the inquiry”.\textsuperscript{487}

Academics in Australia have been involved in processes of fashioning new governmental regimes through work in cultural policy and creative industries – the involvement of academics as contracted assistants, submission-makers or experts at

\textsuperscript{483} Personal Interview with ‘A’ (August 2012).
\textsuperscript{484} Personal Interview with ‘E’ (August 2012).
\textsuperscript{486} Personal Interview with ‘D’ (August 2012).
\textsuperscript{487} Personal Interview with ‘E’ (August 2012).
public hearings normalise their interaction with governmental apparatuses as they offer disciplined analyses and regimes for governing the print media economy and journalists. Entire research papers and pilot studies were submitted in both inquiries. Interviewee B reflected on the value of expertise in inquiries, believing firmly that research and opinion is not only essential for the work of inquiries, but that by exposing academic work to committees and commissioners, research that would usually have a restricted reach is accorded a “profile it might not have gained otherwise”.

Media and policy technicians and economic practitioners also featured heavily in both inquiries – well versed in applying techniques of statistics, audit, research, negotiation, policy writing and evaluation. One interviewee observes, “it is/was expected that economists would help frame the arguments for and against cross-media ownership” among other issues. In the 1992 inquiry, a specialist media economics researcher was appointed to assist the committee to tender and help program the press through this frame. Legal experts too, are included for their special competence in understanding, applying and administering the law to rationally manage, examine, question and govern the print media.

Though journalism as field of expertise and profession has been challenged in the past, there are many instances where their skills and experiential, ethnographic wisdom have been central to forming an understanding of how the press apparatus operates. Interviewee D notes that knowledge about how newsrooms function, the history of the industry, the impact of new communicative technologies and the culture of journalism can rely heavily on personal experience. As a modality of truth-telling, anecdotes from journalists and citizens are used to assemble pictures of ‘the realities’ of the press apparatus and constitute popular truths. Anecdotes, a telling of the self, demand the interior, cognitive experience of subjects. In other contexts, these may simply be stories. But in inquiries, it acquires the tone of confession where the lives of these governed subjects become legitimate sites of knowledge and intervention. Before a public hearing in the 1992 inquiry, a committee member asked journalist Fred Brenchley whether he had ever witnessed incidents of proprietors seeking editorial influence. Brenchley, becoming a body diagnosed and examined for opinion, replied:

“Sir Warwick Fairfax was known for that thing. I can recall having an enormous punch-up with old Sir Warwick in 1975 about the blockage of Supply in the Senate when I was editor of the Financial Review. He called me up to his office and wanted to instil in me the fact that what was happening in Canberra was quite right...we had a ding dong barney about the division of powers between the lower and upper Houses...”


489 Personal Interview with ‘B’ (August 2012).

490 Personal Interview with ‘C’ (August 2012).

491 Personal Interview with ‘D’ (August 2012).


In a letter-like submission, Rowland Gough recounted his personal experience of being “black banned”⁴⁹⁴ for reporting on the Vietnam War to campaign for the provision of space for public comment in newspapers. In both scenarios, anecdote acquires the tone of an authentic, lived truth. Another submission by Michael Gill enlivens the theoretical history of takeovers, mergers and acquisitions in the 1980s press industry with a detailed account of his experience founding a publication in this environment.⁴⁹⁵

‘DEVICES OF INSCRIPTION’

Both inquiries into the press were inescapably ‘languaged’ and inscriptive. The final reports drew on positivist techniques of writing and rewritings, tabularisation, transcription and graphing to produce sequenced accounts of the press-problem in each case study. A sense of officialdom and authority is etched by the signs and symbols of sovereign power (e.g. Commonwealth coat of arms and copyrights), references to provenance, expert personnel, legislation and the terms of reference.⁴⁹⁶ The terms of reference in both inquiries found and contour the boundaries of the technology – reproduced in full in the final reports, transcripts and submissions to construct legitimacy and continuity through intertextuality.⁴⁹⁷

In the 1992 inquiry, the ‘print media economy’ was brought to bear through a collection of statistics, models, theories, forecasts and anecdotes.⁴⁹⁸ Similarly in the 2011 inquiry, the idea of journalistic trust/performance and an Australian press economy was rendered intelligible and measurable through a series of material inscriptions – polling data,⁴⁹⁹ quotes from academic and classic literature,⁵⁰⁰ graphs, pie-charts, tables, percentages,⁵⁰¹ legislation, and court cases.

Intertextual references to other inquiry texts generate a polytemporal, paratextual effect – other inquiries into the press are echoed, quoted, and critiqued in submissions and final reports. The 1992 final report is peppered with a plethora of carefully ordered references to previous inquiries on finance and banking deregulation (Martin Report, Griffiths Report and Cooney Report)⁵⁰² which are used to capture and reproduce an ordered, cohesive political economic framework. In both the 2011 and 1992 reports, references to Victorian,⁵⁰³ USA,⁵⁰⁴ UK⁵⁰⁵ and

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⁴⁹⁴ House of Representatives Select Committee on the Print Media, Select Committee on the Print Media: Submissions, Volume 1, p. 1.
⁴⁹⁵ House of Representatives Select Committee on the Print Media, Select Committee on the Print Media: Submissions, Volume 1, pp. 158-179.
⁴⁹⁸ House of Representatives Select Committee on the Print Media, News and Fair Facts, p. 329.
⁵⁰² House of Representatives Select Committee on the Print Media, News and Fair Facts, pp. xxiii, 203.
⁵⁰⁵ Three Royal Commissions into the print media in the UK focused attention on: privacy, quality of journalism, diversity of opinion, market pressures, social responsibility, training of journalists, concentration, bias and sensationalism.
Canadian press inquiries are brought to bear through extensive quoting and a detailed examination of each. These historical antecedents provide a starting point and a continuum for the current inquiry: by drawing the past into the present, the problematic at hand is naturalised as a familiar, legitimate field of inquiry. As Burton and Carlen explain “once a problem has an origin...construction of what is essentially an imaginary perspective appears as a natural emergent from the past.”

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The press-inquiry analytical space is not perfect. Tensions exist, for example, between the plethora of techniques of secrecy, publicity and participation that animated both inquiries; between the degrees of confidence and anonymity required within committees and in some submissions to produce truth, the opportunities to confess and testify, and the promise of transparency, accountability, disclosure and public participation lurking in the inquiry. In the enclave of documents, transcripts and articles produced by and through the inquiries, we are confronted by an intriguing excess of writing, an excess of discourse. Much of these technical interplays and lines of power remain unanalysed here – taunting the contributions offered in this chapter with the anxiety of incompletion but promising the pleasure of more.

These writings and instances of speech are indelibly recorded and preserved for posterity – the desires, opinions, aspirations and thoughts of citizens and stakeholders, disciplined by the acts of writing and speech, fold into the permanent records of government: quotable and searchable in future. In the reports too, intertextual references to past inquiries into the press, anecdotes, analyses of journalistic misconduct, accommodation for resistance and acknowledgements of a need for more research, tailor a seam for future transgression and inquisition. The games of inquiry, the desire and will to inquire into the press are redolent with embedded promises of continuity; though it manifests, always, at specific times, in specific places and under specific conditions of possibility.

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At its heart, the inquiries into the print media sought to produce a series of technical solutions to govern deeply moral problems. The will to inquire redolent with a corresponding desire to inculcate specific life-forms through the knot of inquisition and disquisition: virtuous journalists, a responsible, productive press, and good citizens.

In Leo Tolstoy’s fictional Russia, Alexei Alexandrovich Karenin is among the highest ranking statesmen. Tolstoy carefully stages a scene where Karenin appoints a commission of inquiry to explore the condition of native tribes. The report of an esteemed commission of inquiry, wrote Tolstoy, cannot be doubted for it is not the product of mere human activity, but “official activity”. A chain of certainty is established by virtue of the data being furnished by governors, church authorities, magistrates, and priests – all having an indisputable nature. Where some political actors strategise a complete dismissal of the commission’s reports, Karenin, weary of the danger of so revolutionary an attitude to official documents, persists in upholding the statements obtained by the revising commission.”

509 Tolstoy, *Anna Karenina*, Vols. XVI & XVII.
The significance of this extract lies in the insight it provides on the modern games of inquiry and what is excluded from this thesis. The governmental politicking that occurs once the commission expires, the programmes implemented as a result – these provide intriguing possibilities for future analysis. As Dean has convincingly argued, governmentality does not exhaust the field of power relations. By association, nor does the simple characterisation of inquiries as technologies or the tetrad analytic. And in many ways, the analytic positioning of government inquiries and the ‘press’ or ‘print media’ acquires an implosive note in this thesis – momentarily reducing each to a series of undefined constants in order to explore other dimensions.

Given these boundaries, this writing down of inquiries and the press through the figure of Foucault is best greeted as a preliminary rumination on the inquiry-press problem field. Neither infinite nor absolute, these concepts, assumptions, histories and analytic observations are openly disposed to criticism, scepticism, creative destruction, subversion and parody.

Apart from the potential that lies in extending, tweaking or reassembling the tetrad analytic or characterisation of inquiries as technologies of government to other episodes or subjects, another lies in recombining these technical perspectives with the discursive to intensify the analysis of these two print media inquiry case studies. Several scholars have made strides in reconstituting the technical and discursive in governmentality studies so that language can be examined at a molecular level. Catriona Macleod for example combines Foucault’s approach to power/knowledge, Fairclough’s explanation of discursive events and Derrida’s deconstructive project to enliven her study of the governmentality of teenage pregnancy. As an “obviously languaged” technology, the careful and reasoned addition of a particular pedagogy of discourse analysis could sharpen focus on the linguistic and grammatical lines of power that co-constitute the will to govern the press through inquiry.

From a reflexive research perspective, there are also opportunities to attend to the want for methodological reflection and analytical involvement in governmentality studies. The use of online interviews as a mechanism of data collection, reliability and credibility established a small point of difference to published studies in the field which is usually unconcerned with the actual thoughts and actions of agents directly involved in the instance of government.

Inquiries into the print media are oddly palimpsestic. Inscribed, re-inscribed, forgotten, revived and layered curiously in time, space and memory; vulnerable to attempts to deconstruct, destroy, and reconstruct something quite different in its place. Inquiry is a thought, a practice that inhabits itself; so every act of it, even this thesis, is open to contest, correction, and revisitation.

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510 Dean, “Governmentality and Powers of Life and Death,” p. 29.
511 Catriona Macleod, Deconstructive Discourse Analysis: Extending the Methodological Conversation (Department of Psychology: Rhodes University, 2002) pp. 7-8.
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APPENDICES

APPENDIX A: ETHICS PROTOCOL APPROVAL

RESEARCH INTEGRITY
Human Research Ethics Committee
Web: http://sydney.edu.au/ethics/
Email: ro.humanethics@sydney.edu.au

Address for all correspondence:
Level 6, Jane Foss Russell Building - G02
The University of Sydney
NSW 2006 AUSTRALIA

Ref. MF/JM
18th May 2012

Dr Tim Dwyer
Dept of Media and Communications
Faculty of Arts
The University of Sydney
Timothy.dwyer@sydney.edu.au

Dear Tim,

Thank you for your correspondence dated May 18th, 2012 addressing comments made to you by the Human Research Ethics Committee (HREC).

I am pleased to inform you that with the matters now addressed your protocol entitled “Technologies of governance: Print media inquiries in Australia” has been approved.

Details of the approval are as follows:

Protocol No.: 14854
Approval Date: 18th May 2012
First Annual Report Due: 31 May 2013
Authorised Personnel: Dr Tim Dwyer, Ms Sheenal Singh

Documents Approved:

<table>
<thead>
<tr>
<th>Document</th>
<th>Version Number</th>
<th>Date</th>
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<tr>
<td>Participant information statement</td>
<td>1.1</td>
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<td>Consent form</td>
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<td>Recruitment circular/letter</td>
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<td>15.05.12</td>
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HREC approval is valid for four (4) years from the approval date stated in this letter and is granted pending the following conditions being met:

**Condition/s of Approval**

- Continuing compliance with the National Statement on Ethical Conduct in Research Involving Humans.
- Provision of an annual report on this research to the Human Research Ethics Committee from the approval date and at the completion of the study. Failure to submit reports will result in withdrawal of ethics approval for the project.
- All serious and unexpected adverse events should be reported to the HREC within 72 hours

Manager Human Ethics
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• All unforeseen events that might affect continued ethical acceptability of the project should be reported to the HREC as soon as possible.

• Any changes to the protocol including changes to research personnel must be approved by the HREC by submitting a Modification Form before the research project can proceed.

Chief Investigator / Supervisor’s responsibilities:

1. You must retain copies of all signed Consent Forms (if applicable) and provide these to the HREC on request.

2. It is your responsibility to provide a copy of this letter to any internal/external granting agencies if requested.

Please do not hesitate to contact Research Integrity (Human Ethics) should you require further information or clarification.

Yours sincerely

[Signature]

Dr Margaret Faedo
Manager, Human Ethics
On behalf of the HREC

cc: Sheenal Singh

This HREC is constituted and operates in accordance with the National Health and Medical Research Council’s (NHMRC) National Statement on Ethical Conduct in Human Research (2007), NHMRC and Universities Australia Australian Code for the Responsible Conduct of Research (2007) and the CPMP/ICH Note for Guidance on Good Clinical Practice.
APPENDICES

APPENDIX B: SAMPLE EMAIL INTERVIEW QUESTIONS

1. My first question is a generic one, but one that is rarely asked. Was it difficult to interpret the Terms of Reference for the inquiry?

2. A lot of the literature about public inquiries stresses the difficulty committees face in managing the inquiry process in terms of time and resources. How were you able to devise a strategy to respond to these pressures?

3. What particular skills or fields of expertise were you called on to exercise in the inquiry process?

4. Can you explain, in any way you are able, how the work of committee members proceeded during the inquiry?

5. From your experience, how did you manage conflicts between different kinds of expert knowledge and evidence put forward in the submissions and hearings?

6. How did you resolve the need to maintain the integrity of the inquiry process with the political circumstances surrounding the inquiry itself?

7. What general disciplines, concepts or intellectual frameworks guided the way in which the final report was written and structured?

8. We somewhat assume that inquiry submissions contain a wealth of information and/or interests which makes information management difficult for committees. But did you actually find yourself wanting for any particular kinds of information or different perspectives and why?

9. To what extent, if at all, did any pressing social, economic, political or technological issues affect or threaten to affect the inquiry process?

10. Submissions and the public hearings seem to be the two most well-known aspects of the inquiry process. But from your experience, is this all there is to it or are there other important interactions that take place at different stages of the process?

11. In hindsight, has the experience of partaking in the media inquiry process provided a different perspective on your usual field of academic research or influenced you as an academic researcher?

12. Would you like to make any other comments or share other observations about the media inquiry process?