

Writing our Wrongs: ‘Justness’, Accountability, and Transparency
in Provincial Child Death Inquiries in the Context of Neoliberal
Settler Colonialism

by

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Abstract

This dissertation examines the child death inquiry as a performative ritual of liberal-democratic governance in the contexts of ongoing settler colonialism and the implementation of New Public Management in Canadian public policy. I ask: *what is the performative work of public inquiries in constituting political relationships in contemporary Canada?* I situate the child death inquiry as a particular form of public inquiry shaped by settler affective responses to Indigenous child deaths and assembled by contradictory logics that emphasize the universal generalizability of Indigenous loss, while articulating a specific and targeted anger with *liberal, democratic governments*, who ought to be accountable to their *taxpaying-settler-publics*.

I trace the movement of figures as they are re/produced in the inquiry process: the 'Indigenous Public Child', the taxpayer-citizen and the benevolent settler public, and the ir/responsible government. I then consider *how* these relationships are produced, contested, and reaffirmed, as *well as what kinds of impacts, concerns, and possibilities exist* in the political spaces and relationships produced. I demonstrate how the dispositif of the child death inquiry moves from organizing hegemonic forms of visibility (through mainstream media), structuring the vocabulary of problematization (through legislative debate), establishing normative 'solutions' (through public reports), and articulating 'progress' (through policy commitments). The shift to private-sector-infused managerialism as a proposed solution to the contradictions of settler colonialism reflects a transformation from *justice* (as a political demand) to *justness* (as a technocratic form of 'resolution' and a commitment to continuous self-improvement).

In Manitoba, one child becomes a symbolic stand-in for the various political failures of what is portrayed to be a bloated bureaucracy; in Alberta, government accountability comes to be framed through the quantification (and publicization) of child deaths; finally, in Ontario, the absence of the figure of the Indigenous Public Child, compounded by the pre-emptive commitment to self-improvement, reveals how the dispositif of the child death inquiry changes when the benevolent settler public does not accept moral responsibility for the Indigenous Public Child. Each case study demonstrates *how*, in different ways, lives and deaths are *made to be public* in the settler state, and *to what end*.

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Introduction

Topic, Scope, and Context

In December 2013, the Honourable Commissioner Ted Hughes released the final report of the Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair. Sinclair was a young Cree girl, known to Manitoba child and family services, who died in an escalation of family violence. In the final report, titled *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*, Hughes begins, “Phoenix Victoria Hope Sinclair was born a healthy baby with a lifetime of opportunities before her” (Hughes 2013, 19). The report of the commission, in its multiple volumes, totals over one thousand pages and details in-depth the various interactions that Phoenix Sinclair and her family had with Manitoba Child and Family Services and narrates for a public audience a series of bureaucratic failures that both did and did not result in Sinclair’s death.

The Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair is the most well-known and possibly the most robust child death inquiry in contemporary Canada. In certain circles, evoking the name of Phoenix Sinclair still means initiating a discussion, debate, or critique of child welfare in Canada, and in particular, Indigenous children’s and family’s relationships with child welfare in Canada. This case draws attention to the ways that the name of an Indigenous child, in contemporary settler-colonial Canada, carries large stakes and prompts questions about transparency, accountability, and responsibility for care. These questions are subsequently repurposed as a battleground for settler-state legitimacy and democratic trust. Thus, rather than taking the work of the Inquiry at face value as an objective form of bureaucratic self-examination, I ask *what kind of work do public inquiries into child deaths do in constituting, shaping, and contesting*

political and social relationships in the contemporary neoliberal, settler-colonial state of Canada? In asking this question, I pose several subsidiary questions to further interrogate the specificity of the child death inquiry process in contemporary Canada: why are the deaths of some children subject to public scrutiny through the language of public interest or concern? How are these dichotomies—that define which deaths are of significant public interest and which are not—evoked, challenged, and reinscribed in the context of governmental accountability and, increasingly, Quality Assurance? What kind of work is it to publicize Indigenous loss (and the spectacle of benevolent settler compassion), particularly with insistence regarding graphic details, and in the process recuperate that loss as something that all ‘Manitobans’, ‘Albertans’, ‘Ontarians’, or ‘Canadians’ have the right to know? What is the implication behind the assertion that this loss belongs in some way to the public? Conversely, why is it that some loss does not or should not belong to the public? Furthermore, what is significant about the management of this kind of scandal through the exercise of the public inquiry?

These questions are situated within contemporary critical scholarship and the drive to theorize the notion of “publics” and their constitution—what Walters and D’Aoust (2015) refer to as “the phenomenon of publics” (47). This phenomenon, Walters and D’Aoust argue, is a spectral phenomenon in that “the public is both there and not there; absent but also present” (2015, 48). Walters and D’Aoust draw on theorists of “material publics” (e.g., Marres and Lezaun 2011; Marres 2005; Masco 2005) to demonstrate “that publics do not float effortlessly but depend for their existence on the ongoing work of creating and remaking the material world” (Walters and D’Aoust 2015, 53). The questions laid out in the above paragraph help trace the material production of publics through the

inquiries examined in this research. If the public “can be understood as the correlate and the effect of a whole range of historically conditioned and socially structured practices” (Walters and D’Aoust 2015, 52), then the dispositif of the child death inquiry must be situated in its relations not only to these practices, but to other “historically conditioned and socially structured practices” that inform the dispositif—including settler-colonial governance, moral panic, and child intervention.

Although the Phoenix Sinclair inquiry pre-dates¹ the release of the final report of the Truth and Reconciliation Commission (TRC) process, most of the documents examined are published in the years following the TRC, and thus reflect the specificity of the post-TRC discourse in Canada. The Truth and Reconciliation Commission heard from survivors and intergenerational survivors of the residential school system about the impacts of a system where Indigenous children were “taken from their families as children, forcibly if necessary, and placed for much of their childhoods in residential schools” (Truth and Reconciliation Commission of Canada 2015a, v). The findings of the Commission, which included the statement that residential schools constituted a form of “cultural genocide” against Indigenous peoples in Canada, came up against settler Canadians’ understandings of their country as “a bastion of democracy, peace, and kindness throughout the world” (Truth and Reconciliation Commission of Canada 2015, v). The settler Canadian public was therefore grappling with the transformation of socially structured and historically sedimented understandings of Canadian benevolence and violence as the child death inquiries were released, shaping in turn how publics both were called upon by and

¹ Although the final report was not published until 2015, the TRC process began its work in 2008, and therefore the Manitoba case study is still fundamentally structured by the emergent discourse of reconciliation, even if it was to a lesser extent or incorporated in less obvious ways.

responded to the inquiries. The *dispositif* that I examine in this dissertation is reflective of the specificity of political discourse around reconciliation and Canada's settler-colonial origins that followed the release of these reports.

What I am most interested in within the *dispositif* of child death inquiries is the creation and invocation of the figure of the Indigenous Public Child, and the interaction between this figure and ideas of transparency and accountability inflicted and reshaped by the dominance of New Public Management. I therefore depart from the conventional study of the mechanics of inquiry processes, the judicial powers with which Commissions are vested, or the successful implementation of outcomes. The inquiry process itself is a *dispositif* (an assemblage of different mechanisms of governance that can include discourse, regulation, political mechanisms, and more)² that establishes a framework of commonsense around what matters politically, and what issues require action (and what *kind* of action and *why*) in neoliberal and settler-colonial Canada. This framework provides the basis from which the politics of the present are enacted: in other words, Indigenous families are pathologized and surveilled; settler publics emerge as benevolent and caring taxpayer-citizens, and governments are 'held to account' through processes of bureaucratic self-examination and performative commitments to continuous, incremental improvement. In the coming chapters, I track these figures and relationships coming into being, and demonstrate how they are reformulated at different moments in the *dispositif*. I examine the public inquiry as a part of a larger political stage on which archetypal figures are produced and the relationships between these figures are worked out. As part of the political stage of contemporary neoliberalism, inquiries *do something* beyond what they

² A more comprehensive definition of the concept of *dispositif* is presented in the methodological section of chapter one.

explicitly claim to be doing, and that this work is shaped through the element of publicity and performance.

I examine three provincial case studies of child deaths in child intervention and the subsequent public inquiries and inquiry-adjacent accountability and transparency mechanisms that emerge as responses to political and moral scandals. Although the case studies, and their associated processes and political contexts, belong to a particular *style* of governmental accountability, I also find that the three case studies vary in their specificities: the differences between various facets of provincial child intervention systems, the kind of accountability mechanism(s) utilized (such as a Commission of Inquiry or Ministerial Panel), and the political, social, and legal context surrounding them. I am not asserting that all three case studies are *the same*, but rather, that they may be seen as a genre of political text and action undergirded by certain conventions. Indeed, the Ontario case study provides a foil that illustrates what happens when certain key elements of the *dispositif*—namely the figure of the Indigenous Public Child and the emotional investment of the benevolent settler public—are absent. In conversation with one another, these three case studies reveal a series of complex, flexible, and deeply political relationships and performances that are central to the neoliberal settler-colonial present of Canada. The different forms that accountability and transparency take on in the process of the *dispositif* reveals the particularities of material publics coming into being: the public that responds to the death of Tammy Keeash in Ontario is substantially different than the public who responds to the death of Serenity in Alberta.

The first chapter outlines my methodological and theoretical ‘toolkit’. I draw upon Foucauldian theories and concepts such as *dispositif*, governmentality, and

problematization to showcase my approach to public inquiries. I similarly consider affect and performativity as theoretical tools that shape my use of a discourse analysis methodology. Finally, I provide a concise overview of specific the research methods and process, including a summary of my data collection strategies and coding techniques. This toolkit is then used to trace the scheme, present throughout the dissertation, of scandal-political debate-public inquiry-New Public Management outcome.

In the second chapter, I question the nature of ‘scandals’ surrounding child deaths: how these scandals are produced, contested, and reaffirmed as matters of public interest, with particular emphasis on mainstream media.³ I ask why some instances of child death in provincial intervention systems become thinkable as ‘public scandals’ that require government involvement and action, and others do not. I explore how diverse sets of actors and publics are laid out in the shaping of scandals, and how the relationships between these actors are mapped out across the scandal itself—the dysfunctional government, the media rescuer, the traumatized Indigenous family, and the concerned “taxpayer-citizen” (Henderson 2015). I analyze how mainstream media intervenes in the process of problematizing child deaths, drawing on themes of transparency, scandal and moral outrage, and the constitution and maintenance of ‘public concern’ as a homogenous entity. I then articulate the mainstream media’s location within a web of diverse actors in formations of colonial governance. Consequently, mainstream media plays an important role in mediating scandal and moral panic and articulating diverse publics with intersecting

³ For the purposes of this research, I use the term “mainstream media” to refer to newspapers stored in the “Canadian Newsstream” database, which houses “over 400 Canadian news sources from Canada’s leading publishers” (Canadian Newsstream 2022). Canadian Newsstream houses national newspapers (e.g., the Globe and Mail and the National Post), major local publications (e.g., the Montreal Gazette and the Vancouver Sun), and smaller regional and community-based publications (e.g., the Airdrie Echo and the Hanna Herald). A full list of publications included in the database is available through ProQuest.

and divergent stakes in the circulation of scandal. The careful theorizing of scandal as a driving concept in this chapter propels the work in the following chapter, continuing the work of tracing the various elements of the *dispositif* of the child death inquiry.

In the third chapter, I examine how these ‘scandals’ officially move into political debate through their incorporation into the combative discourses of provincial legislatures. This chapter opens with the assumption that the movement from the space of media circulation to official space of political debate is an important moment in the management of public emotion in the context of settler-colonial governance. In this chapter, I find that the legislative debates work to reshape public emotion (first articulated as scandal in mainstream media) as demands for bureaucratic transparency and accountability. I then ask how the neoliberalized values of transparency and accountability are brought into a relation with the highly emotive material of child deaths, especially in a political arena—or theatre—like legislative debates. To answer this question, I theorize the concept of the Indigenous Public Child, and in particular the relationship between the Indigenous Public Child, the un/accountable settler state, and the emotionally invested “taxpayer citizen” (Henderson 2015), within the encompassing *dispositif* of child death inquiries to articulate some of the ways that settler-colonial governance functions in neoliberal Canada—through possessive, benevolent relations.

In the fourth chapter, I turn to the inquiry documents themselves and examine what kind of work is done within the specific contours of the inquiries. As acts of staging accountability and transparency, public inquiries work in performative ways that outline the problematics of governance (reinterpreted as technical and/or administrative problems) and propose the necessary solutions to resolve these problems as efficiently as possible.

The triangulation of relationships defined in the third chapter, in contact with the problem/solution strategy of the inquiry, outlines who is accountable *to whom* and *for what*. Thinking critically about how accountability and transparency—two key objects of investigation in this dissertation—are articulated, defined, contested, and operationalized in these processes enables a deeper understanding of the contingent nature of configurations of relationships, political problematizations, and the legitimacy of continued settler governance in 21st-century Canada. I demonstrate how the figure of the Indigenous Public Child is taken on by settler governments and settler publics as a battleground over ostensibly declining public trust in bureaucracies and governments in the context of neoliberalism. I further argue that there are specific sites and techniques of re-legitimation that are articulated in child death inquiries in the contemporary Canadian state, and that these sites and techniques emerge from the neoliberalization of governance: notably, the technocratic “solutions” advanced in the findings of public inquiries (e.g., professionalization, cultural competency, quantification, and Quality Assurance). Finally, I foreground the intersections and inconsistencies between the neoliberal drive towards increased efficiency, quality management, and individualization with the overarching framework of settler benevolence.

In the fifth chapter, I analyze the post-inquiry aftermath: the kinds of legislation or policy changes that emerge, how ‘outcomes’ are traced back to inquiry processes, and the ongoing centrality of particular scandals of public concern. I find that the policy changes that emerge from these scandals complicate the dispositif of child death inquiries in several important ways: first, by underscoring the significance of bureaucratic self-examination through the lens of continuous professional improvement, the policy outcomes reformulate

the temporality of scandal from a quality of “too-lateness” towards an abundance of time within which perpetual, incremental changes can be made. As a result, agents of the state (such as bureaucrats and social workers) are tasked with *doing* the work of individual and therapeutic self-improvement as reconciliation. Drawing on the previous three chapters, I argue that the supposed-crisis of public trust in governments and bureaucracies, which is unveiled and incited in these performances of scandal and accountability, is negotiated through the proliferation of New Public Management (private sector) strategies of administration. In the case of neoliberal settler-colonialism, the “culture of continuous improvement” (Leifso 2020) that shapes contemporary, depoliticized bureaucracies also enables a sense of ongoing permanence to settler-colonial governance and sovereignty. In other words, the legitimacy of the settler state must make sense and find support within neoliberal terms; at the same time, neoliberalism must somehow work to sustain settler-colonialism (even as some targets of these defining structures contradict one another, such as the neoliberal drive towards devolution and ceded control, and the settler-colonial drive towards intervention and paternalistic management).

I conclude that settler-colonial state legitimacy is maintained and renewed performatively (and continuously) through the *dispositif* of the child death inquiry. Importantly, this maintenance takes place not just in law but at the more mundane level of policy. It is in tracing the full course of the *dispositif* (through scandal, political debate, inquiry, and finally policymaking) as a chain of events that the relationships between child deaths, public outrage, government self-scrutiny, and bureaucratic improvement become clear.

Neoliberalism opens space for actions, policies, and practices that might be seen as part of decolonial processes— including increased devolution and First Nations’ authority and control over child and family services. At the same time, the impetus to devolve authority and control coincides with the neoliberal imperative to promise continuous improvement, a depoliticized promise that draws First Nations into the regimes of self-improvement and self-scrutiny outlined in chapter five. This promise of continuous self-improvement, so quintessentially part of a New Public Management framework, should also be understood as a new(er) iteration of settler benevolence that promises that *things will be better*. Subsequently, the reformulation of settler benevolence and morality as the technical act of continuous improvement is part of the process of continuously depoliticizing settler-colonial relations and offers the promise of a shared, universal future.

In its entirety, this dissertation makes three key arguments. Namely:

- 1) That contemporary settler-colonialism, reformulated through neoliberalism and the mechanisms of New Public Management, is reproduced (in part) through the re-tooling of private sector techniques (like Quality Assurance) as supposed mechanisms of political and social justice and commitments to reconciliation.
- 2) That the act of supplanting social and political justice with market strategies like Quality Assurance depends on the production of the figures of the Indigenous Public Child, the benevolent settler public, the taxpayer-citizen, and the ir/responsible settler government—and, subsequently, the mediation of the relationships between these figures.
- 3) The combined actions of re-tooling private-sector strategies and narrating the political relations outlined above exemplifies the process through which

contemporary settler-colonial governance in Canada relegitimizes itself through its moral commitments to truth-telling and its administrative commitments to continuous self-improvement in the post-Truth and Reconciliation discourse that characterizes contemporary Canada.

Overview of Case Studies

To make the arguments outlined above, I use a comparative case study approach to analyze three distinct sites. I draw on three provincial examples of deaths in the child intervention system and demonstrate how these deaths instigated public conversations and the operationalization of different transparency and accountability mechanisms. The three cases I examine are:

- 1) The death of Phoenix Sinclair in Manitoba and the multiple, intersecting public investigations of her death,
- 2) The death of Serenity in Alberta and the investigative journalism of the *Fatal Care Series*.
- 3) The death of Tammy Keeash and the closure of Johnson Children's Services Inc. in Thunder Bay, Ontario.

Manitoba

The case study in the province of Manitoba, which concerns the death of Phoenix Sinclair, is likely the most well-known and highly publicized of all the cases examined. In 2005, at the age of five years old, Phoenix Sinclair died in an escalation of family violence. Nearly a year later, her remains were discovered. Six years later, in 2011, a public inquiry was commissioned, publishing its findings in 2014 (Manitoba Advocate for Children and

Youth 2021, 10).⁴ Throughout her life, Sinclair had many encounters with Manitoba's child intervention system and had been in and out of various foster care arrangements. She was in the custody of her mother and step-father at the time of her death. The death of Phoenix Sinclair was an explosive moment for the province of Manitoba. In 2003, the province had initiated the substantial and controversial process of devolving child intervention services to First Nations agencies, and Sinclair's death was seen as revealing of the fractured and unmanageable nature of child intervention following this process: the inquiry itself focused on the multiple and frequent lapses in service provision, the changing workers responsible for the case, and the apparent disappearance (or simply non-existence) of case records and notes.

There were several inquests, inquiries, reports, and other mechanisms of public scrutiny following Sinclair's death, however my analysis focuses specifically on three such examples, chosen for different and overlapping iterations of highly mediated public concern for Indigenous child deaths:

- 1) Honouring their Spirits, The Child Death Review: A Report to the Minister of Family Services and Housing, Province of Manitoba (Billie Schibler and James H. Newton, September 2006).
- 2) The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children (The Honourable Ted Hughes, Commissioner, December 2013).

⁴ Following this Commission of Inquiry, subsequent 'implementation reports' and 'status reports' were published in 2015, (*Options for Action: An Implementation Report for the Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*), 2016 (*So Much Left to Do: Status Report on the 62 Recommendations from the Phoenix Sinclair Inquiry*), and again in 2021 (*Still Waiting: Investigating Child Maltreatment after the Phoenix Sinclair Inquiry*).

- 3) Options for Action: An Implementation Report for *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children* (AMR Planning and Consulting, January 2015).

The death of Phoenix Sinclair continues to occupy a prominent space in Manitoba's political discussions around child intervention. In 2021, the Manitoba Advocate for Children and Youth published a report on 19 recent child deaths in the child intervention system. In the report, the current Advocate, Ainsley Krone, reminds readers that “the suffering that Phoenix endured was appalling, and rightly shook our province to the core,” and furthermore, that her death had “jolted Manitobans awake” and forced their attention to the child intervention system (Manitoba Advocate for Children and Youth 2021, 6-7). The 2021 publication is “an aggregate special report of 19 child deaths” in Manitoba (Manitoba Advocate for Children and Youth 2021, 3), and yet in 2021—fifteen years after Phoenix Sinclair's death—she is one of only three children⁵ explicitly named in the report,⁶ and invoked in both the title and dedication of the report.

Alberta

Unlike the case study in Manitoba, there are two key events that I examine in Alberta: the first is the legal conflict between the province's two largest newspapers (*The Edmonton Journal* and *The Calgary Herald*) and the province, which resulted in the 2014 release of the investigative journalism series *Fatal Care*. Unlike the Manitoba case study,

⁵ None of whom are among the 19 deceased children that the report discusses.

⁶ Issues of naming, privacy, and publication will be a recurring thematization throughout this dissertation. In this 2021 report, the Manitoba Advocate for Children and Youth, in accordance with *The Advocate for Children and Youth Act*, could not publish all names in the report. However, Phoenix Sinclair, as well as two other deceased children (Kierra Williams and Jaylene Sanderson-Redhead) were named in the report “as these names have been previously and lawfully been made public” (Manitoba Advocate for Children and Youth 2021, 3).

the public discussion in Alberta was set off not by the death of a specific child, but by the investigative journalism done in the Fatal Care report and its revelations about death, bureaucracy, and access to information. The Fatal Care series emerged in 2009, when reporters at the *Edmonton Journal* asked the province for the data on “how many children had died in care that year” (Edmonton Journal 2013). When the province declined to provide this information—citing a lack of data—the *Edmonton Journal* initiated a request for access to all internal government documents regarding children who had died in the child intervention system between the years of 1999-2009. The province once again declined the request, this time citing privacy and confidentiality issues, and, as a result, the *Edmonton Journal* and the *Calgary Herald* launched a four-year legal battle, which culminated in the province’s Office of the Information and Privacy Commissioner mandating the release of the requested information to the reporters.

Investigative reporters Karen Kleiss (*Edmonton Journal*) and Darcy Henton (*Calgary Herald*) then sifted through “more than 3,000 pages of internal death records, along with fatality inquiry reports, lawsuit files and government reports, and interview[ed] parents of deceased children, experts and advocates, politicians and bureaucrats” and produced a six-part investigative report published in November 2014. The series was widely celebrated and was awarded the 2014 Canadian Hillman Prize in Journalism, as well as being nominated as a finalist in the 2014 competition for the University of Florida Award for Investigative Data Journalism—specifically for its work in unveiling “a byzantine system accountable to no one” (Online Journalism Awards 2014). The series “scrutinized Alberta’s draconian publication ban” and signaled to the public, for what appears to be the first time in a mainstream media publication, that not only were many

more children dying in provincial care than had been reported, but also “that the vast majority of these children were [Indigenous]” (Online Journalism Awards 2014). In the analysis that follows, I consider how the child—especially the Indigenous child—who dies in state care becomes a pivot for political debates about bureaucratic opacity and unaccountability.

The second key event in the Alberta case study is the death of a young First Nations girl named Serenity, in 2014, who was living in a kinship care arrangement⁷ at the time of her death. Following Serenity’s death, the province’s Child and Youth Advocate completed an investigation and subsequently released a report outlining key information in the case, under the pseudonym ‘Marie’ in 2016. However, it is not the Child Advocate’s report itself that prompted renewed public interest in the ‘cloak of secrecy’ concealing Alberta’s child intervention system from the public. Once again, the ‘scandal’ of child deaths and governmental secrecy was highlighted through journalistic coverage: this time prompted by one particularly influential journalist, Paula Simons. Simons expressed that the Child and Youth Advocate’s report “was disturbing enough, but [that] it omitted medical details even more shocking” than those published in the report (Simons 2016a). For Simons, it was also key that Serenity’s name be published: her first column on the issue was titled “Her Name was Serenity: Never Forget It” (Simons 2016a). In her journalistic coverage, Simons appears to have worked closely with Serenity’s birth mother and had her support

⁷ The legal specificities of this case are somewhat difficult: following her death, the Alberta Ministry of Children’s Services confirmed that, while she was initially put in the care of individuals through the kinship care program, “they were later given permanent guardianship, meaning Serenity was no longer in kinship care” (The Canadian Press 2017). More recent news coverage has revealed that in fact a “judge awarded guardianship to the province, which in turn placed the children in a kinship guardian’s home” (Parsons 2020 June 23). Throughout the dissertation, I will refer to Serenity’s death in relation to kinship care. While this may not fully encapsulate the complexities of the legal context, her relationship to the kinship care program, as a First Nations child, is frequently evoked by the media, in legislative debates, and reappears continuously in the meetings and recommendations of the Ministerial Panel.

in publicizing the case. However, in 2019, Serenity’s kinship guardians launched a defamation lawsuit against Simons over concerns that Simons’ coverage, especially on social media⁸, wrongly alleged “that the child died from a non-accidental death, a death that was essentially criminal in nature” (Johnston 2019).⁹

Ontario

In 2017, Tammy Keeash, a 17-year-old girl from North Caribou First Nation, who was living in a Thunder Bay group home (Johnson Children’s Services Inc.), was found dead in the Neebing-McIntyre Floodway. The police who investigated her death deemed it non-criminal and closed the case. However, Keeash’s death raised concerns for First Nations families and leaders, who noted that five other First Nations youth had drowned in the Thunder Bay river in recent years. As early as 2015, the Nishnawbe Aski Nation had demanded an inquest into the deaths, and potential mismanagement of the police investigations into the deaths (Porter 2015). Unlike the other two cases, demands for accountability for Tammy Keeash’s death emanated not from a benevolent settler public, but from Indigenous peoples themselves. Conversely, the settler public had largely come to see this death as a question of criminality—not on the part of culpable social workers or pathologized kinship caregivers (archetypes evoked in the other two provinces), but on the part of Tammy Keeash and other Indigenous youth ostensibly involved in deviant behaviour.

⁸ The lawyer representing the kinship caregivers notes that these social media posts were made following Simons’ appointment to the Senate, and that because she shared these comments on social media pages that name her as a Senator, it appeared that “she [was] publishing this in her capacity as a Senator” (Johnston 2019 Sep 23).

⁹ In 2017, the kinship guardians were charged with “failing to provide the necessities of life” to Serenity, a charge that did “not relate to Serenity’s death in 2014” as per legal criteria (Mertz 2019 Aug 13). The charge was stayed by the Court in August 2017.

The Ontario case study is in many ways the outlier. Unlike the other two cases, where widespread media attention and public scrutiny garnered a widespread interest in the deaths of children in provincial care, the death of Tammy Keeash, and the subsequent investigation into and closure of Johnson Children’s Services Inc. in Thunder Bay received comparatively sparse media coverage and was primarily an issue of concern for Indigenous peoples in the province. Tanya Talaga, an Anishinaabe and Polish investigative reporter, was deeply involved in the coverage of these deaths, and is—virtually exclusively—the only reporter covering Tammy Keeash’s death in detail. Talaga discussed Tammy Keeash’s death in relation to a series of other deaths in Thunder Bay involving Indigenous youth and adults. In 2017, Talaga published *Seven Fallen Feathers: Racism, Deaths, and Hard Truths in a Northern City*. The book was a massive success in the Canadian non-fiction publishing scene, receiving multiple nominations and awards (including being named the winner of the 2018 RBC Taylor Prize and the 2017 Shaughnessy Cohen Prize for Political Writing). In 2021, the book inspired a documentary film, *Spirit to Soar*, which traces Talaga’s personal relationships to the deaths that she investigates.

In 2018, the Ford Conservatives passed legislation that defunded the Office of the Child and Youth Advocate. With the passing of Bill 57: *Restoring Trust, Accountability, and Transparency Act*, which received Royal Assent on December 6th, 2018, the responsibility for investigating child deaths (as well as all other responsibilities of the Office of the Child Advocate) moved to the Provincial Ombudsman.¹⁰ In turn, the move

¹⁰ The transfer of this responsibility is outlined in Schedule 28 of the *Act*: “the Ombudsman’s functions are expanded to include investigations respecting children and young persons as well as to include functions to be prescribed respecting services provided to certain children. The [Ombudsman] Act is amended to require children’s aid societies and residential licensees to inform children in care about these functions and facilitate contact with the Ombudsman” (2018, v) as well as Schedule 34 of the *Act*: “The *Provincial Advocate for Children and Youth Act, 2007*, is amended to require the Provincial Advocate for Children and Youth to limit

from a Child Advocate's Office to the generalized portfolio of the Provincial Ombudsman resulted in the loss of a dedicated, staffed office with a mandate to complete these kinds of inquiries specifically. As a result, the investigation into Johnson Children's Services Inc. was the last investigation completed by the Child Advocate in Ontario.

Selecting Case Studies

Each case study surrounds the death of an Indigenous child in settler state care. I was drawn to the question of child deaths while completing research for my master's thesis, where I encountered the Fatal Care series and the creation and circulation of scandal in relation to Serenity's death in Alberta. As I began formulating questions around the production and circulation of child death scandals, I did not look specifically for cases that involved the death of an Indigenous child—and yet it is not a coincidence that all the cases I discuss do. My selection criteria for the case studies were based on an inductive approach. I knew of one example—the Fatal Care Series in Alberta—and began to look for similar situations arising elsewhere in Canada. Using search terms such as “child death” and “child intervention,” I looked through news media records to see what kinds of cases appeared. The three case studies that were ultimately chosen were selected based on 1) the specific naming of one (or more) children dying in a child intervention program (whether it was adoption, foster care, group homes, etc.), 2) the generation of public concern that was visible either through mainstream media or social media circulation, and 3) the generation of a particular “accountability” or “transparency” mechanism as a result (whether it was a Commission of Inquiry, a Ministerial Panel, or an arm's-length inquest or inquiry).

his or her provisions for advocacy and not to commence a new investigation on the day the Ombudsman's functions are expanded by amendments to the *Ombudsman Act*” (2018, vii).

Although I did not specifically look for cases discussing the death of an Indigenous child, it matters that this is a consistent factor in my three case studies. In addition to being vastly overrepresented¹¹ within the child intervention system broadly (e.g., Sinclair 2016); Indigenous children are also more likely to die while in state care (e.g., Johnston 2019; Online Journalism Awards 2014). It is not a numbers game or a question of overrepresentation alone that has led to the public prominence of these cases. Instead, I introduce the figure of the *Indigenous Public Child* to theorize the ways that certain figures are produced out of real cases of harm but are then invoked and transformed through movement and meaning-making in public spaces. Through this movement, the figures are partially detached from the original circumstances and their deaths are repurposed as political battlegrounds to produce settler legitimacy in contemporary Canada. Building on Robbie Gilligan's (2009) concept of the Public Child, I develop and operationalize a critical framework of the Indigenous Public Child. Rather than taking this figure at face value, I use the case studies to inquire into the ways that certain lives and deaths are *made to be public*, and *to what end*.

Historicizing Moral Panic and 'The Child' in Settler Colonialism

The historical contingency of child abuse, neglect, and welfare complicates the movement between scandal-morality-emotion in the dispositif of the child death inquiry. Child welfare, as understood in the western world today, is rooted in historical animal rights movements. Susan Janko notes that “in the late 1800s, the Society for the Prevention

¹¹ I also take seriously Robert Nicholl's critique of the notion of 'overrepresentation'—namely that a critique of violence premised in the rhetoric of “overrepresentation” (in Nichols' case, speaking specifically of incarceration) enables a critique of “disproportionality... not imprisonment, per se” (2014, 439). Nichols therefore contends that “moving beyond the over-representation model means then asking after the political function of the carceral system as a whole” (2014, 444). I operationalize a similar kind of analytic here: I acknowledge that the disproportionality, while certainly *a cause for concern* is not the concern *in and of itself*. In other words, like Nichols, I seek to inquire about the “political function of the... [settler-colonial] system as a whole” (2014, 244).

of Cruelty to Children (SPCC) [in America] was organized by the leadership of the Society for the Prevention of Cruelty to Animals” (1994, 4). This period of child welfare problematization, dating approximately from the late 19th century to the 1920s, is commonly referred to as “child saving” (Janko 1994, 46). This umbrella term broadly refers to several different intersecting movements and projects, notably the management of deviant families (where “parent culpability was the focus”) (47), but also movements that campaigned against “child labor and industrial exploitation” (47).¹² A similar historical timeline was present in the Canadian context, where concerns with child welfare arose specifically in tandem with political debates about colonization, national identity, and Confederation in the late 19th- and early 20th- centuries (e.g., Kaler 2017; Sutherland 1976). A notable historical example of this interest is the 1894 Ontario Child-Saving Conference (Sutherland 1976, 32). By 1920, the Canadian Council on Child Welfare was established, paving the way for increasingly coordinated national efforts at managing families (and by extension, child intervention) on a national level (Sutherland 1976, 227-8).

Sociologists have roughly traced the first explicit reference of the contemporary North American understanding of child abuse to a 1962 academic article published in a medical journal describing “battered child syndrome” (Armstrong and Abel 2000, 276). The publication of this research spurred what has since been referred to as the contemporary “rediscovery” of child welfare with the expansion of the welfare state in the western world (especially in the United States), in the 1960s (Costin, Karger, and Stoesz 1997, 108). This

¹² Historicizing child abuse and child welfare requires considering the sociological work on conformity and deviance, which explicates how child abuse and neglect came to be seen as the ‘problems’ that they are taken for granted to be today. Of course, this does not mean that I don’t have concerns about family violence or harm that comes to children—however it does mean that there is a very particular historical trajectory that has enabled us to understand the problem of child welfare in a particular light.

understanding of child abuse expanded throughout the 1970s and 1980s through moral concerns around various aspects of child maltreatment, including prenatal child maltreatment and conditions like Fetal Alcohol Syndrome (FAS) (e.g., Armstrong and Abel 2000); childhood sexual abuse (e.g., Critcher 2002); and ritual child abuse in satanic cults (e.g., Victor 1998).

Colonial interventions into Indigenous families have also been operationalized through the imposition of European and Christian norms of “The Family” (as a knowable and definable entity). The family is particularly significant to the ongoing perpetuation of settler-colonial rule, due to the reproductive role of the family in multiple capacities (e.g., biological reproduction and social reproduction). The Indigenous family has been a crucial site of both colonial violence as well as ongoing anti-colonial resistance for Indigenous peoples in the context of both historical and contemporary settler-colonial governance. Julia Emberly (2007) argues that

the sexual codes and racial inscriptions of the nineteenth-century European and bourgeois family structure were not simply exported to colonial space and imposed on Indigenous kinship structures. Rather, the very determining power of this familial struggle was constituted both through and against Indigenous kinship relations (3).

Emberley highlights that “in Canada during the late nineteenth and twentieth centuries, colonial politics were engaged in developing and deploying techniques to dismantle Indigenous kinship relations” as a form of political relationality (2007, 4). Sunera Thobani writes that the white, middle class, and heterosexual family is the “exalted” family for the Canadian nation-state, and functions “as the site of the (re)production of the nation and its values” (2007, 108). Mark Rifkin argues that the supposedly natural formation of “the family” is used to legitimize the privatization of intimacy in the context of settler-

colonialism (2011, 15). Heterosexuality and the nuclear family, premised in a logic of reproduction, inscribes the family as an inherently private space, reinforcing the liberal dichotomy between public/private spaces (2011, 25). As a historicized political apparatus, the “bourgeois family became established within colonial space [and] its relations of power and politics of the flesh...came to determine and structure the meaning of the family” within settler colonialism (Emberley 2007, 9).

Indigenous scholars, theorists, organizers, and advocates have commented on the historical and contemporary political relationships between the Canadian state, Indigenous nations, and child intervention (e.g., Sinclair 2007; Blackstock 2007; 2011). Critiques include the contemporary child intervention system’s connections to residential schools and other programs of assimilation (e.g., Blackstock 2007; Sinclair 2007; 2016), extreme rates of overrepresentation, underfunding and neglect within the system (e.g., Barker et al. 2014; Blackstock 2011), and the regulation and surveillance of Indigenous parents—in particular, Indigenous mothers (e.g., Salmon 2011). Mary Ellen Turpel-Lafonde persuasively articulates:

to First Nations people, the expressions “culture of violence” and “domestic violence” not only have their customary connotation of violence by men against women but also mean domestic (that is, Canadian state) violence against First Nations. A “culture of violence” also conjures up, for a First Nations person, the image of the dominant Canadian culture that tolerates and even sanctions state violence against First Nations people... Can a state that uses violence in this way preach about eliminating violence in the home? (Turpel-Lafonde 1997, 72-73).

In relation to the arguments advanced in this study, Turpel-Lafonde’s analysis raises important questions about accountability and transparency as they move through problematizations of a supposedly normalized “culture of violence” in the different provincial case studies. Even as some aspects of the “culture of violence” are rendered

visible to settler publics as a form of bureaucratic accountability, elements of violence like settler colonialism and state violence are not rendered transparent—and when they are, it is certainly not to the same extent.

An Overview of Public Inquiries

Most research on public inquiries in Canada focuses largely on evaluating public inquiries as a policy tool (e.g., Bessner and Lightstone 2017; Inwood and Johns 2014; Ratushny 2009). This scholarship often draws attention to the legal and political mechanisms of inquiries; the various roles of commissioners and other actors in the inquiry process; the laws and statutes through which public inquiry processes are governed, and other legal-jurisdictional matters of inquiry logistics (eg., Anthony and Lucas 1985; Pross, Christie and Yogis 1990; Bessner 2017; Ratushny 2009). Relatively rare in the Canadian literature is the approach to public inquiries that I pursue here, which seeks to understand how inquiries shape and control the contours of political discussion; what constitutes ‘public concern’ and who constitutes ‘the public’; and how political relationships are shaped in response to the constitutive and regulatory powers of discourse and the performative aspects of inquiries.

In addition to engaging the community directly implicated, inquiries are often applauded for increasing public engagement in political issues more broadly. Inquiry processes have been commended for their ability to

provide a forum for concerned citizens to participate in the resolution of issues and events in which they have a genuine stake [and] give the public a “right to know” and adequate information upon which to form a knowledgeable opinion about the subject of the inquiry (Lightstone 2017, 319).

Inquiries are therefore understood to be an important democratic process that engages the broader public in forming relationships with their governments. Kim Stanton notes that

inquiries are “ultimately accountable to the public and must speak to the public” (2022, 13) in their final reports, even when these reports are directed at government. For Stanton, this fundamental connection between public accountability and inquiries means that “a public inquiry can be an instrument of democracy, or at least it has that potential” (2022, 13). This relationship is not uncomplicated nor is it universal.

The public inquiries examined here can be broadly categorized as “investigative inquiries.”¹³ In other words, the purpose of these inquiries “is to investigate and make findings of fact with respect to an incident or to institutional or systemic problems” (Bessner 2017, 6). Generally, these inquiries emerge from “a substantial loss of confidence in public institutions” (Bessner 2017, 6). This loss of confidence, in turn, occurs within a much wider, more prolonged loss of confidence in public institutions characterized by the shift to neoliberal governance. As a result, I further consider how the bureaucratic turn towards private-sector expertise and strategies (like the audit-as-inquiry substitution) is perhaps a move intended to restore confidence through proximity to the private-sector.

¹³ Investigative inquiries differ from criminal or civil trials in that “public inquiries are concerned with broader systemic and institutional issues,” rather than determining blame (Bessner 2017, 8). While the inquiries themselves tend to assert this as a moral authority, Sherene Razack (2015) argues that “the fiction, therefore, that they [inquiries and inquests] cannot attend to “who did it,” brackets the involvement of state professionals in acts of murder or neglect, and keeps the discussion in the more abstract realm of devising better systems of care and vigilance” (6). In other words, for Razack, the lack of teeth in public inquiries produces a form in non-accountability, where responsibility can be bracketed in conversations about system failures more broadly. The bracketing of ‘blame’ allows the issue to be framed in technocratic terms of ‘continuous improvement’ with regards to service provision, rather the highly politicized nature of harm, neglect, accountability, and responsibility—all of which are articulated in highly moralized terms. Kim Stanton also questions the elements of “procedural fairness” in inquiries from a legal perspective (2022, 14). In my analysis, I am ambivalent on this point, however I acknowledge that the cases that Razack examines are different in many ways from the inquiries analyzed in this chapter. Most notably, in both the cases of Serenity in Alberta, and Phoenix Sinclair in Manitoba, the overarching assumption is that the children’s Indigenous families were themselves responsible for the deaths of the child, and it was the child intervention systems that should have prevented this. In other words, the child intervention system exists to *prevent a violence which is outside of itself*. By contrast, the cases Razack examines predominantly follow instances of police violence.

Bessner summarizes the key purposes of public inquiries in the following statement: “public inquiries have several purposes, which include fact finding, proposing recommendations for legislative and policy reform, and the healing of traumatized communities” (2017, 8). Bessner’s statement is grounded in an assumption that I do not share: that is, that fact-finding, legislative and policy reform, and the ‘healing’ of trauma can be facilitated through one straightforward process, and that rather than representing heterogeneous elements of political debate, technocratic problem-solving and the healing of trauma are taken for granted in their connections to one another.

Scholars have also demonstrated that the repeated use of inquiries as governmental strategies produces “inquiry fatigue” (Vincent et al. 2020, 337). This notion of inquiry fatigue is connected to the “predictability of findings,” in which public inquiries frequently produce very similar findings and recommendations that are seldom implemented fully by the government. Experiences of ‘inquiry fatigue’ in these case studies would be unsurprising, as many of the reports, though produced years and sometimes decades apart, offer very similar recommendations to improve the child intervention system, often beginning with reducing staff caseloads, offering more robust training, and prioritizing government funding of (and attention to) the child intervention system.

Finally, the validity of public inquiries as an exercise is questioned in relation to the “excessive costs”¹⁴ to the public in completing the process (Vincent et al. 2020, 339; see also Stanton 2022, 15). A substantive critique of these expenses becomes the question of “whether money might be better spent dealing with the consequences of abuse” than in

¹⁴ Bessner notes that inquiry expenses “include fees of lawyers, investigators, a media spokesperson for the commission, document reviewers and administrative staff; office space for a commission team and the site of a hearing room; and the costs of translators and a webmaster” (2017, 14). Judicial review for inquiry decisions also increases the cost of the inquiry (2017, 14).

funding yet another exercise of exposure (Vincent et al. 2020, 339). Critics have further pointed out that “public inquiries invariably exceed their projected budgets because they take longer to complete than initially expected” (Vincent et al. 2020, 340). Although I do not examine the details of the expenses and funding of public inquiries, the argument about exceeding estimated time frames is certainly true of at least the Phoenix Sinclair inquiry.

Inquiries, Child Abuse, and Settler Colonialism

My analysis of public inquiries examines processes that focus on instances of child harm and child deaths. Vincent et al. (2020) argue that while inquiries were “traditionally reserved for the investigation of *serious matters of the state*, public inquiries¹⁵ have become the ‘gold standard’ for responding to scandals and negative events such as child abuse in the UK, Ireland, Australia, Canada, the Netherlands and the Nordic countries” (2020, 334, emphasis added). Public inquiries, understood as a ‘gold standard’ governmental practice, ostensibly uphold the highest standard of state remedies for institutional abuse. Others, like the reports of Child Advocates (Ontario and Alberta) and Ministerial Panels (Alberta) are alternative (and perhaps seen to be less legitimate) mechanisms for addressing institutional child deaths.¹⁶ It is worth questioning at what point, and under what conditions, certain child deaths are taken on as “serious matters of the state” (Vincent et al. 2020, 334), while

¹⁵ It is nonetheless important to note the historical use of public inquiries in relation to child welfare in Canada—although they were rarely expressed in such language. The 1893 the report of the Ontario Royal Commission on the Prison and Reformatory System both responded to and “aroused public feeling about immigrant children” and the need for government intervention and management of child immigrants in order to prevent the growth of “the criminal classes” in Canada (Sutherland 1976, 30). Concerned citizens’ groups, especially women’s organizations, also advocated for increased investigation into the state of Canadian children: in 1896, the National Council of Women initiated a resolution to “investigate the importation of pauper children on the social condition of Canada” (quoted in Sutherland 1976, 32).

¹⁶ My decision to group these mechanisms together for analysis is similar to Kim Stanton’s argument “that a truth commission is actually a form of public inquiry,” in which Stanton draws together truth commissions and public inquiries in order to consider the ways in which “both mechanisms can perform the social function of acknowledging historical injustices and educating the public to prevent their reoccurrence” (2022, 23).

others are the subject of less formal remedies, and others do not take on political significance at all.

The case studies do not all involve formal public inquiries or commissions, but they are representative of different kinds of state mechanisms for accountability and transparency. The Phoenix Sinclair Inquiry was a Commission of Inquiry, however the data for other provincial case studies comes from investigative inquiries operated by offices such as the Child Advocate, or non-partisan government panels. I therefore posit that although these are not all the same exact method or practice of inquiry, they are situated collectively as a genre of governmental text that centers a form of public accountability and transparency. The production of all these documents can be understood as part of a larger practice of state legitimacy in the face of scandal (where the scandal is presented as being apparent in its exceptionalism) that functions as a further entrenchment of state and governmental legitimacy in the context of settler-colonialism. I organize these different mechanisms under the general category of ‘inquiry’ to demonstrate the ways in which these mechanisms overlap in shared goals, functions, and outcomes.

Johanna Sköld indicates that “since the 1990s, abuse and neglect in institutions and in foster homes for children in out-of-home care have been reviewed by inquiries and truth commissions in at least nine countries” (2013, 6). Because some scholars of inquiry processes have argued that historical inquiries are significant in processes of commemoration, re-narrativisation, and collective memory-building (e.g., Amir 2014), it is worth considering what work occurs in relation to inquiries focused on institutions that are still operational. The question of historical remediation intersects with the ongoing national project of Truth and Reconciliation in Canada. While the inquiries addressed here

are not specifically part of the TRC process, the connections between the two processes of supposed redress are in constant dialogue with one another.

Sköld has also argued that inquiries into child abuse are part of a “contemporary memorial discourse, and... an expression of the political trend of transnational justice in which regret, apologies, and redress play a major role” (2013, 16). The inquiry process’ entanglements with transitional justice and commitments to *doing* or *being* better reveals what I contend is part of the fundamental nature of public inquiries in contemporary Canada. In other words, a large part of the political ‘point’ or ‘purpose’ of inquiries *is to take place*. A sense of justice—or ‘justness’¹⁷—is articulated not so much by the specific revelations of the inquiry, but in the very fact that it exists. Inquiries do not occur simply because there is *more to be known* that could be useful or important to policymaking. Iterations of transparency and accountability are therefore simultaneously shaped by the moral expectations of transitional justice and by market and private sector logics.

The performative nature of public inquiries shapes the work that is done to expose (or not expose) government dysfunction as part of the maintenance of hegemonic modes of governance (Molchadsky 2018).¹⁸ Given the nature of the inquiries examined here,

¹⁷ Here, and throughout the dissertation, I use the term ‘justness’ rather than ‘justice’ to suggest that rather than a sense of justice, of repairing relationships, the notion of ‘justice’ expressed in the inquiries here reflects a sense of moral propriety, of ‘the right thing being done.’

¹⁸ Nadav G. Molchadsky examines the intersections between justice and inquiries into child abuse in the context of the “Missing Children Affair” in the early days of Israeli statehood, and the subsequent number of public inquiries undertaken between 1967-2001. Throughout the analysis, Molchadsky draws parallels between the theft of predominantly Yemenite children under Israeli rule to both the “Stolen Generations” of Indigenous Australian children, as well as the practice of residential schooling in Canada, and demonstrates that this example of institutional child abuse was a racialized phenomenon (2018, 64). Molchadsky’s analysis of the intersections of child abuse, racialization, and state legitimacy are therefore significant in contextualizing the inquiries examined in this project. The ostensibly well-meaning inquiry may function as a useful tool for settler states having to ‘manage’ the fact that Indigenous social reproduction (i.e.: the well-being of Indigenous children) that is by its very nature problematic for the settler state. Molchadsky thus argues that the Israeli commissions functioned in such a way as to exacerbate the scandal by dismissing “the kidnapping allegation as false and invalid,” thus perpetuating and perhaps even reinforcing citizen mistrust in the government. Molchadsky concludes that “the commissions failed to transform the state narrative into

Molchadsky's assertion helps to theorize why a performance of institutional failure and guilt may be useful for the state, in that it enables the state narrative to become an accepted national narrative. In other words, the state can mediate and filter its apology, guilt, and self-accusation, thus allowing for the preservation of state and governmental legitimacy. It is not inherently a contradiction for the Canadian state to take responsibility and admit culpability in a way that ultimately maintains the hegemonic order. While all examples interrogated in my analysis admit to a certain level of institutional failure and dysfunction, they are also successful in asserting, as one of the Phoenix Sinclair inquiries does, "that no child died as a direct result of a breakdown in the provision of child welfare services" (Schibler and Newton 2006, 6). This kind of assertion, following a discussion of the multiple failings of a system that saw "the unexpected death of 99 children known to the child welfare system" in one calendar year, allows for both the admission of guilt and the evasion of culpability in one single report. The link between these inquiries and the standards of accountability and transparency is therefore far more complex than simply a performance of responsibility for the purposes of regaining public trust: it reflects the mediation of a series of interconnected sets of political relationships, filtered simultaneously through the affective and emotional imperatives of settler benevolence, the

an Israeli national metanarrative, that is to say a narrative accepted as reliable and authentic by the majority of Israeli society... and by unintentionally strengthening societal trust in the kidnapping allegation" (2018, 68-9). Molchadsky's assertion helps to theorize why a performance of institutional failure and guilt may be useful for the state, in that it enables the state narrative to become an accepted national narrative. In other words, the state can mediate and filter its apology, guilt, and self-accusation, thus allowing for the preservation of state and governmental legitimacy. In the case examined by Molchadsky, because the state concluded that it was innocent, additional space opened for critique: it was simply *too blatant an attempt at self-exculpation*, rather than a filtered self-accusation of failure and guilt¹⁸. Molchadsky further contends that "the three commissions of inquiry that investigated the missing children affair functioned as mechanisms that assisted the Israeli establishment to get away with taking responsibility for its own crimes, maintaining the hegemonic order in Israel" (Molchadsky 2018, 80).

market-driven logics of New Public Management, and the relegitimation of settler governance through the careful managing of these intersections.

Inquiries, often simultaneously responding to and drawing out “public anger” (Powell and Scanlon 2015, 83), enable a public encouraged to feel grief, rage, and moral indignation to hold the proper authorities to account, and therefore it has been argued that child abuse inquiries themselves are perhaps most accurately understood as a mechanism for collective catharsis and reassurance, rather than mechanisms for the pursuit of truth, justice, or accountability (Buckley and O’Nolan 2013, 25). The centrality of the public as the intended audience, as well as the wronged party, takes on an additional level of complication in the settler-colonial context, whereby the outraged public is largely made up of settlers who take on the loss of Indigenous families as their own frustration with unaccountable and non-transparent governments.

The case studies analyzed were all shaped by community and family pressure on provincial governments to act on the deaths of Indigenous children in state care. Following the death of Serenity in 2014, it was Serenity’s mother who lobbied the Alberta government to act on her daughter’s death in a tangible and meaningful way. In other words, far from being only a scandal to the “settler public,” it is necessary to consider Indigenous demands for inquiries in terms of a politics of truth within settler-colonial contexts. Against widespread disavowal or intentional acts of concealment, the opportunities for Indigenous peoples to make justice demands have been constrained and are therefore hard-won. At the same time, Indigenous demands for justice, filtered through the lens of neoliberal accountability and transparency mechanisms, constitute new ways of framing, shaping, and defining Indigenous peoples’ political relationships with the settler-colonial state and its

settler public. There are frequently direct calls from Indigenous activists across numerous provinces for inquiries into child intervention that indicate a strong community desire to engage in these kinds of processes (e.g., Sterritt 2020; APTN National News 2020). Rather than disavowing these political acts, my work seeks to consider the risks that arise when emotionally and economically invested settler publics take on these demands as their own.

Indigenous Children, State Intervention, and Devolution in Canada

The history of state intervention into Indigenous families in Canada has been traced to the residential school system, a network of federally funded and religiously-operated boarding schools that existed with the intention of assimilating Indigenous peoples into the Canadian population (Truth and Reconciliation Commission of Canada 2015, 3). Indigenous children were removed, and often completely dislocated, from their families and communities. With the publication of the Truth and Reconciliation Commission's final report in 2015, there is an emerging consensus in Canada that the residential school system was one of "cultural genocide" (Truth and Reconciliation Commission of Canada 2015, 1). The last residential school in Canada closed in 1997 (Truth and Reconciliation Commission of Canada 2015, 169).

Indigenous activists and scholars have argued that while residential schools no longer exist, the assimilationist and genocidal aims of residential schools were continued in the child intervention system through sets of policies known as "the sixties scoop" and "the millennium scoop" (e.g., Sinclair 2007). The sixties scoop has become an overarching term to name a period in which "questionable apprehensions and adoptions figured prominently" for Indigenous families (Sinclair 2007, 67). Raven Sinclair has further argued that the sixties scoop never explicitly reached its 'end' but has ultimately morphed into what is contemporarily referred to as "the millennium scoop," characterized by "long-term

foster and institutional care with little chance for adoption” (2007, 68). The following sections offer some general historical context on the settler governance of Indigenous child intervention in the provinces of Manitoba, Alberta, and Ontario.

Devolution in Manitoba

Manitoba often prides itself as having one of the first, and one of the most robust devolution arrangements in Canada. As will become evident in the coming chapters, Manitoba’s devolution figures prominently in the ways that the scandal of Sinclair’s death plays out in public discourse. Many sources trace the contemporary history¹⁹ of child intervention (devolved from the province of Manitoba to Indigenous nations and organizations) to the creation of the Manitoba Aboriginal Justice Inquiry (AJI) in 1988, and the release of its comprehensive report in 1991.²⁰ Because Indigenous advocates stressed “that any overhaul of the justice system in Manitoba must also include a re-examination of the child welfare system” throughout the inquiry process, one of the

¹⁹ While many histories of child intervention devolution in Manitoba begin with the Aboriginal Justice Inquiry (AJI), there is a longer and more robust history that is documented in the AJI’s final report, including the 1977 ‘Indian Child Welfare Sub-Committee’ the first *official* government document to acknowledge that “the movement toward the delivery of child welfare services to Indian people by Indian people graphically illustrates and establishes the principle that Indian people must be involved at all levels and in all aspects of child welfare service” (Indian Child Welfare Sub-Committee 1980, 1). The AJI’s report also documents other significant moments in the path towards devolved services, including tripartite agreements with several First Nations to form their own agencies in the 1970s and 1980s—for example the Fort Alexander Band in 1976 and the Peguis Band in 1977 (Aboriginal Justice Inquiry 1991). Throughout the 1980s and 1990s, these efforts became more coordinated, and in 1981, the Dakota Ojibway Tribal Council signed agreements with both the provincial and federal governments, consolidating the “first mandated Aboriginal child welfare agency in Canada” (Aboriginal Justice Inquiry 1991). These examples are only a few of the First Nations, Tribal Councils, and other Indigenous-led organizations to push for greater control of child intervention services for Indigenous families and children. Positioning the AJI as the ‘start’ of devolution erases this much longer history of Indigenous advocacy and action. Considering this narration of the history of devolution in Manitoba thus begs the further question of whether or not another thing that official inquires *do* is participate in the erasure of Indigenous advocacy that preceded official investigation and likely deployed different discourses.

²⁰ The Aboriginal Justice Inquiry (AJI) was commissioned in 1988 “to examine the relationship between the Aboriginal Peoples of Manitoba and the justice system” (Aboriginal Justice Inquiry- Child Welfare Initiative 2007). Significantly, the inquiry articulates explicit connections to two specific legal cases: the 1987 trials of the men accused of killing Helen Betty Osbourne in The Pas in 1971, and the 1988 death of J. J. Harper at the hands of a Winnipeg police officer (Aboriginal Justice Inquiry 1991).

branches of the AJI Implementation Committee was the AJI-Child Welfare Initiative (AJI Child Welfare Initiative 2007). This branch was created in 1999 following the Manitoba government's commitment to implement the recommendations of the AJI's final report (AJI Child Welfare Initiative 2007). The AJI-CWI (Child Welfare Initiative) was a joint initiative between the Province of Manitoba, the Manitoba Métis Federation, the Assembly of Manitoba Chiefs, and the Manitoba Keewatinook Ininew Okimowin with the intention of "restructur[ing] the child welfare system in Manitoba... [including] the expansion of off-reserve authority (AJI Child Welfare Initiative 2007). The AJI-CWI completed the bulk of its work (e.g. developing proposals, engaging in public consultations, and developing detailed implementation plans) from 2000-2003, and in November 2003, the *Child and Family Services Authorities Act* came into force, mandating four devolved authorities: the Métis Child and Family Services Authority; the First Nations of Northern Manitoba Child and Family Services Authority; the First Nations of Southern Manitoba Child and Family Services Authority; and the General Child and Family Services Authority. The *Child and Family Services Authorities Act* promised greater control of service administration to First Nations and Métis governments, as well as an increased emphasis on 'culturally appropriate' child intervention services. From 2003-2005, substantial organizational and administrative changes took place as authorities were shifted, and staff, funding, and other resources were reorganized. In the report of the Phoenix Sinclair Inquiry, Commissioner Hughes notes that in an eight-month period in 2005, "Winnipeg CFS moved some 2,500 files, along with human and capital resources, to the three First Nations authorities," including "58% of Winnipeg CFS staff" (2013, 89).

While the AJI-CWI was an important moment in the devolution of child intervention services in Manitoba, it was not the first. The 1977 ‘Indian Child Welfare Sub-Committee’ had previously recommended greater autonomy for First Nations’ control over child intervention services on-reserve. Several tripartite agreements between First Nations, and the provincial and federal governments were reached in the last two decades of the twentieth century. In 1977, the Manitoba Indian Brotherhood initiated a tripartite agreement with the provincial and federal governments that was ultimately signed in 1982 (The Coopers and Lybrand Consulting Group 1986, 2-3). In 1986, the First Nations Confederacy: Southeast Resource Development Council hired a private consulting firm to “conduct an assessment of Indian child welfare and family services provided by two Indian agencies” with the ultimate goal of determining “whether services were being provided in accordance with the objectives set by the parties signed to the Canada-Manitoba-Indian child welfare master agreement” (The Coopers and Lybrand Consulting Group 1986, 1).²¹

Despite this history of devolution policy in Manitoba, one of the “key beliefs” acknowledged in a 2018 legislative report stipulates that “although CFS may be devolved on paper, meaningful devolution (transfer) of resources and authority to Indigenous governments and communities has not been a reality”²² (Manitoba Legislative Review

²¹ The Canada-Manitoba-Indian child welfare master agreement was a tripartite agreement signed in 1982 to outline the financial commitments of the federal and provincial government in providing services on reserve in Manitoba. The agreement outlines Canada’s role in the provision of services, in addition to funding, as being the responsibility to “monitor with the other Parties the Program to Indian people to ensure that programs and services are appropriate and effective” (1982 6b.i). I also consider the 1982 agreement as part of a process of political storytelling that shapes the subjectivities traced in the coming chapters. The agreement stipulates that “as a result of culture, geography and past experience, Indian people have special needs” (1982 5.iv), offering context to the narrative of the pathologized Indigenous family, the ‘cultural clash’, and the benevolent settler state’s intervention.

²² The 2018 report on “Opportunities for Improvement” appears to be a generalizable document examining child intervention services as a homogenous entity. Although it is not clear from reading the report who is making these claims, the report also stipulates that “the majority of stories and information we gathered referenced Indigenous children, youth, and families” (Manitoba Legislative Review Committee 2018, 1).

Committee 2018, 8). In other words, despite the numerous documented legislative and policy changes, the mainstream (settler) perception remains that devolution in Manitoba has not been the success story it is often touted to be by the government.

Devolution in Alberta

Alberta's history of child intervention devolution, while sharing many overlaps with Manitoba's in terms of programs and timelines, is much less widely disseminated as a provincial 'success story' (or crisis) in the way that Manitoba's is. In 1973, when the Blackfoot (Siksika) Nation signed the Blackfoot-Canada-Alberta Child Welfare Agreement,²³ often cited as one of the first tripartite child intervention agreements in Canada, responsibility for the provision and management of child intervention programs for Siksika children living in the First Nation was devolved to First Nations governance. The Canadian government agreed to cover 100% of the funding costs for these programs, ostensibly, if the policies and procedures developed by Siksika leadership adhered to provincial legislation (Wuerscher 1979, 29).

In 1976, the Voice of Alberta Native Women's Society²⁴ prepared and submitted a report to the Minister of Social Services and Community Health on the Society's "foster

²³ As I carried out the historical research regarding devolution policies in the various provinces, this particular agreement proved especially difficult to locate. I received support from three different librarians at Carleton University's MacOdrum Library—Martha Attridge-Buften, Matthew Gertler, and Aleksandra Blake. The four of us scoured different depositories, including Library and Archives Canada, the Parliamentary Library, the Alberta Government Library, and the Alberta Legislative Library, as well as various digitized government archives. As of August 2021, we were unable to locate the original document, and I began the process of requesting a digitized version of a program review document from 1988, available through the Alberta Government Library. In my attempts to communicate with the Alberta Government Library, I discovered that the AGL had been closed in July 2021 in order "to save taxpayers \$1.2 million each year" (Bellefontaine 2021 March 7). In a dissertation about governmental transparency in relation to child intervention services—with a distinct emphasis on the constitution of settler-taxpayer subjectivities—this apparent gap is not only a bit of a mystery, but also a fascinating reminder that transparency operates in strange ways that are not reducible to the singular iteration presented in this dissertation. In other words, there are contradictions even in the ways that neoliberal settler-colonialism operates through these performances of accountability and transparency.

²⁴ The Voice of Alberta Native Women's Society was founded by Bertha Clark, a Métis woman, in 1968. The Society is suggested to be the precursor to the Native Women's Association of Canada (NWAC). The

care project” (Voice of Alberta Native Women’s Society 1976, np). The project, funded through a grant from the Ministry, was intended to provide support in “employing native women on a part-time basis to promote foster care and recruit foster homes for the department” (Voice of Alberta Native Women’s Society 1976, np) as well as to “identify the social needs of the community” with regards to child intervention services (1976, 2). One of the ‘problems’ identified in the report was the “lack of native foster homes, group homes and emergency receiving homes” (Voice of Alberta Native Women’s Society 1976, 3): the report identifies both the overrepresentation of Indigenous children in foster care in 1973, and the fact that of 3,400 approved foster homes in Alberta, only 223 were “of native origin” (1976, 1). The pilot project appears to have received significant support, including from Indigenous communities themselves: the report hypothesizes that the one-year pilot project “more than double[d] the number of approved native foster homes” in Alberta (1976, 20). Assessments from the part-time workers hired for the pilot project indicate a belief that most families were optimistic about support for more Indigenous foster homes, “especially the older people who are seeing their children and grand-children lose their language and culture” (1976, 20). Some smaller pilot projects continued through the 1970s and 1980s, and in 1991, Indian and Northern Affairs Canada (INAC) and the Alberta Government (as well as other provincial governments) signed the “Arrangement for the Funding and Administration of Social Services,” creating the federal funding protocol for on-reserve First Nations child intervention services (“Directive 20-1”) (Kozlowski et al. 2012). Directive 20-1 was the focal point of recent legal action on behalf of the First Nations Child and Family Caring Society. The Caring Society condemned the Canadian

Society hosted the first national conference for Indigenous women in Canada in 1971 (“Taking the Power Back: Native Women Organize” CBC Archives 1974).

government for racially discriminating against First Nations children in the provision of welfare services on-reserve (Forester and Needham 2022).

Presently, in Alberta, the provision of First Nations child intervention services and programming is largely administered by Delegated First Nations Agencies (DFNAs). DFNAs are only “responsible for the provision of child intervention services to all persons situated within the geographical boundaries of the First Nation they serve” (Government of Alberta 2020c). There are currently 19 formal Agreements between the provincial government and 27 (of a total of 48) First Nations located in the geographical boundaries of Alberta (Government of Alberta 2020c). While the province is “responsible for the legislative and policy framework for service delivery,” DFNAs receive their funding from the federal Department of Indigenous Services (Government of Alberta 2020c). Alongside British Columbia and Manitoba, Alberta is one of only three Canadian provinces with “delegated Métis child and family service agencies,” which, in Alberta, are funded by the province (National Collaborating Centre for Aboriginal Health 2017, 6).

While I am unable to complete a comprehensive historiography of differences in provincial devolution practices by province, the archival research undertaken reveals a much more coordinated effort towards devolution in Manitoba (in comparison to Alberta), especially in the 1990s-onward. This may, in part, explain how and why devolution itself becomes the focal point for public debate in Manitoba, whereas the public debate in Alberta takes focus on specific programs within the broader network of child intervention in the province (notably, kinship care).

Devolution in Ontario

The devolution process in Ontario follows a similar timeline as the other two provinces. In 1965, Ontario passed its *Child Welfare Act*, and signed the Memorandum of Agreement Respecting Welfare Programs for Indians²⁵ with the federal government. The Memorandum of Agreement forms the basis of devolution policy in Ontario and has been revisited over the years (the Agreement was amended in 1971, 1972, 1981, and, finally, in 1997). The Agreement emerged from a 1963 Conference (“The Federal-Provincial Conference”), where “long-range objectives and policies applying to Indian people” were discussed by representatives from federal and provincial governments (1965 [1998], 1). In addition to laying out the terms of the financial protocol, the Agreement outlines jurisdictional parameters: section 2 of the Agreement stipulates that “no provincial welfare program shall be extended to any Indian band in the Province unless the band has been consulted by Canada or jointly by Canada and by Ontario” (1965 [1998], 4) as well as the fact that Ontario must continue providing and funding social services for “Indians who do not have Reserve Status” according to “the same basis as other residents of the Province” (1965 [1998], 4).

Following this initial agreement, Indigenous political organizations took several steps to enshrine Indigenous control of child intervention programs and legislation that would impact Indigenous children and families. In 1981, the Chiefs of Ontario passed a resolution stating that “the Indian Nations of Ontario shall create [their] own Indian child

²⁵ The 1965 Welfare Agreement is outlined in Section 13 of the Child Welfare Act (1965): “Where an agreement is entered into with the Crown in right of Canada providing for contribution by Canada to Ontario for the payment of the costs of the care and services provided by children’s aid societies to Indians, Ontario shall pay to children’s aid societies 100 per cent of the costs of such care and services, determined and paid in the manner prescribed by the regulations, and any Indians to whom the agreement applies shall not be computed for the purposes of subsection 3 of section 8 and the amount paid to a children’s aid society under this section shall be deducted from the operating costs to which section 12 applies” (Ontario Revised Statutes 1970, 585).

welfare laws, policies and programs based on the protection of [Indigenous] children and the preservation of their Indian culture within the Indian family” (Weech-it-te-win Family Services 2021). This resolution led to the incorporation of Weech-it-te-win Family Services in 1983 as well as the establishment of the Native Child Welfare Planning Committee that same year (Weech-it-te-win Family Services 2021). Weech-it-te-win attained comprehensive delegation of First Nations child intervention services in 1987 (Ferris et al. 2005, 7).

Throughout the 1980s and 1990s, the emphasis on devolving child intervention services in Ontario was predominantly concerned with the development of customary care models,²⁶ and in 1984, customary care was highlighted as its own section of the *Ontario Child and Family Services Act*, specifically formulated for Indigenous children. Throughout the 2000s, services were increasingly devolved to First Nations agencies across Ontario: from 2000-2003, ‘Community Care Programs’ were devolved to First Nations agencies, and in 2014, ‘Family Preservation Programs’ were added to this portfolio (Weech-it-te-win Family Services 2021). In 2006, the Ontario Government passed Bill-210, which made some changes to the *Child and Family Services Act* (including an emphasis on permanency planning through kinship care, as well as the requirement for workers to specifically ask families about “Indian or native status”) (Ontario Minister of Children and Youth Services 2010). In 2017, the *Child, Youth, and Family Services Act*, “in the spirit of reconciliation” (Ontario 2017) began the full transfer of cases involving

²⁶ Section 191 of Ontario’s 1984 *Child And Family Services Act* reads: “customary care” means the care and supervision of an Indian or native child by a person who is not the child’s parent, according to the custom of the child’s band or native community (1984, 744).

Indigenous children and youth from Children’s Aid Societies to Indigenous Child and Family Well-being Agencies (Ontario Association of Children’s Aid Societies 2018). As of 2018, there were twelve “designated Indigenous Child and Family Well-being Agencies” operating in the province of Ontario (Ontario Association of Children’s Aid Societies 2018). Three Indigenous agencies designated within the province of Ontario (Dilico Anishinabek Family Care Agency, Tikinigan Child and Family Services, and Anishinaabe Abinoojii Family Services) have been affiliated with the group placement (Johnson Children’s Services Inc.) that will be discussed in the coming chapters. It is possible that, like the Alberta case study, the more piecemeal approach to devolution also shaped the ways that public debates around the scandal of child deaths were articulated in Ontario—especially (as the media analysis chapter emphasizes) the different kinds of public responses that emerge in different publics.

Situating the Struggle: Settler Colonialism, Decolonial Theory, and Indigenous Feminisms

It is necessary to situate the research that follows—which is not an analysis of agency, resistance, and collective power—in the broader context of Indigenous resurgence and decolonial movements. I draw on Indigenous feminist and decolonial theorists to contextualize the structural violence articulated in the coming chapters against a long-standing historical and contemporary practice of resistance. I thus draw on this body of work to demonstrate that the settler-colonial state—both in its historic and contemporary iteration—is not inevitable but produced (and therefore also contested).

Heather Dorries and Laura Harjo explain that

Indigenous feminism theorizes violence from a standpoint that begins with the body, but also locates the body as belonging within a political order that includes relations to land and more-than-human kin. This informs an understanding that

connects individual... violence to collective (political and economic) forms of violence” (Dorries and Harjo 2020, 213).

Dorries’ and Harjo’s assertion here is reminiscent of Turpel-Lafonde’s 1997 concerns about the lack of attention to the experience of collective (“political and economic”) violence, even as public attention was drawn to “the culture of violence” that appeared to shape Indigenous families and communities. Here, Dorries and Harjo offer an Indigenous feminist perspective grounded in the imperative of seeing individual violence as being fundamentally structured by the state violence of settler colonialism. The violence that is the subject of so much deliberation amongst the settler state and its publics not only originates in the structuring political order of settler colonialism (and therefore could be otherwise), but, significantly, the inquiries themselves reflect the settler-colonial compulsion to re-individualize the moments of violence. This compulsion, reflected in the kinds of scrutiny practiced in these inquiries (that often focuses so intensely on revealing specific moments of violence and translating these moments into ‘spectacles’), is also the act of disavowing the connections emphasized by Dorries and Harjo. In turn, disavowing the connections between individual and collective forms of settler-colonial violence functions to make settler colonialism *appear* normal and unchangeable.

Dorries and Harjo position Indigenous feminist theorizing “as a rejection of both modes of theorizing and practices that position Indigenous peoples as objects of governance, rather than political actors in their right” (Dorries and Harjo 2020, 213). While a dissertation that is so heavily focused on governance and its attendant mechanisms may appear as a contradiction to this framing of refusal, I hope that the analysis that follows reveals the ways that I seek to theorize in solidarity with Indigenous feminists. A substantive thrust of this research is demonstrating, through a highly contextualized and

fine-grained analysis, *how, exactly*, the settler state attempts to produce Indigenous peoples as objects of governance, and how this production is re-iterated in different spaces of political debate. In other words, what follows is a comprehensive untangling of the processes through which this iteration of settler governance emerges, in order to demonstrate that it does not have to be so. For Indigenous feminist theorist Leanne Betasamosake Simpson “the first tenet then of radical resurgent organizing is a refusal of state recognition as an organizing platform and mechanism for dismantling the systems of colonial domination” (Simpson 2017, 176). The work presented here seeks to be in conversation with Indigenous theorists, like Simpson, and to demonstrate ways that state recognition, as a mechanism, is not only not radical, but often finds the language and the mechanisms to give the appearance of transformation, even as the settler-colonial logics remain present.

The dispositif of the child death inquiry in settler-colonial Canada works in part through the production of subjectivities, among those of us who are settlers, that legitimizes ongoing settler-colonial structures in our attempt to *promote change*. I hope that this work exists in a generative conversation with Indigenous feminist and decolonial theory and practice by encouraging settlers *to examine their own communities* as one way of moving away from the practices of settler benevolence described in the coming chapters, and towards the critical development and deployment of a different kind of settler subjectivity that works against the grain of possessive benevolence.

A Note on Researcher Positionality

This work is an examination of how child deaths in state care—and, crucially, the public responses to these deaths—constitute intersecting, overlapping, and conflicting

political relationships in the context of neoliberal settler-colonialism. The following chapters consider *how* these relationships are produced, as well as *what kinds of impacts, concerns, and possibilities* exist in the political spaces that emerge as a result. In thinking through these three diverse case studies of a shared governmental genre—that is, a genre of neoliberal accountability and transparency, invoked by child death scandalization, and articulated through the structures of settler-colonial governance—I articulate the significance of thinking through the mundane notion of continuous organizational improvement as a strategy of sovereign power.

I come to this research as a white, settler woman, with all the social and political baggage—conscious and unconscious—that this position entails; I also come to this research as someone with stakes in the questions raised. My interest in thinking through the politicization of child deaths began in 2016, when my cousin Denver was killed in an escalation of family violence during a vacation with her father. The incident occurred while I was completing research for my master's thesis that examined the Alberta child intervention system as a site of settler-colonial governance, and as I encountered news articles and databases detailing explicit experiences of family violence—some of which, like the Fatal Care series, are included in this dissertation. This confluence of experiences prompted self-reflection on the nature of *making public* moments of intimate grief and loss: who has access to the resources required to make something public? Who decides *how* to make something public, what meanings are given to that publicness, and who stands to benefit from that publicness? Who decides what actions, reforms, or solutions appropriately 'address' or 'resolve' public concerns about violence and accountability?

My gravitation towards this doctoral project, then, was inspired by a sense of coming to terms with my family's own experiences of violence, while thinking critically about the ways in which our whiteness and our settler positionality enabled us to formulate, for ourselves, the kinds of narratives associated with these experiences. I cannot, and do not claim to, share the experiences of the Indigenous children, youth, and families that are brought forward in the coming pages. At the same time, outside of my family's experiences, I believe it is a political imperative as a white, settler woman living on stolen Indigenous lands (I grew up in Treaty 6 territory, and currently live on the unceded lands of the Algonquin Anishinaabe Nation) to think about the ways I am in political relationships with sovereign Indigenous nations, and the ways that the settler state—ostensibly on my behalf and on behalf of those who occupy similar positions of privilege as I do—calls me into networks and political relationships, takes particular political actions, and re-inscribes its administrative legitimacy through the mobilization of Indigenous child deaths as scandals of accountability, transparency, and the need to uphold the values and practices of liberal democracy. I thus consider the ways that the legitimacy of settler-colonial regimes is reproduced in the promises of settler-colonial sovereignty to always do *better*, to govern more *compassionately*, and to promise *continuous improvement as the road to reconciliation*: how the death of an Indigenous child in state care comes to be the vehicle for this process is the central concern of this work.

There is a messiness, political risk, and ethical and intellectual complexity that exists in arguing, at a time where the disavowal of settler-colonial violence continues in a very public way, that the practice of asserting care and compassion for Indigenous loss is

in and of itself part of an articulation of settler-colonial power.²⁷ This disavowal simultaneously exists alongside increased state and public recognition in ways that render the discussion murky in terms of the *capacity* for settler care to exist outside the parameters of settler-colonial violence. While I cannot offer an ‘answer’ as to how to navigate these complexities, I hope that what I can offer is a thoughtful reflection of some of the deep contradictions that lie at the heart of settler colonialism.

²⁷ Here, I am thinking especially of what it means to ask these questions in the contemporary reality in which ground-penetrating radar has been used to reveal gravesites associated with residential schools throughout the summer months of 2021 as I finalize a draft of my dissertation. As these conversations have once again centered Canada’s colonial existence in mainstream public spaces, there is also a continuous disavowal of residential schools as sites of violence. Religious and governmental officials have relied on the “magical invocation of ‘good intentions’” to legitimize colonial institutions and actions (Turnbull 2021 Aug 2). In a context where such rhetoric is still highly publicized, many activists, advocates, scholars, and members of the public—both Indigenous peoples themselves and settler allies—have argued that clear, continuous, and highly public displays of care for Indigenous peoples is a necessary part of a project of truth and reconciliation (examples include the proliferation of the commemorative “Orange Shirt Day” on September 30th, recently enshrined as a federal holiday, and the kinds of settler caring-ness demonstrated at major events or through the massive marketization of orange tee-shirts in the weeks leading up to the holiday).

Chapter One: Methodology and Theoretical Frameworks

Methodology and Methods-Oriented Concepts

In the following section, I outline the key methodological approaches and concepts used in this study. The central methodological framing is the Foucauldian notion of the *dispositif*, which illustrates the organization of diverse sets of documents, processes, and discourses. I use the concept to articulate the assemblage of different fields of discourse as the *dispositif* of child death inquiries in contemporary Canada. I work with several other concepts and frameworks that blur the distinctions between method and concept: governmentality, performativity, and speech acts. Because of some slight differences in the application of methodological processes, the chapters additionally offer some brief details about the specific methods used in their respective sites of analysis. Each individual chapter, while sharing an overarching methodological approach, differs in the specific details regarding how documents were selected, acquired, and analyzed. In total, I analyze over 500 news media articles, 121 provincial House debates, six public inquiries or inquests, 33 sets of meeting minutes, two policy reports, the terms of reference for one ministerial panel, and eleven ‘outcomes’ from these inquiries (including provincial legislation, internal policy documents, public outreach documents, and media releases).

Thinking through the Dispositif

This research pulls together a wide range of sources and interventions—official and unofficial; media and government; law and policy recommendations—that are not, inherently, the same kind of document. Thus, while the subject is provincial child death inquiries, the term ‘inquiries’ is used to gather up a broad range of accountability and transparency processes and mechanisms. The Foucauldian concept of the *dispositif* enables me to bring together these diverse forms of political and social mechanisms into an

organizational framework: I treat the *inquiry process* described in the subsequent chapters (from media interventions to political debates, to official inquiries, and finally to various responses and outcomes) as part of an overarching apparatus,²⁸ with different component parts. While the *dispositif* is neither singular nor coherent, it establishes the ways that the connections between the distinct elements are navigated, produced, and reconfigured in strategic—though not planned or coordinated—ways. To explain the concept of the *dispositif*, Tania Murray Li proposes a critical methodological framework that both acknowledges that “interests are part of the machine, but they are not its master term” (2007, 9).²⁹

In his 1977 interview “The Confession of the Flesh,” Foucault uses the term *dispositif* to refer to the

thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical and moral propositions – in short, the said as much as the unsaid. Such are the elements of that apparatus. The [*dispositif*] itself is the system of relations that can be established between these elements. Secondly, what I am trying to identify in this [*dispositif*] is precisely the nature of the connection that can exist between these heterogeneous elements. Thus, a particular discourse can figure at one time as the program of an institution, and at another it can function as a means of justifying or masking a practice which itself remains silent, or as a secondary re-interpretation of this practice, opening out for it a new field of rationality. In short, between these elements, discursive or non-discursive, there is

²⁸ In using the English translation of “apparatus,” I am not introducing apparatus as a synonym for *dispositif*, but rather as part of the machinations or complex structures that exist within, and shape, a given system. Here, I am drawing from Jeffrey Bussolini’s (2010) critique of the English translation of Foucault’s writing on the *dispositif*. Bussolini states that “apparatus, not only in English, but also in the Latinate languages, is uniquely ill-suited [as synonymous to *dispositif* because] ... dispositive refers specifically to the force of a decision, apparatus by contrast refers to the fine points of justification, to the notes and the fine print. Apparatus refers explicitly to the “motivations” of the decision” (2010, 106). Tom Frost, drawing on Graham Burchell’s, reflections on the task of translating Foucault’s writings into English, stipulates that the French “*appareil*” (more directly translated to the English “apparatus”) is used “to refer to State mechanisms of power” (Frost 2019, 159). When applied to my research site, it is helpful to think of the concept of ‘apparatus’ as the mechanics and machinations that take place out of view; the “fine print” or the spinning of gears that enables the *dispositif* to operate with the force that it does.

²⁹ Tania Murray Li elaborates: “indeed, the messiness of the world, its intractability to government is caused, in part at least, by the overlapping of various governmental programs in historical sequence or, concurrently, one program at cross-purposes with another” (2007, 19).

a sort of interplay of shifts of position and modifications of function, which can also vary very widely. Thirdly, I understand by the term [dispositif] a sort of – shall we say – formation which has as its major function at a given historical moment that of responding to an urgent need. The [dispositif] thus has a dominant strategic function” (Foucault and Gordon 1980, 194-195)

I borrow two core practices from Foucault’s articulation of the dispositif: first the methodological significance of both ‘the said’ and ‘the unsaid’ as component parts of a whole; second, the necessity of mobilizing the concept of the dispositif in a historically and politically precise manner. Foucault suggests that dispositifs enable a methodological approach that includes, but also expands beyond, discourse, and towards a complex analytic of how discourses and institutions restructure one another. Ultimately, the discourses that form a dispositif are not only significant in and of themselves, but in their relations with one another, and the ways that assembling these heterogeneous discourses produces something *new* and *contingent*.

A dispositif, then, can be understood as a network of discourse, practice, and meaning that is shaped by multiple, heterogeneous, and multiscalar components. Drawing on Foucault, Agamben, and Deleuze, Bruce Braun has argued that the methodological application of the concept of dispositif

enables us to grasp both the various forms that administration or government takes today and the provisional and ad hoc nature of the knowledges, practices, and institutions that are stitched together into a heterogeneous totality. This totality has no internal consistency apart from the network that connects its elements together (2014, 61).

The intersections between the various sites of discourse (media scandals, legislative debates, written inquiries, and policy outcomes) cannot be understood as a continuous process in which truths are produced and responded to in a linear sequence. The dispositif offers a way to theorize these responses not as a “totalizing plan,” conceived from an

organizing centre, but rather as “a set of diverse and loosely connected efforts” to offer solutions to a “perceived crisis” (Braun 2014, 49). The fields of discourse examined illuminate a network of responses that purport to address and even ‘solve’ the crisis of child deaths in state care in neoliberal and settler-colonial Canada. The *dispositif* is helpful in articulating the complex intersections embedded in the creation of such responses. The media remains a central actor in legislative debates, inquiry processes, and policy discussions. Similarly, reporters draw on language used in the legislative debates by political representatives to produce meaning—resulting in a compounding process of discursive filtration. Likewise, the inquiry processes in other provinces may impact future inquiries elsewhere: the visibility of the Phoenix Sinclair Inquiry as a failure of governmental transparency likely shaped how reporters in Alberta sought out specific data related to child deaths in state care (a connection that might be made by considering the overlapping timelines of the Inquiry in Manitoba (2013-2014) and the legal demand for the Alberta Government to release data on child deaths (also 2013-2014). While these various sites of discourse are pulled apart to demonstrate their specificities, they all, ultimately, converge as part of the *dispositif* of the child death inquiry. In keeping with the theoretical and methodological traditions of a Foucauldian approach, I do not offer the teleological progression of the *dispositif* as media, legislatures, inquiries, and policy as the only possible means of assembling the *dispositif* exemplified by my case studies, but instead as one of several ways that might be used to consider the multiple entangled elements at play within the child death inquiry in settler-colonial Canada.

Drawing on a Foucauldian understanding of *dispositifs*, I consider both the ‘said’ and the ‘unsaid’ practices that permeate inquiry processes. Expanding on Foucault’s

original French writings, Dumez and Jeunemaitre offer the conceptual tool of “les muettes” (what they translate to English as “the practices themselves being silent”) (2010, 30). For Dumez and Jeunemaitre, “a discourse can be the programme of an institution, or, on the contrary, be disconnected from practices and conceal them” (2010, 30). Rather than being oppositional elements of the *dispositif*, what is *said* as part of the institution’s highly visible mechanisms (for instance, the express naming of colonialism and racism in governmental responses to child deaths) both shapes and is shaped by *unsaid* characteristics of the *dispositif* (such as the simultaneous universality and exceptionalism of the Indigenous child in child intervention systems in Canada). There is a silent agreement that there is something *distinct* about Indigenous families and their engagement with child intervention services—but this element is itself revealed in both the *said* and the *unsaid*.

There is a specificity to the historical moment within which any given *dispositif* *emerges*, in response to *political, social, cultural, or economic needs*. In other words, the question of “the *historicity* and the *contingency* of how life is ‘administered’ or ‘managed’ today” (Braun 2014, 51). The post-Truth and Reconciliation Commission political discourse in Canada is simultaneously premised in settler-colonial logics of morality and benevolence (e.g., Maxwell 2017; Gaertner 2020; Gibney et al 2009), in the financializing logics of neoliberalism (e.g., Strakosch 2019; Leifso 2020; Stanley 2016), and in ongoing Indigenous resurgence and demands for anti-colonial and decolonial justice (e.g., Coulthard 2014; Simpson 2017; Altamirano-Jimenez 2021). The *dispositif* is methodologically useful in its ability to—at least partially—disentangle these various, contradictory formulations. My analysis therefore takes into consideration how “there are always also movements in the opposite direction, whereby strategies which co-ordinate

relations of power produce new effects and enter into hitherto unaffected domains” (Foucault and Gordon 1980, 199-200). While not the primary focus of my work, this counter-force remains relevant in the broader understanding of the *dispositif* and its functions. Power is therefore simultaneously ‘encrusted’ and contested through complex political roles and relationships that permeate the *dispositif* of child death inquiries. What is most pressing for my analysis, however, is how these moments of counter-force, both ripe with potential for different kinds of political relationships, can also be folded into the hegemonic discourse, making it difficult to neatly categorize distinctions between agency and structural power.

I use Bourdieu’s definition of “fields” to demonstrate that the *dispositif* is itself an assemblage of arenas and practices that are brought together from different domains. Fields are ways of understanding “bundles of relations” that include “a set of objective, historical relations between positions and anchored in certain forms of power (or capital)” (Bourdieu and Wacquant 1996, 16). I thus draw on the concept of fields to isolate and analyze the four different sites of discourse: mainstream media, legislative debates, public inquiries, and policy outcomes. Each chapter takes a site of discourse as a field and assumes that there is some level of coherence in terms of these structured fields—but also that each field contains elements of contestation and struggle. I use these four distinct fields³⁰ to demonstrate “that the knowledge which is transmitted has an intellectual autonomy as a ‘field’ possessing its own rules and language” (Robbins 1991, 56). Said differently, “to think in terms of field is to *think relationally*” (1996, 96). Bourdieu’s theorization of fields as analytic bundles is also useful in rethinking the oft-cited concern of addressing the

³⁰ The four fields I consider here are 1) news coverage that produces ‘scandal’, 2) political debate in legislatures, 3) government inquiry processes, and 4) policymaking.

structure/agency divide³¹—a dichotomy particularly pervasive in settler colonial studies literature.³² If the field is “a socially structured space,” it is necessary to also think of the ways “in which agents struggle, depending on the position they occupy in that space, either to change or preserve its boundaries and form” (Bourdieu and Wacquant 1996, 17). Using both the analogy of the battlefield, and of a game field, Bourdieu demonstrates that the structuring components of the field are not inherently and effortlessly so—instead, the parameters and the rules are shaped by how various players engage as well.

Methodological Concepts: Governmentality, Problematization, and the Foucauldian Tradition

This work is situated within a Foucauldian tradition of governmental analysis, or “analytics of government”—that is “a way of analysing those regimes of practices that try to direct, with a certain degree of deliberation, the conduct of others and oneself” (Dean 2001, 40). In the coming chapters, I engage in the process of unravelling how scandals of child deaths in the state care come to be identified as ‘scandals’ or ‘crises’, and furthermore, how these ‘scandals’ or ‘crises’ are determined by a series of intersecting, overlapping, disparate, and even contradictory elements. Working within this tradition prompts me to question, following William Walters, “at what point, under what conditions, with regard to what kinds of problems did these entities come into existence and how did their emergence make possible” (Walters 2012, 19) the dispositif of the child death inquiry in the context

³¹ In the social sciences, this dichotomy is understood as scholarship that “provides ontological supremacy to either structure or agency. Structuralism emphasises that social structures determine individual conduct, reducing social action to a mere appendix of the former. Voluntarism or methodological individualism underlines the ultimate autonomy of social actors and the divisibility of structures and into their constitutive parts” (Las Heras 2018, 166).

³² Settler colonial studies often articulates the power of settler colonialism in its nature as a “structure, not an event”. However, scholars—especially Indigenous scholars and theorists of decolonization—contend that this approach risks erasing Indigenous peoples as political agents and reinforcing the idea of settler-colonialism as inevitable and indestructible (e.g., Carey 2020; Strakosch and Macoun 2020)

of settler-colonial Canada? The framework of governmentality, operating as “a particular style of analysis” (Walters 2012, 38), is taken up throughout this project as a means through which some of the complexities and hybridity of contemporary Canadian governance can be theorized. Walters further argues that “if governmentality is best approached as a study of combinations and hybrids, this... [is] because there is a politics to combination” (Walters 2012, 41). It is this *politics of combination* that is of particular concern in my work. In the coming chapters, diverse structures and rationalities of governance (most notably, but not exclusively, settler-colonialism and neoliberalism) formulate hybrid entities that are both derived—and distinct— from their predecessors. This act of assembling governing logics becomes even more complex as the demands and responses shaped around inquiry processes as dispositifs are shaped by intersecting, competing, and often incommensurable ideals and goals. It is therefore often difficult, or impossible, to untangle these components, even as they derive from vastly different political backgrounds, understandings, and aspirations.

Rather than suggest that public inquiries are inherently colonial or neoliberal mechanisms, or that inquiries should not happen, I seek to “make improvement strange” in my analysis (Li 2007, 3). My approach does not require “dispensing with all the objects which political science uses to theorize” but rather assuming that

each of these objects must be allowed to become a site of historical emergence in its own right. Each will be approached as a ‘transactional reality,’ that is, as a figure that has ‘not always existed’ but is ‘nonetheless real’ and ‘born precisely from the interplay of relations of power and everything which constantly eludes them’ (Walters 2012, 17).

My aim, therefore, is to offer a theoretical and methodological destabilizing of the common-sense aspects of contemporary governance in Canada (the Indigenous Public

Child, the taxpayer-citizen and their relationship to the accountable and trustworthy settler government) that does not deny the material consequences that these “nonetheless real” (Walters 2012, 17) things have in our political lives, nor do I claim ideological, ethical, or political objectivity in relation to these material consequences.

Governmentality is an analytic strategy that seeks to make visible the complexities of “regimes of practices” or “regimes of government,” which “involve practices for the production of truth and knowledge” (Dean 2001, 18). The dispositif of child death inquiries functions to create particular iteration of ‘truths’ in relation to supposed crises of child deaths: not only ‘truths’ about *what happened, exactly* or about *who, exactly, is to blame*, but also a wide array of other ‘truths’—truths about *who Canadians are*, as a caring public, *and settler Canadians’ ability to care for Indigenous peoples*, and truths about *what ‘steps’ can be taken to demonstrate this care in the most effective, efficient, and responsible ways*. The restrictive formulation of transparency and accountability as articulated in the dispositif often points to individual failures, lapses in judgment, or crimes, and ultimately demands for accountability, producing figures and relations (like the Indigenous Public Child and the benevolent settler public) in such a way as to reiterate these core truths.

Dean offers four key dimensions of a governmentality analysis (or, as Dean calls it, “analytics of government” (2001, 23) that are helpful in re-orienting truth-production as a function of governance. For Dean, “analytics of government” emphasizes and defamiliarizes:

1. Characteristic forms of visibility, ways of seeing and perceiving
2. Distinctive ways of thinking and questioning, relying on definite vocabularies and procedures for the production of truth (e.g., those derived from the social, human, and behavioural sciences)

3. Specific ways of acting, intervening and directing, made up of particular types of practical rationality ('expertise' and 'know-how'), and relying upon definite mechanisms, techniques, and technologies
4. Characteristic ways of forming subjects, selves, persons, actors or agents (Dean 2001, 23).

In the empirical chapters (2-5), I question "ways of seeing and perceiving" through a set of discourses and 'truths' that are legible within the specific parameters of settler-colonial governance in contemporary Canada (for instance, through the narrative of the pathological Indigenous family in need of settler-state assistance). I further demonstrate how these narratives, so embroiled in how settler Canadians understand their relationship with the state, also shape the responses that unfold in inquiries and their goal of producing particular 'truths' about the Canadian settler state and public—truths about care, benevolence, efficiency, and good governance. In so doing, I isolate a few of the key "mechanisms, techniques, and technologies" (Dean 2001, 23) that are incorporated as part of child death inquiries, like the implementation of accountability and transparency practices—especially through Quality Assurance and rituals of bureaucratic self-examination. Finally, the *dispositif* is shaped by (and shapes) the different kinds of "subjects, selves, persons, actors or agents" (Dean 2001, 23) that are engaged throughout my analysis: for instance, the Indigenous Public Child, the benevolent settler public, the ir/responsible settler government, and the taxpayer-citizen.

Foucault also notes that the role of governmentality in critical analysis is that of articulating how the notion of 'truth' "engenders or 'manufactures' something that does not yet exist" (Foucault and Gordon 1980, 193). Furthermore, Foucault argues, the production of truth through regimes of governance "'fictions' a politics not yet in existence on the basis of historical truth" (Foucault and Gordon 1980, 193). In tandem with a genealogical framework, working with governmentality prompts me to ask "how

something which did not exist could come about” through the articulation and crystallization of regimes of truth (Donzelot 2008, 115). And so, one of the core thrusts of this work is an analysis of how truth production in inquiries gives rise to “a politics not yet in existence”—whether this is a clearly articulated goal, or a more concealed and unspoken practice of governance. In other words, the following analysis asks, *what is the thing, not yet in existence, that the dispositif of the child death inquiry brings into being?*

Finally, I work with the notion of governance through *problematizations* to draw attention to what, exactly, dispositifs are generated as *responses to*. Robbins (1991) contends that problematization reflects “a sociological political science [that] would want to pay attention to the problems which people might formulate” (Robbins 1991, 96). Similarly, Dean’s proposed analytics of government begins with the formulation and questioning of problematics: “the key starting point of an analytics of government is the identification and examination of specific situations in which the activity of governing comes to be called into question, the moments and situations in which government becomes a problem” (Dean 2001, 27) In many ways, the dispositif of the child death inquiry is one of the most apparent places to look for the formulation of dominant problems, as well as the mechanisms through which those problems are responded to. The problematizations that the dispositif of the child death inquiry responds to are not only political or policy problematizations, but, importantly, emotional problematizations. The scandal as a site of problematization pinpoints not only the moments that the efficacy of governing is called into question, but the moment that the legitimacy and morality of governing is problematized through exposure, having been made intolerable and requiring urgent response.

Discourse, Speech Acts, and Performativity

I am interested in discourse not as a means of thinking through representation, but in its relationships with structures and mechanisms. In other words, my focus is the *performative* nature of discourse: what it can constitute, what kinds of structures it re/instates (or contests), and *what discourse 'does'*. I contend that speech is not only reflective of the political relations described in the following chapters, but that it in fact “*enacts* domination, becoming the vehicle through which, that social structure is reinstated” (Butler 1997, 18, emphasis in original). Child death inquiry processes in Canada reiterate, replace, and renew roles and relationships in the context of neoliberal settler-colonial governance.

Consideration must be afforded to the significance of a given “speech [that] has become citational, breaking with the prior contexts of its utterance and acquiring new contexts for which it was not intended” (Butler 1997, 14). Tracing these citational practices is also a core method of my work: it becomes evident that different words (e.g. accountability, transparency, Quality Assurance, and reconciliation) take on new and different meanings as they move through time and place, and that particular stories and names (e.g., Phoenix Sinclair in Manitoba or Serenity in Alberta) come to stand in for a multiplicity of discussions and debates—and that the citational practice of invoking these names or stories is also part of re/shaping governance. I therefore take seriously the ways in which these concepts, themes, words, stories, and names move throughout the dispositive of the inquiry process and attempt to answer what governments and publics do with these “ritual chain[s] of resignification whose origins and end remain unfixed and unfixable”

(Butler 1997, 14).³³ Performativity is thus embedded in an analysis of ritual, practices, and repetition: “ritual is material to the extent that it is productive, that is, it produces the belief that appears to be ‘behind’ it” (Butler 1997, 36). Taking seriously a governmental approach, wherein “power cannot be easily or definitively traced to a single subject who is its ‘speaker’” (Butler 1997, 78), I consider the myriad of actors who engage in these repetitive and citational practices, and how this impacts, influences, changes, and reaffirms meanings and relationships brought into being through discourse.

It is here where the constitution of ‘publics’ is made apparent as a central problematic. Drawing on Susan Gal, who argues that “society is communicatively constituted” (2018, 1), Ana Deumert invites the question of “how this particular type of [settler-colonial] society works communicatively, semiotically, and affectively” (2019, 470). Deumert further interrogates “how it [settler colonialism] establishes ‘truth’ regimes and authority; how it creates subjectivities, and how dominance is enacted, and contested, within it” (2019, 470). Asking these questions prompts an analysis grounded in managerial mechanisms, like Quality Assurance and self-examination (both on the part of benevolent

³³ Butler also articulates that if “a structure is dependent upon its enunciation for its continuation, then it is at the site of enunciation that the question of its continuity is to be posed. Can there be an enunciation that discontinues that structure, or one that subverts that structure through its repetition in speech?... Is there a repetition that might disjoin the speech act from its supporting conventions such that its repetition confounds rather than consolidates its injurious efficacy?” (Butler 1997, 19-20). Acknowledging the potential of citational practice not only to perpetuate and reinforce structures, but also to reformulating and disjoining them, is necessary in advancing the normative goals of decolonization. Homi K. Bhabha further elaborates on this process of repetition and disjoining in the 1990 chapter “DissSemiNation: time, narrative, and the margins of the modern nation.” Bhabha contends that “the tension between the pedagogical and the performative that [Bhabha has] identified in the narrative address of the nation, turns the reference from ‘people’—from whatever political or cultural position it is made—into a problem of knowledge that haunts the symbolic formation of social authority. The people are neither the beginning nor the end of the national narrative; they represent the cutting edge between totalizing powers of the social and the forces that signify the more specific address to contentious, unequal interests and identities within the population” (1990, 297). Bhabha describes this process as one of “*writing the nation*” (1990, 297). Although I read this piece after giving the tentative title to my dissertation, it is nonetheless necessary for me to acknowledge that Bhabha’s framing of ‘writing the nation’ is developed, in this dissertation, into the process of ‘writing the nation[’s wrongs].

individuals and responsible governments). My methodological focus on heterogeneity, then, dictates that I do not only look at official governmental sources, but rather the interplay between different sites of discourse—mainstream media, political debate, government responses, public outreach mechanisms, and more.

These heterogeneous components lead me to the question of “the public”, “publics”, and (specifically) settler publics. Drawing on Michael Warner’s work on publics and counterpublics, in which Warner asks, “how does discourse create the social space through which it moves?” (James et al. 2020, 244-5), I consider the dispositif of the child death inquiry as operating, at some level, in relation to a particular audience or public, and by virtue of that assumption, also giving shape to that public. Commonsense understandings of ‘publics’ as coherent entities pre-exist the dispositif, but the dispositif and its assemblage of heterogeneous discourses also makes it possible for publics to be “reproduced in practice, which means they change, they’re not given in black and white, and they don’t last forever” (James et al. 2020, 251). Conceptualizing the constitution of publics (in this case, the benevolent settler public) requires an acknowledgment that “no one knows exactly where one [public] starts and where one stops,” (James et al. 2020, 251). and that “new publics [are convened] through the very act of address” (James et al. 2020, 257).

Publics—shaped through ritual performances, speech acts, and mechanisms of communication with all (or even a part) of a concerned public (like journalism)—are fundamentally affective and emotional bodies (e.g., Warner 2002; Gaertner 2020; Deumert 2019). This is especially true in the case studies examined, all of which invoke strong emotional responses across a wide variety of publics and produced through extremely

diverse and divergent political positions. Utterances, speech acts, and performativity are not easily—and perhaps cannot be—disentangled from a ‘history of emotions’ (Reddy 2001). Reddy’s history of emotions is useful not only in historicizing the complexity of emotional speech (and its constitutive role in political life), but also in offering necessary methodological contributions to my analysis. Most notably, Reddy argues that

because of the powerful and unpredictable effects of emotional utterances on the speaker, sincerity should not be considered the natural, best, or most obvious state toward which individuals strive. On the contrary, probably the most obvious orientation toward the power of emotives is a kind of fugitive instrumentalism. One attempts to use this important tool to achieve ends that may be only tangentially related to the content of the claim (Reddy 2001, 108).

An analysis of performative utterances imbued with emotionality (what he refers to as ‘emotives;’ as opposed to ‘performatives’) *must not* be analyzed with a concern regarding what might be perceived as ‘sincerity’. The question is not whether the various actors involved—journalists, social workers, bureaucrats, or politicians—are *sincere* in their utterances. Reddy uses the notion of “fugitive instrumentalism” to contextualize the use of emotions and affect as a particular kind of *tool*, one that is partial and contingent—shaped by compounding and assembled factors. The question is therefore whether there is a difference between what is said, what is intended, what is conveyed, and what happens in the movement between these different pieces of emotional performativity. Methodologically, sincerity can neither be proven nor disproven, and I conduct my analysis with the assumption that most interveners are not ill-intentioned; instead, I turn once again to the question of what, exactly, these utterances *do*. A core argument developed in the subsequent chapters is that these emotional utterances, which are both produced by and work to relegitimize settler-colonialism emerge as part of a practice of what I call *settler benevolence*.

I also invoke the language of performance to call attention to the sense of political theatricality, staging, and audiencing involved in the act of governing. I therefore use the language of performance and theatricality to speak to the “” playing out” of power relations, [the] “masking” of authority, and [the] “scenario” of events” that makes visible “power [as] spectacle” (Case and Reinlet 1991, x). With my research site in mind, there is a performance—in a mundane sense—of staging the acts of governance as expected: what is important is that the inquiry takes place, and is seen to take place, and that the “audience” (the settler public) sees that the inquiry takes place.

Research Methods and Processes

To conduct this research, I carried out a discourse analysis, using the qualitative research software QSR NVivo. Each chapter was completed as a separate ‘project’ in NVivo due to the large volume of data entailed in each dataset. These distinct NVivo projects were then divided into provincial ‘cases’, where all relevant documents were uploaded, coded, and annotated. Drawing on Nicholas Woolf and Christina Silver’s identification of “four clusters” of research components available in the NVivo system, I attended to the following processes: 1) providing data, 2) conceptualizing data, 3) writing, and 4) visualization (2018, 67). Each chapter therefore began with the careful selection of relevant and comprehensive data (through processes like keyword searching), the thorough and meticulous coding of each document within each case according to a set of inductive and deductive codes (described below), and finally, the thematic grouping, visualization, and mapping of the interplay between different themes, speech-acts, and subjects that emerged in the analysis. What follows is the attempt to map out the kinds of relationships revealed in this process.

I use an inductive thematic coding framework to establish groups of themes and a coding strategy. Broadly speaking, thematic coding is “a form of pattern recognition within the data, where emerging themes become the categories for analysis” (Fereday and Muir-Cochrane 2006, 82). Inductive coding avoids “established theoretical categories” in favour of theoretical categories that emerge directly from the research (Goldkuhl and Cronholm 2010). The themes that emerge in data coding are already framed by the theoretical perspectives and existing literature. In other words, the inductive codes used do not emerge from a vacuum but are produced by the guiding political concerns of my work. Inductive coding was chosen for this project due to its “theory generating” capacity—that is to say, it is especially useful in projects mobilizing a “original formulation of grounded theory” in a “discovery-oriented” project (Kuczynski and Daly 2003, 379). The fifth chapter, examining “outcomes” and best practices, emerged from this methodological approach: the filtration of moral problematizations and scandals of child deaths into technical solutions like Quality Assurance was not among my original hypotheses for this project. My coding protocol enabled me to develop a set of preliminary codes, one that expanded as I completed the research. QSR Nvivo’s qualitative analysis software is ideal for this methodology of coding, as it enables the researcher to formulate a series of ‘nodes’ and ‘subnodes’ that assist in the visualization of relationships between a variety of themes uncovered in the research process. My coding framework emerged from thinking with and between settler-colonial studies, Canadian political economy, and critical policy studies. As a result, I began with a small list of wide-ranging themes (colonialism and race; care and emotion; responsibility; accountability and transparency; family and kinship; devolution), which slowly expanded as I engaged with more source material.

Key Concepts

This project develops and makes use of four overarching theoretical frameworks: 1) affect, emotion, and theorizing the concept of settler benevolence, 2) settler-colonialism and the Indigenous Public Child, 3) critical theories of accountability and transparency in contemporary liberal democracies, and 4) political economic theory (especially drawing on critical assessments of neoliberalism and New Public Management).

Affect, Emotion, and the Benevolent Settler Public

This work is about how emotions, affect, and morality are entangled in governance. This emotionality is particularly apparent in the case studies: first, because the political, social, cultural, and economic meanings ascribed to children shape the emotional responses that are expressed or expected following the harm or death of a child (e.g., Emberley 2009; Kennedy 2008). Secondly, settler-colonialism is a profoundly affective structure: settler Canadians may be deeply invested in the project of settler-colonialism, but they are also, often, prompted to act in benevolent, charitable, or philanthropic ways towards Indigenous peoples—a phenomenon I refer to as *settler benevolence*. Notably, the governance of liberal democracies is also entangled in an underlying belief that there is a “humanitarian reason” to settler-colonial governance (e.g., Fassin 2011; Maxwell 2017).

The deaths of Indigenous children the context of twenty-first century, settler-colonial Canada, are evoked simultaneously as universally intelligible moments of collective loss, while at the same time being readily understood to be singular and distinct. This contradiction is exhibited in the ways that Indigenous child deaths in provincial child and family services systems (referred to in the subsequent chapters as *child intervention* or

state care)³⁴ are articulated as a shared or universal grief regarding the deaths of ‘our children’, even when there are consistent and repeated reminders of the singularity of Indigenous children. The universal intelligibility of Indigenous loss is put into question not to suggest that settlers are incapable of feeling grief or empathy for Indigenous peoples, but to return to the question once again of what these performances of grief, shame, guilt, and care *do* in the context of settler-colonial and neoliberal governance.

The affective responses of settler publics are also part of a political process in which the “rhetorical and aesthetic modes of representation that constituted forcible child removal as a scene of suffering (rather than, for instance, a scene of injustice) ... solicited [settlers] to respond compassionately” (Kennedy 2011, 261). Settlers see themselves as “compassionate witnesses” to Indigenous suffering (Kennedy 2011, 264) in a way that *appears* to be depoliticized, but in fact outlines “the political and moral limits of empathy” (Kennedy 2008, 163). These limits are, in turn, shaped by different kinds of political structures, like settler-colonialism and neoliberalism. In his critical work on Canada’s emergent post-TRC political discourse, David Gaertner argues that Canada’s official reconciliation strategies are firmly couched in an emotive language of forgiveness, but that a truly critical approach requires moving beyond the question of whether “people should or should not forgive, but that they are made aware of the labour, pain, and trauma that can accompany forgiveness as a product of a Christian system that naturalizes and glorifies suffering” (Gaertner 2020, 187). Gaertner further argues that “the fact that forgiveness

³⁴ There are a variety of terms used to identify child welfare, intervention, and family services across jurisdictions as well as within complex webs of governmental, charitable, and other agencies. I use “child intervention” or children/youth “in state care” as umbrella terms for the sake of simplicity, while acknowledging that there are more precise terms for particular actors, agencies, and programs within this network.

found its way into the language of reconciliation in Canada (primarily via settlers) illustrates just how difficult it is... to navigate outside the structure of feeling generated in the genealogy of reconciliation” (Gaertner 2020, 189). Tracing the troubled position of forgiveness in reconciliation, Gaertner demonstrates that processes of forgiveness are facilitated “at the request of settler perpetrators... even as [they are] refused by Indigenous groups” (2020, 189). The importation of Christian forgiveness into reconciliation in Canada rearticulates the benevolent settler and the benevolent settler state as the key figures in the process, emphasizing the importance of the public stage upon which reconciliation takes place.

I therefore draw attention to how the performance, repetition, and reconstitution of affective publics is generative of social and political relationships. I draw on Julia Emberley, who examines how this generative process occurs specifically in relation to the figure of the child and notes that

The question of how the child is made a political figure in a transnational framework of testimonial production must also be open to the question of how the child has already been ‘unmade’, in the sense that the political subject positions opened up for children are already circumscribed and over-determined by specific cultural and discursive constructions of childhood such as innocence (Emberley 2009, 133-4).

The ways that children like Phoenix Sinclair—already over-determined through historical and contemporary settler-colonial relationships in Canada— are named, invoked, and memorialized reveal the processes through which the Indigenous Public child is unmade and remade, through the dispositif of child death inquiries, into a figure that takes on new meanings and roles in the negotiation of Canadian political life.

However, it is so much more than the production of subjectivities and publics that is at stake, and therefore I highlight and question the hegemonic organization of “what will

and will not be admissible as part of the public sphere” (Butler 2006, xx). The emotive and affective utterances and performances analyzed are not *only* significant in thinking through processes of constituting subjectivities and publics (although these *are* important questions), but also in thinking through the very processes by which the state—in particular, the settler-colonial state—reproduces and reinvents itself through affective performances. In more precise terms, I seek to contextualize why it is that certain moments of emotion *are* “admissible as part of the public sphere,” while others are not. Importantly, admissibility to the public sphere is generated in part around a sense of possessive relationships that render certain subjects, bodies, and experiences *public*. Most importantly, I develop an analysis of the benevolent settler as a subjectivity shaped through its capacity to invest and possess—both emotionally and economically.

Publicly, children like Phoenix Sinclair and Serenity are recognized in political debate as figures deserving of public attention, wherein the public expression of grief gives meaning to death” through the acknowledgment of the dead as “worthy members of society” (Morse 2018, 425). The figure of the Indigenous Public Child thus reflects the aspiration of settler-colonialism to eliminate Indigeneity as a distinct political position, and therefore one that both can and cannot be absorbed into the “Canadian public” as “worthy.” Morse continues, “in order for death to be meaningful for the community to which the dead belong, death needs to be constructed as grievable; it needs to activate a mechanism that indicates that something meaningful and valuable was lost and to invite the disposition of grief” (2018, 246). Here, two significant points are raised: one is that the deaths of Serenity and Phoenix Sinclair are articulated as the loss of *something significant*. However, and perhaps more importantly, Morse’s assertion is underpinned by the notion that lives are

grievable within the context of a specific community and a specific membership. Serenity and Phoenix Sinclair are not often—in the mainstream media reporting, the legislative debates, and subsequent public documents—evoked as members of their First Nations, but instead as members—and perhaps even as *possessions*—of the Canadian-Albertan-Manitoban community. The grievability of their deaths therefore appears to come not only from their value as children (and therefore future citizens), but also from the possessive relationship of benevolence.

My conceptualization of settler benevolence draws on Rachel Baum's work on Holocaust education. Baum considers how education about the Holocaust enables "emotion [that] need not rely on psychological language... [since that language] often presents us with a psyche that is both individual and ahistorical" (1996, 45). I apply performative emotionality as a mechanism through which to interrogate "the social frameworks through which we understand our individual affective experiences" (1996, 45). Settler benevolence is an example of what Baum calls "obligatory emotions," which are "not only the emotions we feel obligated to have" but also the processes through which "the social stakes in failing to provide the appropriate affective response" are delineated (1996, 48). Baum argues, "we must be aware that discourses of the emotions are inextricably connected today to moral discourses" and critically assess "the context by which we make sense of our feelings" (1996, 49). The performative nature of moral outrage, scandal, and public mourning that occur following child deaths are more than simply a delay tactic in the context of neoliberal and settler-colonial Canada. Such relationships are fundamentally concerned with the mediation of the Canadian state's relationship with, and accountability to, its settler public. Even so, these relationships

constitute, draw upon, and are articulated through the invocation of the Indigenous Public Child as a figure contained within the possessive relations of settler-colonialism.

There is substantial critical theorization within settler colonial studies and Indigenous studies that asserts that settler colonialism is made possible through a sovereign death drive³⁵ (Simpson 2016b; Pasternak 2016) and the intention to eliminate Indigeneity (Wolfe 2006). In tension with this theorization, the emotional spectacle of grief for the Indigenous Public Child, combined with the specificity of contemporary political discourses of reconciliation and apology, reveals another dynamic enfolded in the debates around child intervention in the context of settler-colonialism: that of the benevolent settler state and its concerned public. This is not a new argument: there is a substantial literature that highlights the ‘benevolent’ appearance and function of the settler state (e.g., Woolford 2016, Gilbert and Tiffin 2008; Edmonds 2016). The deaths of Indigenous children reveal an intersecting, but distinct, mechanism of the settler sovereign death drive, one that is fundamentally premised in the emotional performances of self-accusation, and the promise to do better through apolitical solution-making ‘for the sake of the children’. Here, it is important to note Simpson’s claim that it is fundamentally “Indigenous political orders” that are the subject of state disavowal: what is required is the consistent rejection of political relationships *as well as* the emphasis that these deaths are not politically shaped by settler-colonialism, nor are they unique to Indigenous children. Instead, the discourses present in the four fields of analysis secure the universality of these deaths as bureaucratic

³⁵ Audra Simpson articulates that the settler-colonial state is driven by a “death drive to eliminate, contain, hide and in other ways “disappear” what fundamentally challenges is legitimacy: Indigenous political orders. And here is the rub, Indigenous political orders are quite simply, first, are prior to the project of founding, of settling, and as such continue to point, in their persistence and vigor, to the failure of the settler project to eliminate them, and yet are subjects of dispossession, of removal, but their polities serve as alternative forms of legitimacy and sovereignties to that of the settler state.” (2016b, np).

errors. In other words, the problem belongs to settler governments, who can fix it—especially when it is under the watchful eyes of concerned settler publics who demand transparency and accountability.

What, then, is the relationship between the spectacle of public grief and a state whose sovereignty secures itself through violence? Simpson's (2016b) argues that the settler state functions through "the performance of empathetic, remorseful, and *fleetingly* sorrowful states" (2016b, np, emphasis in original). The pervasive emotionality of the different fields of discourse in my analysis indicates that this is not simply a fleeting moment of sorrow, but a political and emotional entanglement and a core element of the *dispositif*. I also argue that there is a notable disconnect between the grandiose symbolic gestures that Simpson highlights on the part of the state, and the individual expressions of sorrow and remorse that, while certainly part of a particular moral signaling, at least to some extent, are also expressions of emotion. Individuals are, however, not the only agents at play in the performance of public grief. Reddy's concept of "emotional regimes" is helpful in considering the practices and discourses that shape what normative, obligatory emotions are performed, and how these emotive performatives shape political relationships.

My concern is therefore how the political rationalities of settler colonialism and neoliberalism co-constitute a particular relationship between settler nations and governments, Indigenous families, and 'the public'. The drive to kill is not only a literal drive to kill, but a drive to terminate and/or pre-empt political relationships between Indigenous peoples and settler nations and governments through an emphasis on constituting an apolitical relationship premised solely in administration and rooted in the

liberal-democratic relationships between settler governments and their (assumed) settler publics. Possessive benevolence depoliticizes acts of supposed kindness by framing these actions as something settlers do simply to take care of ‘our children,’ while also then claiming the Indigenous Public Child as a possession of the settler public. Stevenson offers a theoretical and methodological framing of ‘care’ that is, at this juncture, useful to consider:

I conceive of care as the way someone comes to matter and the corresponding ethics of attending to the other who matters. Shifting our understanding of care away from its frequent associations with either good intentions, positive outcomes, or sentimental responses to suffering allows us to nuance the discourse on care so that the ambivalence of our desires and the messiness of our attempts to care can come into view (2014, 3).

In other words, Stevenson asks not only what, *precisely*, is meant by ‘care’ in the context of settler-colonialism, but how the ambivalence and messiness of this term can help to articulate the biopolitical power of settler-colonial governance. Aileen Moreton-Robinson uses the concept of “possessive logics” to articulate the ways that colonial discourses of race determine relationships of power and “ownership of the nation” (2015, xii). The possessive logic is a mode of rationalization based on an excessive “desire to invest in the reproduction and maintenance of the... nation-state’s sovereignty, control, and domination” (2015, xxii). It is Moreton-Robinson’s articulation of biopolitics as a racially-coded logic of possession that structures the public debates on saving the lives of Indigenous children.

Phoenix Sinclair and Serenity are evoked within the dispositif through the *figure of the Indigenous Public Child*. The dispositif of child death inquiries offers the figure of the Indigenous Public Child as available for settler concern: through the highly publicized and politicized display of harm to Indigenous children, the benevolent settler public can

demand accountability and transparency from the settler government, while reaffirming their role as caring for children who have supposedly been forgotten by everyone else.³⁶ The triangulation of Indigenous Public Child (as the object of spectacle)—Settler Publics (as the audience of spectacle)—Settler Governments (as the subject of spectacle) shapes the relationship between scandal, accountability, and transparency in a settler-colonial and neoliberal political landscape.

To further complicate the triangulation of relationships, Baloy's framing of the spectacle/the spectral, is particularly useful. For Baloy,

[a] dimension of the holographic nature of settler colonial Indigeneity is revenance: Indigeneity can seem to disappear and return, thereby haunting contemporary social relations or disrupting linear narratives of settlement. Sometimes Indigeneity, called forth and summoned, retreats from view as attention switches to other concerns (2016, 213).

The evocation of the spectral is therefore only half of Baloy's argument. The relationship between spectrality and the spectacle is key to understanding the politicization of Indigenous child deaths, insofar as "spectators often understand spectacles as distinct from everyday life even as they inform and constitute it" (2016, 212). Said differently, spectacle necessitates spectators. For the deaths of children to be constructed as a spectacle, an audience is required. In this case, settlers are positioned as the spectators, whose positionality allows them to see the violence of the settler colonial state as extraordinary and therefore "distinct from everyday life" (Baloy 2016, 212). The (settler) spectators also exist in a relationship of ownership and possession with the object of scandal. Baloy also writes that spectacles are purposefully evoked as something extraordinary to the norm,

³⁶ This phenomenon is especially prominent in the media analysis chapter, where journalists emphasize their 'discoveries' of forgotten children. At the same time, this display invisibilizes the care within Indigenous nations and the demands—often originating from families and communities themselves—for justice.

even as these events constitute what can realistically be perceived as the norm. This evocation emerges in the ways that Phoenix Sinclair's death is simultaneously discussed as an extraordinary circumstance in the child intervention system, while also being included on lists of other names that did not result in the same levels of public attention.

The spectacular and the spectral are deeply interconnected and therefore necessary to consider together: both terms (spectacular and spectacle) "share a common root in different iterations of the Latin verb *spectare*: to look at or see" (Baloy 2016, 210). Spectrality can be further demonstrated in iterative practices, such as naming specific children. Returning to the framework of performativity, the citational practice of *naming* Indigenous children like Phoenix Sinclair and like Serenity demonstrates the spectrality of these relations—colonialism, racism, and its ongoing and material impacts are only ever intermittently rendered visible in the public discussions.

The Indigenous Public Child's life and death are at once a spectacle for public consumption—articulated in the ways that they are taken on as an object of benevolent settler possession—and spectral, in that their presence in settler public discourse depends on whether this presence (as possession) is useful within the structures of liberal democratic debate. This figure is deployed in discourse as simultaneously universal and particular—at the same time revealing the fundamental 'problems' of unaccountable governance generally, while being called upon to re-legitimize the functions and mechanisms of settler governance.

Transparency and Accountability in Neoliberal Governance

Throughout the case studies, accountability and transparency return as idealized goals and potential markers of reform. Scandals are constructed as a necessary mechanism in "holding power accountable" to its citizens (Tumber and Waisbord 2019, 18). In the

context of canonical Western political theory, and in particular the field of Democracy Studies, accountability becomes a buzzword: one that both refers *to something immeasurable*, but also a quality of good governance *that ought to be measured* (Tumber and Waisbord 2019, 96). Constructivist thinkers on scandal have pointed to the intersections between scandal, accountability, transparency, and contemporary democratic liberal governance. Prior argues that

the principles of visibility and transparency in the political field [are] erected as a mainstay of liberal democracies as something ‘good’ and ‘fair’, opposed to the closed and secret policy or cabinet specifics of monarchical absolutism. Therefore, if scandal has become a prominent feature of social and political life today, such cannot be dissociated from the demand for the publication principal of government acts” (Prior 2015, 100).

In other words, scandal is both a product and effect of democratic transparency (in that it is the democratic process of citizen engagement that requires and enables these demands in the first place), while also being a mechanism of producing the conditions of accountability and transparency. Here, Prior draws on authors Markovits and Silverstein, and argues that scandals are a distinct political reality within liberal democracies because these systems of governance “grant extreme importance to the visibility of ... political power” (Prior 2015, 100). Scandals are therefore a prominent feature of contemporary western politics—not because there are more moral transgressions in contemporary governance, but because the political form of liberal democracy, compounded by “the watchdog role... [and] the characteristic values of the journalistic profession” demands visibility and transparency as a core normative aspect of ‘good governance’ (Prior 2015, 100).

Although transparency is framed as normatively good within the contemporary political climate (no one would say that they are ‘against’ transparency), the concept should

not be mobilized without considering how it both reveals and conceals different aspects of a particular scandal. Brevini and Valdovinos argue that “transparency operates by framing an event in specific ways, and then drawing attention away from this operation” (2019, 273). In other words, transparency is not simply the unequivocal release of all information to the public, but rather the selective and purposeful framing of this information: “the price we pay for seeing an event in a specific manner is losing sight of the constructed nature of such a point of view” (Brevini and Valdovinos 2019, 273).

The dispositif of the child death inquiry reveals two of the hegemonic filters through which settler publics are asked to ‘see’ the scandal of child deaths: the emotional and moral crisis of the death of a child, and the unquestionable utility of technocratic solution-making as political change. The ‘rebirth’ of moral panics surrounding child intervention and child abuse took place when the neoliberalization of social services began to crystalize as a common-sense practice (e.g., Salmon 2011; McKendrick 2016; MacDonald 2011). Transparency and accountability—key motivators of child intervention scandal and reform across all sites of discourse—are increasingly shaped through the demands of New Public Management and other private sector standards (such as benchmarking, quarterly reporting, and stakeholder engagement). Here, I use the term New Public Management (and the acronym NPM) to refer to the hybridity of policy approaches embedded in the neoliberalization of policy practice both in Canada and globally. Justin Leifso defines New Public Management as “the most famous of [the] bureaucratic neoliberalizing processes” (2020, 27). Drawing on scholars like Christopher Hood (1995) and Christopher Pollitt and Geert Bouckaert (2011), Leifso uses NPM to showcase a general bureaucratic shape-shifting that includes the importation of private-sector strategies into bureaucratic

management (2020, 27-8). These strategies include the quantification of performance indicators, the management of “output controls,” and “austerity and parsimony in use of public resources,” among other things (2020, 28). Rather than being a process of de-bureaucratization, the case studies here outline that NPM might be more accurately described as the absorption or adoption of market-based, assembly-line processes into the machinery of bureaucratic management. As I will demonstrate in the coming chapters, accountability and transparency are filtered through the mechanisms of New Public Management—like Quality Assurance, quantification, and bureaucratic self-examination—in a way that shapes how they are understood in contemporary political life in Canada. This is not to say that neoliberalization is the only lens through which accountability and transparency can be theorized, although my case studies demonstrate that it is the dominant understanding of accountability and transparency in the dispositif examined here.

The filtration of accountability and transparency through these neoliberal technologies (including the implementation of New Public Management, the responsabilization of individuals as agents of state surveillance and maintenance, and the relationship between depoliticization and technocracy) demonstrates the condition of possibilities made apparent through the facilitation of various kinds of governance, through the “technologies of government” analyzed in the subsequent chapters.

I am attentive to the importation of NPM techniques of governance into bureaucratic management and political truth-telling—specifically quantification and the process of making politics and policy legible through “indicators” or “standards” (e.g., Rottenburg and Merry 2015; Graham et al. 2022). As Richard Rottenburg and Sally Engle

Merry argue, although quantified knowledge is not in and of itself new, “there is something new about the use of quantitative knowledge for governing social life in the twenty-first century” (2015, 1). Rottenburg and Merry argue that, unlike previous historical moments, “quantitative evidence is [now] seen as essential for developing reasonable policy” at all (2015, 1). L. Jane McMillan has recently examined the application of settler standards in child intervention and argues that “settlers [have] bombarded Indigenous peoples with health, education, legal, economic, and social standards, thus appraising and constraining their lives” (2022, 182). McMillan further demonstrates how the simultaneous application of ostensibly universal standards, and the systemic violence of settler-colonialism that deprives Indigenous nations of required resources, ultimately serves to re-affirm state intervention as legitimate and necessary (2022, 183).

Rottenburg and Merry note that “indicators have become powerful advocacy tools” and that grassroots organizers, advocacy groups, and justice-seeking groups actively work “to employ the high credibility of numeric evidence to promote alternative understandings of dominant institutions (2015, 4). Thus, even as I critique the imposition of these kinds of techniques as responses to demands for justice, I acknowledge that for marginalized peoples and those most impacted by these systems, this kind of benchmarking may in fact offer some credibility to justice claims that would otherwise be ignored. This is particularly true in a context where it is generally agreed that

capitalist economies, democratic politics and modern societies are inconceivable without numeric representation in the running of affairs. Statistics and accounting have emerged as key forms of knowledge production and technologies of governance of industrialized states (Rottenburg and Merry 2015, 6).

The combination of settler-colonialism’s deep entanglements with capitalism as an economic model, and the particularities of NPM strategies such as benchmarking and

Quality Assurance, enables a greater nuance in my articulation not only of the political economic underpinnings of settler-colonialism, but also how they have been transported, re-applied, and ‘shape-shifted’ (to use Leifso’s (2020) language) in contemporary neoliberal practice.

Furthermore, neoliberal governance seeks to contend with risk, enabling an obsession with rational problem-solving and certainty that is fundamentally about risk-reduction in governance. In turn, the continuous centering of risk and risk-reduction comes from imagining the world to be governed via the model of the market. In his analysis of insurance as a political technology of neoliberalism, Stephen J. Collier argues that

insurance was a device for *reshaping the aims and objects of government*, and for reframing questions that are more frequently situated at the level of political philosophy: What are the responsibilities of individual citizens and what is the responsibility of government in providing security? What tradeoffs must be made in the provision of security and the pursuit of economic rationality? What values are relevant in orienting public policy? (2014, 275, emphasis in original).

Although the cases examined here are not the same as the provision of insurance and the calculation of risk in terms of natural disaster, Collier’s arguments—namely that neoliberal governance is continuously engaging in some form of risk-management calculation as both a technical and political practice—provides useful insight into the ways that predicting, and being ready to manage, crises is a core goal of the kinds of mechanisms and practices (such as SMART goals, quantification, and the reification of evidence-based policy) that become apparent in my analysis. Furthermore, accountability and transparency—as they are laid out in the case studies—function as risk management practices. What I mean by this is that the performance of inquiries themselves (the fact that they take place and that they are seen by public audiences to take place) is part of a risk management strategy that

enables settler governments to be seen to be doing the ‘right’ thing, to avoid future scandals, and to potentially have the knowledge to alleviate future harms.

The ‘evidence-based’ and ‘SMART’ solutions posited by different provincial governments continue to promulgate the notion that the outcomes of these highly politicized and deeply emotional inquiries might extract the neutral and objective evidence from the otherwise complex and deeply contested natures of the ‘truths’ being produced. The pervasive assumption that evidence can, in some way, be separated from the various power dynamics and political commitments from which evidence emerges reveals our ongoing struggle to depoliticize the political. It is especially in the fifth chapter where I demonstrate the ways that inquiries become folded into these neoliberal policy frameworks, and how the ‘outcomes’ of public inquiries are used to offer the settler public a *technical* solution (to their previously *moral* problematization).

Conclusions

In the coming chapters, I make use of these theoretical frameworks and concepts to unravel the dispositif of child death inquiries as a means through which the current iteration of neoliberal settler-colonial governance might be destabilized. In turning now to my empirical and analytical chapters, I return to Mitchell Dean’s breakdown of governmentality as an analytic process. The coming chapters are organized and ordered with the intention of making visible the dispositif of child death inquiries and its mechanisms of governmentality:

- 1) Chapter two addresses the role of mainstream (or dominant) media in producing “forms of visibility” (Dean 2001, 23) that circulate in public discussion.

- 2) Chapter three considers the “definite vocabularies and procedures” (Dean 2001, 23) that emerge from legislative debates, and that shape the parameters of the political problematization.
- 3) Chapter four examines the inquiry process and publications that respond to the scandals of child deaths by proposing “specific ways of acting, intervening, and directing” (Dean 2001, 23) solutions to the problematizations produced in political debate.
- 4) Finally, chapter five demonstrates how the solutions outlined in the inquiry process produce and affirm “characteristic ways of forming subjects, selves” (Dean 2001, 23) that respond directly to the ‘truth’ of the problem, as articulated in the dispositif.

Chapter Two: Manufacturing Scandal: Examining the Emergence of Provincial Child Death Reports and Inquiries in Manitoba, Alberta, and Ontario through Mainstream Media Coverage

Introduction

My analysis begins with a focus on the constitution and circulation of public concern articulated in mainstream—or dominant—media. These forms of media representation play a significant role in attaching meaning to instances of child death, as well as articulating what issues become cause for ‘public concern’. Mainstream media functions as an important agent in constituting and sustaining diverse ‘publics’ with distinct relationships to scandal, political debate, and, ultimately, the networks of relationships articulated throughout the scandal and inquiry process. Based on these central assumptions, this chapter:

- 1) Introduces and analyzes mainstream Canadian news media as one of the ‘fields’ that shapes the dispositif of child death inquiries,
- 2) Offers social, historical, and political context regarding the constitution and performance of three provincial child death scandals within liberal-democratic governance in Canada,
- 3) Analyzes the ways in which mainstream media participates in the process of problematizing child deaths, which I do by drawing on themes of transparency, scandal and moral outrage, and the constitution and maintenance of ‘public concern’ as a homogenous entity,
- 4) Positions the mainstream media as a core agent in a web of political actors (that in this context, includes media, politicians, public servants, and citizens) that reveals how, precisely, child death inquiries as a mechanism of truth-production take on

specific and overdetermined meanings in the contemporary settler-colonial state of Canada, and

- 5) Argues that mainstream media packages and circulates narratives of moral panic-inducing narratives as issues of ‘public concern’ by both engaging with a particularly constituted ‘public’ and articulating what kinds of ‘concerns’ this public ought to consider.

The process of repackaging scandal is exacerbated by the political context of contemporary liberal democracies in which incomplete, redacted, or otherwise insufficient data or information represents a breakdown in the political relationships between the settler state and its settler public/s. Such an exacerbation, emphasizing the need for complete transparency as a core element of a responsible democratic government, results in popular media taking on a role in the work of this repackaging and subsequent circulation in the cases examined here.

Throughout this chapter, I ask: *what role does mainstream media production play in defining and circulating scandals of child deaths?* Furthermore, *in what ways does the circulation of mainstream media in Canada re/produce and re/shape settler publics through the evocation of the names of Indigenous children, and the explicit contestation over what the names of these Indigenous children will mean in relation to political problems and problematizations?* I begin with the assumption that there are political, historical, cultural, and social contingencies that make it possible for certain instances of child harm to become cause for public concern, while other instances do not take on the same kind of public prominence. I further contend that, rather than assuming a pre-existing public that responds to these problematizations, the process of constituting a scandal also

results in the re/assembly of different publics.³⁷ The focus of this work is specifically how these processes of problematization engage with, and re-shape, benevolent settler publics invested in governmental transparency and accountability.

This chapter introduces the negotiation of relationships between settler governments, the benevolent settler ‘public’ and the Indigenous Public Child. I organize an analysis of this triangulation through the introduction of several weight-bearing concepts: scandal and moral panic, the figure of the Indigenous Public Child in settler colonialism, and the performance of settler benevolence. Subsequent chapters will use these core concepts as building blocks through which to articulate the processes of combination involved in forming, sustaining, and contesting formulations of political relationships in neoliberal settler colonialism.

The Field: Scandal, Moral Panic, and Media

The scandals analyzed in this chapter can be characterized as bureaucratic scandals, or scandals of governance and management: in other words, a genre of scandal that frequently transcends individuals, parties, or specific organizations, and are scandals of the mundane work of organizing and managing bureaucracies. The codification of a particular genre of scandal is essential to my analysis, as I seek to show why bureaucratic scandals within the neoliberal and settler state cannot be isolated or reduced to a single person, organization, political party, or department.³⁸ Throughout the dispositif, attempts are repeatedly made

³⁷ My understanding of the constitution of publics draws on Bourdieu’s concept of *habitus*. Thinking through the concept of habitus reorients analytical thinking in such a way as to consider “the structure of individual or collective stances taken, through interests and dispositions it conditions” (Bourdieu and Wacquant 1996, 114). In other words, the publics referenced here have already been shaped and constituted according to historical factors and, in turn, reconstitute both themselves and the problematizations within and against the habitus and fields that have already played a role in shaping such publics.

³⁸ A recurring theme throughout the case studies is the question of what happens to the affect of a benevolent settler public who does not have a specific target for rage. In both Alberta and Manitoba, there are family relationships that become stand-ins for responsibility that enable the *bureaucratic* scandal to take form (because the settler public already knows who is *criminally* responsible). In Ontario, however, the lack of a

(usually by governments, political parties, or media personnel) to isolate (most often as a bureaucratic problem) what is in fact a diffuse structure of genocidal neglect on the part of the settler state. This contradiction results in the attempted management of bureaucratic risk, to prevent the scandal of a child death from spilling over as a full-blown crisis of settler-colonial legitimacy—especially because the settler-colonial nation-state attempts to legitimate itself through its role as a philanthropic caregiver for ‘vulnerable’ Indigenous peoples.

The primary focus of much contemporary academic work on scandal examines how ‘the public’ responds to scandals: whether through voting patterns, party affiliation, and other techniques of gauging political behaviour (e.g., Daniele, Galetta, and Geys 2020; Dziuda and Howell 2021; Green, Zelizer, and Kirby 2018). While this kind of academic intervention into the work of political scandal has value, I take a different approach in my analysis. Building on theorists like Ari Adut (e.g., 2005; 2012), Nick Couldry (e.g., 2012) and Helder Prior (e.g., 2015), I analyze the constitution of scandal from a “constructivist” approach, characterized by a “concentration on the social reactions to and representations of transgressions” that constitute scandals (Adut 2005, 216). A constructivist approach to scandal is most invested in the creative work done throughout various stages of the scandal-making process that produce scandals as intelligible phenomena, experienced differently by differently-positioned actors.

Constructivist theories of scandal offer the framework of “scandal-as-ritual,” in which the rituals performed throughout the process of constituting and defining a scandal also

direct and obvious target for public rage makes the production of a *bureaucratic* scandal more difficult. In other words, the location of a clear target for rage enables the settler public’s political rage to be expressed as a more diffuse and general anger at ‘the government’.

“remind us of social relationships” (Jacobsson and Löfmarck 2008, 207). Thinking through the ritual processes of scandal-making, which affirm (and can contest) social and political relationships, enables an analysis of the nature of scandal as a public process, one which inevitably requires an audience or a “public.” As Jacobsson and Löfmarck have argued, “a transgression is upsetting because it is an offence to the collective ‘we’. However, the collective conscience does not mean everybody” (Jacobsson and Löfmarck 2008, 206). While Jacobsson and Löfmarck highlight a circumstance in which moral values or codes are not shared amongst diverse political actors, my work is more concerned with the power relationships that are at play even, and perhaps *especially*, when transgressions against Indigenous peoples in the context of settler colonialism are articulated and recuperated by settler publics as transgressions against the norms of liberal democracy. A ‘national’ public is thus invoked by the media, and these invocations carry the assumption that this public is united by overlapping moral codes and values: in the cases examined here, the overlapping moral codes prioritize the protection of vulnerable children, but also the demand for governments to make visible all information and data related to this protection.

Playing the Media ‘Field’: Making Meaning and Subjects

The conflation in western liberal democracies of ‘the media’ with ‘ordinary citizens’ shapes how scandal and technologies of transparency operate in contemporary Canada. Critical media scholars have termed this the question of “norm audiences” (Ellickson 2001): Adut has argued, drawing on Ellickson, that “the norm audience is a public united by some level of identification with the norm that has apparently been violated, and it is in some capacity attentive and negatively responsive to the publicized transgression” (2005, 2018). In other words, these quasi-publics, formed through shared moral identification, pre-exist any given moment of scandal (such as the death of an Indigenous child in state

care). The production and circulation of such scandals that transgress these norms are part of a process of crystallizing the public.

The norm that *must not be transgressed*, as it is repackaged through mainstream media coverage, is that the settler nation-state is never to appear violent in relation to Indigenous children—certainly not through the slow violence of neglect. Said differently, the settler state must be able to present itself as the benevolent intervener who takes care of Indigenous children (regardless of the mechanisms that legitimize this care). Many examples point to the settler state’s failure to demonstrate such care, ranging from the ongoing legal battles around basic funding for First Nations’ child welfare (e.g., Blackstock 2016) to the ongoing question of Indigenous child deaths in state care (e.g., MacDonald 2022). What is important to consider amongst these examples is that justness is achieved, for the settler public, not in addressing the underlying issues of racial discrimination or ongoing colonial violence, but in *demanding that the government act in some way, and then seeing this action in obvious and public ways*. Furthermore, the settler public must reconfirm the practice of settler benevolence, which in turn enables a settler public to “hold the government to account” when it *fails at being seen as appropriately caring or benevolent*.

The scandal surrounding the death of Phoenix Sinclair and the subsequent inquiry into the child intervention system emerged in the mid-2000s,³⁹ largely before the mainstreaming of social media and its rapid, dispersing effects. Compared with the other two provincial case studies, a massive amount of news media circulated, and continues to

³⁹ This timeline is also significant given the earlier historicization of child abuse and child protection, and a particular ‘re-birth’ of interest in this moral project throughout the 1990s and early 2000s, as well as the increased legislative and policy attention articulated around jurisdictional devolution at this time.

circulate, regarding the scandal. In Alberta, journalists were at the forefront of drawing public attention to the scandal of child deaths when the *Edmonton Journal* and the *Calgary Herald* fought the Government of Alberta in a legal battle over the publication ban of child deaths. Journalist Paula Simons⁴⁰ was also the person who publicly released information on the death of Serenity while in kinship care, which furthered the public debate around child deaths in the Alberta child intervention system. While the cases in Manitoba and Alberta generated a substantial amount of news media coverage, the deaths of multiple Indigenous youth at a foster home in Thunder Bay, Ontario, generated relatively sparse news coverage in dominant media sources.

Moral panics, circulated by dominant media sources, are rooted in the historical program of moral regulation that was foundational to the Canadian nation-state. The project of early Canadian statehood was “a philanthropic project to reform or ‘regenerate’ Canadian society” (Valverde 2008, 15). Drawing on extensive historical research, Valverde demonstrates that moral regulation—including the development of a sense of shared moral codes that define Canadian values—was part of a broader project that sought to constitute and reinforce social relations along a series of racialized, gendered, and classed axes (Valverde 2008, 166). Valverde does not argue that moral regulation was a clearly articulated policy, nor were the relationships constituted part of some kind of ‘master plan’ for Canadian identity, however it is not possible to separate a sense of Canadian moral codes from these various axes of power relations. I thus take as a starting point for my

⁴⁰ Paula Simons is a central figure in the publicization and problematization of Alberta’s child intervention system following the Child Advocate’s report in 2016. In 2018, she was appointed by Justin Trudeau to the Senate. In addition to her coverage of Serenity’s death, Simons is well-known as an investigative journalist committed to promoting government accountability, transparency, and public credibility. Examples include her critique of the *Edmonton Journal*’s parent company, *Post Media*, during the 2015 Alberta election, and her 2013 critique of Canadian senate appointments.

media analysis Valverde's conclusion that "moral reform, like moral regulation generally, seeks to construct and organize both social relations and individual consciousness in such a way as to legitimize certain institutions and discourses" (2008, 167). The legitimacy of the Canadian state is formulated, in part, by the supposedly-philanthropic social relations of settler-colonialism. A settler nation-state deems itself necessary, in this context, to facilitate the legitimation of ongoing intervention into Indigenous life. In other words, the benevolent nature of the settler state is its *raison d'être*.

Today, Canadian settler public/s are reshaped and renegotiated through contemporary scandals of child deaths and the enactment of what can best be understood as *settler benevolence*. I use the term settler benevolence to refer to the ways in which settler-colonial intervention originates in a historical narrative of colonial civilization-as-improvement and is marked by a form of settler-colonial morality that justifies itself through the goal of saving and/or protecting Indigenous peoples⁴¹ (from themselves, from the state for specific acts of 'wrongdoing', or from ostensibly less-progressive settlers). The characterization of settler benevolence is reformulated in neoliberal times, but it remains an ever-present force in Canadian political life. Whereas historically, the ostensibly philanthropic project of the Canadian nation-state was legitimized through projects of Christianity or the welfare-state, my analysis demonstrates that the neoliberal context provides a new language for this project: continuous improvement. Said otherwise, the nation-state (functioning here at both the federal and provincial levels) is engaged in a moral and philanthropic project that is historically configured but re-articulated in the language and practices of contemporary

⁴¹ Margaret D. Jacobs uses the example of the discourse of the "Great White Mother" in American colonization, and the role of maternal politics in legitimizing Indigenous child apprehension (2012, 87).

governance. The first part of this re-articulation is the finding and naming of scandals that require governmental action and accountability.

Dominant media coverage, with its concerns about ensuring power is ‘transparent’ to ‘the Canadian public’, is itself implicated in the organization of these categories of relationality—namely, who counts as ‘the Canadian public’? The dominant media speaks *to* the settler public *about* its concerns surrounding Indigenous dysfunction and the need for the settler government to intervene. In the case studies examined in this chapter, this need is particularly framed around the need for settler governments to intervene *more transparently and more effectively*. The relationships are further compounded as they are filtered *through* the notion of public concern in neoliberal times. Meeting the market demands of “public interest” for media consumption relies on “quantitative measures of audience attention” that are most responsive to scandal and spectacle (Phelan 2014, 19). The analysis that follows in this chapter demonstrates how “news about political, civic, and public affairs” entangled in bureaucracy and accountability becomes presented “as a form of spectacle” (Thussu 2007, 8). In turn, the relevance of the spectacle, as presented to a settler public by mainstream journalists, comes from the *act of naming* Indigenous children who die under state care, and further through the *act of exposing* the details of the child’s life and death as a question of public concern.

Case Studies

Notable differences are present in a comparative analysis across the case studies. Of these differences, the most explicit is the symbolic creation of the figure of the Indigenous Public Child in Manitoba and Alberta, and the lack of such a figure in Ontario. Ultimately, I seek to explicate a triangulation of relationships that exist between supposedly exclusive categorizations of ‘the Canadian public’, ‘the Canadian state’, and the (sometimes

Indigenous) ‘Public Child’ in the context of neoliberal and settler-colonial Canada, both nationally and provincially.⁴² These categorizations—that both pre-exist and are re-cemented by the news coverage—operate as emotional markers that ultimately re-inscribe a possessive relationship of benevolence *from* the settler public *for* the Indigenous Public Child.

Case Study One: Manitoba and the Phoenix Sinclair Inquiry

I analyzed a total of 317 news articles between the years of 2006-2017. This coverage addressed a wide range of issues in relation to Sinclair’s death, including the details of her life and death (e.g.; McIntyre 2008b; Melanson 2007) and the discovery of her body (e.g., Alberni Valley Times 2006b; North Bay Nugget 2006b; Lambert 2006c), the legal homicide case and murder trial (e.g., Moose Jaw Times Herald 2008a; The Winnipeg Sun 2009), the supposedly broken child intervention system (e.g., Winnipeg Free Press 2009b; Winnipeg Free Press 2012i), the demand for an inquiry process, as well as the various failures associated with the inquiry process (e.g., Turenne 2010), and Canadian-Indigenous relations and their supposed breakdown in recent years (e.g., The Brandon Sun 2013b; Winnipeg Free Press 2012h). The last analytical frame is key, indicating a moment where individual scandal spills over as a crisis of governmental dysfunction. The case also prompted a variety of media genres: standard news articles, but also letters to the editor and personal reflections. As I will demonstrate, the various themes and genres of public responses in mainstream media coverage is itself part of constituting a Canadian public that defines itself, at least in part, through its ability to care for Indigenous children.

⁴² It is worth noting that these categories are more complicated, compounded by provincial boundaries, but that drawing on the language of the Canadian nation-state is the most concise way to articulate the phenomenon

What is therefore most interesting to me is not *who* is responsible for Sinclair's death: I don't believe that this is a question that can be answered. The fatal action was carried out by her mother and stepfather, but within a context wherein both Indigenous parental figures had an ongoing history of Child and Family Services involvement, and who lived in the context of settler-colonial violence. The individual caseworkers at the agencies charged with monitoring Phoenix Sinclair's wellbeing also failed to perform their duties sufficiently, in the context of unmanageable workloads and massive disparities between First Nations managed agencies and other social services. Phoenix Sinclair died in 2005, a period which saw ongoing cuts to social services and programs in Canada as neoliberal austerity measures were increasingly implemented, and two years after the Government of Manitoba had devolved Child and Family Services to some First Nations agencies. Sinclair died less than ten years after the closure of the last residential school (1997) and within a few years of the release of the Royal Commission on Aboriginal Peoples (1996). This context fundamentally shapes the ways that narratives are unraveled throughout the inquiry process.

The death of Phoenix Sinclair has become a symbolic case regarding the scandals of child deaths in state care. More recent articles evoke Phoenix Sinclair's death as a means of communicating her continued significance as a (sometimes Indigenous) Public Child in Manitoba. Editorial positions often allude to Sinclair's symbolic hold on the province: an editorial in the *Winnipeg Free Press* points out, "her case was not the first tragic and horrific story about the failures of Manitoba's child welfare system, but it set in motion what was supposed to be the most in-depth examination and response to make the system better" (Winnipeg Free Press 2017b), framing Phoenix Sinclair's death as a consequential

case for the province. A 2016 editorial published in the *Free Press* evokes Phoenix Sinclair in a critique of the Throne Speech from the newly elected Pallister Conservatives. The editorial lists highly personalized and emotional images of what Sinclair's life might have looked like today: "she may have passed her driver's exam... she may even have had her first boyfriend," personal experiences that the author argues were rendered impossible as result of the partisan polarization in the province, especially as it has played out in policy and legislation around the devolution of child intervention services in the province (Winnipeg Free Press 2016c). The Throne Speech itself, presented by then-Lieutenant-Governor Janice C. Filmon, alludes to the Phoenix Sinclair Inquiry in a promise to address "the needs of Manitoba's most vulnerable children" (Filmon 2016).

In the media coverage, 'responsibility' becomes a marker of importance throughout the scandal, and several failures of responsibility are highlighted and questioned: the responsibility for Phoenix Sinclair's death, the responsibility for her 'falling through the cracks' of the child intervention system, the responsibility of the child intervention system (broadly) versus the responsibility of individual case workers.⁴³ Sel Burrows, criticizing the delays to the public inquiry, writes "they [social workers] have abdicated their responsibility for Phoenix Sinclair to the lawyers" (Burrows 2012). The centrality of the discourse of 'responsibility' reveals the desire to find 'the problem' (i.e.: the isolated variable that will reveal the key failure) and ensuring that this isolated problem can be avoided in the future. Even as the investigations and inquiry process were ongoing, the *Winnipeg Free Press* reported that "independent investigators stressed that no individual

⁴³ In contrast to the diffuse search for responsibility at a systemic level, the criminal 'responsibility' of Sinclair's mother and stepfather is never a question. In the *Winnipeg Free Press*, Sel Burrows writes "Her mother and stepfather were found guilty, our courts have done their job and they were sentenced to jail" (Burrows 2012).

working in the system could be found directly at fault for any of the deaths [of children in state care], they found there were many breakdowns and troubles within the system overall that likely contributed to it” (Winnipeg Free Press 2006 Oct 12). Most often, it was the devolution of services that was pointed to as the cause of collapse. As early as 2006, the *Winnipeg Free Press* noted “the devolution of work to four distinct authorities since 2003, including a lack of training” was the likely culprit in Sinclair’s death (Winnipeg Free Press 2006). The narrative of devolution as a system in chaos persisted, and more recent coverage in the *Winnipeg Free Press* notes that “Manitoba's child-welfare system is remarkably complicated, and was made even more so about a decade ago when control over aboriginal [sic] child-welfare files was parceled out to aboriginal-run agencies [sic]” (Welch 2014d). An anonymous op-ed in the *Winnipeg Sun* remarks that “the real question, then, isn’t whether someone should have been fired, but how a system with a 100-year old history of dysfunction and a cupboard full of operational reviews was still so unequal to the task?” (Winnipeg Free Press 2014). This example is revealing not only in pointing out the excessive reviews that have thus far been unable to resolve a “100-year old history of dysfunction,” but also in demonstrating that—even when it is acknowledged that reviews are insufficient—the search for ‘the problem’ remains a commitment of the settler public.

This fixation on isolating ‘the problem’ highlights an overarching positivist or empiricist perspective that is applied through all the sites of discourse, a mode of problematization that asks, “what specific policy corrections are needed?” This fixation culminates, as I demonstrate in the fifth chapter, in “a culture of continuous improvement,” a neoliberal managerial regime⁴⁴ in which there is *always more time* for incremental

⁴⁴ Even in the news coverage, appeals to better managerial regimes demonstrate the particularities of neoliberal policy reform. An op-ed in the *Winnipeg Sun*, citing the inquiry process, notes that “good

improvement. Ultimately, the obsession with isolating ‘the problem’ is used both in reference to individual and personalized responsibility (Phoenix’s mother and step-father’s responsibility for her death; other family members’ responsibility for not adequately alerting authorities to the circumstances; individual caseworkers’ responsibility for misplacing or mishandling important file information) as well as institutional responsibility (insufficient government oversight; a lack of public transparency; bloated and incompetent bureaucracies).⁴⁵ Embedded in both narratives is an assumption that there is nothing wrong with the system per se, but that any problem (whether located individually within the family, or institutionally within the bureaucracy) is a problem of appropriate use and implementation of the mechanisms provided by the system.

In the context of the legal case against Phoenix Sinclair’s mother and stepfather, news coverage emphasized that it *should* be clear to readers that the parents are responsible for the act of murder, including purported admissions of guilt—cited in coverage from the *National Post*) where Phoenix Sinclair’s mother and stepfather “admitted ‘to being ‘terrible’ parents who deserve to be punished”” (National Post 2008a). In the *Free Press*, editorial commentaries argued that the questions surrounding Sinclair’s death had nothing to do “with the larger social issues that may have caused Phoenix’s parents to be *inhuman monsters*,” but rather that “the questions that need answering are straightforward” and have to do with “gross negligence,” within a system that “was understaffed and overworked,”

management is the key to ensuring workers are following best practices and existing policies [and that workers]... need to be monitored on an ongoing basis to ensure there is no slippage in standards” (Winnipeg Sun 2014b).

⁴⁵ The category of institutional responsibility does not, however, appear to include colonial violence. At best, it includes a clearer articulation of cultural sensitivity within bureaucratic and institutional practice.

or lacked the necessary “administrative oversight” (Winnipeg Free Press 2012e, emphasis added).

In other words, media coverage is not concerned with proving parental culpability—this is already assumed. In one editorial piece published in the *Free Press*, journalist Lindor Reynolds argued that other family members were partially to blame for what happened to Phoenix Sinclair because they let their fear of retaliation prevent them from calling child intervention authorities (2013). The article begins, “you let your fear rule instincts,” and even as it includes references to the fact that the family member had likely also experienced abuse (e.g., “as you testified at the Phoenix Sinclair inquiry Thursday morning, he was the bogeyman of your childhood”), berates family members who ostensibly left “her [Phoenix Sinclair] with the bogeyman” (Reynolds 2013). The problem of the dysfunctional First Nations family is therefore not only presented as a problem of Sinclair’s birth parents and her stepfather, but the problem of every member of the First Nations kinship network. This narrative perpetuates the image of a dysfunctional Indigenous kinship network, one that has both abusers (like Phoenix Sinclair’s parents) and enablers (like family members whose fear of retaliation or whose mistrust of the government allowed the violence to continue). The question of pathologized kinship networks and mistrust of government apparatuses like CFS will be reprised in the coming chapters as a reminder that “transparency,” “accountability,” and the ability to trust in the government are political relations predominantly reserved for settler publics. Indigenous families are blamed for their mistrust of government intervention, even as the settler public uses this same language to demonstrate how much they care for the Indigenous Public Child.

Closely related to the question of responsibility in this case is the question of transparency in resolving concerns and ‘fixing’ the system. Concerns about transparency arose at multiple moments in the scandal process, including the highly public (and publicized) nature of the inquiry process and the union battle over the confidentiality of individual workers (e.g., Lindor 2012a; Giroday 2012a). In 2012, Reynolds contends that “The Manitoba Government and General Employees Union [MGEU] will go to any lengths to keep secret the identities of social workers involved in the life and death of Phoenix Sinclair” (2012b), alluding not only to the dysfunction of ‘the system’, but to what is imagined to be an orchestrated cover-up of this dysfunction. Another op-ed from 2012, this one anonymously submitted, states that

those following the Phoenix Sinclair inquest should not be surprised at evidence of supervisors’ notes being taken from offices and shredded, notes disappearing from files, and front-line workers’ notes being altered without the workers’ consent. One should not be surprised at these occurrences because they are, in [the writer’s] jaded view, the product of the Child and Family Services mindset (Winnipeg Free Press 2012p).

Further skepticism emerges over delays in the inquiry or the inquiry’s ‘wandering’ process and its substantial financial costs to taxpayers (e.g., Kusch and May 2017; Winnipeg Free Press 2012e) that were folded into electoral battles in the province. Larry Kusch writes, in the Winnipeg Free Press, that “the province’s financial books are in rough shape and the inquiry into the 2005 death of Phoenix Sinclair has been top of mind” for Manitoba premier Sellinger” following the recent election (2012d). All the while, with public mistrust high and fiscal responsibility in question, op-eds articulate that the inquiry was a wise investment of tax-payer dollars, assuming that “the public shouldn’t have to wait for another long and expensive public inquiry” to understand the dysfunction and the ostensibly obvious solutions to the cracks of the child intervention system (Kusch and May

2017). Here, we see that multiple problematizations are articulated around the scandal: not only is Sinclair's death indicative of 'the cracks' in the child intervention system, but more broadly of relationships of trust and mistrust of the government and the complex iterations of caring-ness and uncaring-ness rooted in settler colonialism.

Concerns about Sinclair's death are portrayed as a concern that all Manitobans share by virtue of some sort of undeclared bond. One editorial published in the *Winnipeg Free Press* asserts that "Manitobans are owed a good explanation" regarding various details surrounding her death, suggesting that without transparency, "accountability will always fall far short of what is *owed* to the children and *Manitobans as a whole* (Winnipeg Free Press 2011a, emphasis added). Other editorial pieces commented on the fact that it was "high time Manitobans got a good idea" of what was going on in governmental bureaucracies, painting a picture of a deeply invested and deeply concerned Manitoban public (Winnipeg Free Press 2014d). The "necessity of transparency in an inquiry called to hold individuals accountable" required that "all the facts [be made] fully available to the public" in order to ensure justice is achieved (Winnipeg Free Press 2012d). This insinuation, presented in a *Free Press* editorial, is a reminder of how 'justice' in cases of Indigenous child deaths comes to be defined through the public availability (and consumption) of information related to certain deaths.

Most of the media coverage analyzed focused on the politics and the scandal of the inquiry process. In other words, rather than the bulk of the media coverage calling for inquiries or highlighting the 'moment' of scandal as Phoenix Sinclair's death, public discourse appears to be more interested in the government response to this moment, as well as the subsequent 'problems' that follow. Phoenix Sinclair, as the figure of the Indigenous

Public Child, is made to stand in for the supposed breakdown of transparent government in Manitoba. Several news articles specifically cover the public costs associated with an inquiry process: “the inquiry, headed by Commissioner Ted Hughes, was the most expensive in the province’s history, with a cost of \$14 million when all was said and done” (Winnipeg Free press 2016c). In response to the announcement that the public inquiry would expand its scope to address “poverty, substance abuse and social conditions that cause family breakdowns,” editorial exchanges were circulated in the *Winnipeg Free Press* arguing that “the inquiry does not need to reconsider the larger social issues that may have caused Phoenix’s parents to be inhuman monsters. Nor does it need to solve the poverty problem or the unique challenges of [A]boriginals” (Winnipeg Free Press 2012e). Editorial responses like this one, from writers positioned as ‘concerned ‘Manitobans,’ reinforce the notion that there was some specific problem that occurred within the system, and that an appropriate inquiry process would not ‘wander’ away from finding this identifiable and clearly isolated issue. Other examples of coverage that specifically problematize the inquiry process itself can be found in the *Free Press*’ coverage of whether the inquiry had the obligation to release “the transcripts from all interviews conducted, regardless of whether those people will be testifying” (Santin 2012), as well as the fact that implementing the recommendations from the inquiry may place further strain on “the province’s fiscal problems” (Kusch 2012d).

A general interest piece published in the *Free Press* in December 2012 highlights how a previous inquiry led by Commissioner Hughes in British Columbia resulted in the provincial government spending “\$50 million just to respond to his recommendations,” something that is untenable in Manitoba’s fiscal situation (Mitchell 2012). Considering

these associated problematizations in relation, part of the role of mainstream media coverage in the dispositif is the act of locating a target for public rage—be it governments, public servants, families, or others. The scandal of child deaths are particularly affective and emotional political circumstances, and therefore the need to locate a target for public rage is indicative of a politicization that operates specifically at the level of emotions.

The act of locating the target for public rage is perhaps most visible within the problematization of the inquiry and the legal battle between the Manitoba Government and General Employees Union (hereafter “MGEU”) over what could be used in the inquiry process—with specific attention to transcripts that would name specific social workers and other employees. The MGEU argued that the scope of the inquiry was too broad and that the “essential tenets of confidentiality” in child intervention services would be undermined if the inquiry proceeded as planned (The Brandon Sun 2012b). Coverage emphasized that members of the MGEU were concerned that the inquiry process would reveal the specific identities of case workers involved and that this could possibly lead to retribution for decisions that they made in relation to Sinclair’s case, causing “a ‘chill’ among workers” (The Canadian Press 2011a). Emphasizing the union’s concerns about identification enabled many media outlets to come to the conclusion that there was something that social workers were trying to hide: Lindor Reynolds claims in the *Winnipeg Free Press* that “the MGEU doesn’t want a public inquiry, they want a star chamber, an ancient court set up to enforce the laws against people so prominent that ordinary courts couldn’t convict them” and that the union would “go to any lengths to keep secret the identities of the social workers involved in the life and death of Phoenix Sinclair” (2012a). This accusation reaffirms the notion, conventionally understood as part of neoliberal governance, that

bigger bureaucracies and more powerful unions are antithetical to the liberal democratic values of accountability and transparency.

The MGEU's legal conflict over the potential loss of confidentiality was also framed by the media in terms of its costly delays to the inquiry process itself—both costly in terms of financial resources, and costly in terms of the delay in achieving justice and 'fixing' the system. The Union's call for a publication ban was perceived to be an extension of the government's desire to hide its own paper trail and was labelled a "shameful" act of "whitewash[ing]" in the press (Brodbeck 2011). The argument from the MGEU was positioned as a "delay tactic" for the government to avoid confronting its own mismanagement (Brodbeck 2012). In other words, the media presented the wide array of governmental and bureaucratic in-fighting as merely another kind of political performance, one that delayed the public's access to *true* transparency, rather than "lifting the veil of secrecy for the CFS system" (Kusch and May 2017).

The question of transparency became especially pronounced in the lead-up to the elections in 2011 (held in October) and again in 2016 (held in April) (e.g., Brodbeck 2011; Kusch 2016a). In the 2016 election, the Conservative Party ran on a campaign that included passing the "Protecting Children Act" that they indicated "would make it easier for government departments, CFS agencies and authorities, and law enforcement to share information and collaborate when dealing with at-risk children" (Kusch 2016a), insinuating that the previous NDP Government had thus far been unable to pass the necessary information-sharing legislation. Throughout the electoral process, parties and their leaders emphasized not only their commitments to transparency (in terms of revealing the details of the case) but also their promises of accountability (in terms of being able to

act in response to the perceived crisis), a thread that will be emphasized in the following chapter. In the heightened political tension of electoral campaigns, the media presents Phoenix Sinclair's death as a matter of partisan divide: in April 2011, Larry Kusch in the *Winnipeg Free Press* highlights the fact that Sinclair's death "occurred during the NDP's watch," drawing directly on statements from the Progressive Conservative leader, Hugh McFayden, that "they [the NDP] talk a good game on social issues [but]... the reality is we need a government that actually delivers results" (Kusch 2011b). The media representations foreshadow (and reflect) the ways in which the democratic process of elections amplifies concerns about transparency (and the lack thereof) as well as commitments that the democratic process will ultimately ensure accountability. At the same time, journalists continue to critique the ways that political representatives politicize the deaths for their own gain. Media coverage even goes as far as highlighting the fact that the slow implementation of inquiry recommendations can be partially "blamed on the Spring [2016] election, which saw legislation extending the role of the children's advocate die on paper" (Winnipeg Free Press 2016c). The tools of liberal democracy, in this case the electoral process, become spaces through which the settler government and the assumed-to-be-settler public engage in the practice of governmental relegitimization: the unspoken specificity of ongoing settler-colonial violence against Indigenous children is subsumed under a generalized discussion of governmental accountability and transparency.

These representations and demonstrations of public responsiveness and emotional outcries happen before the mainstream Canadian media takes on the language of 'genocide' as explicated in the Truth and Reconciliation Commissions' final report, and, subsequently, in the *Reclaiming Power and Place* (Missing and Murdered Indigenous Women and Girls

inquiry process) report, and the 2021 uncovering of unmarked graves at former residential school sites across the country. At the same time, a notion of ‘genocide’ lurks in the mainstream media coverage regarding the ‘disproportionate’ deaths of Indigenous children in state care, unspoken, but ever-present.

Concerns about Phoenix Sinclair’s death, and the lack of accountability and transparency that followed, were articulated through a sense of moral outrage. In locating the precise target for moral outrage, the public can direct this anger at a specific department or individual, rather than existing in a generalized state of crisis. This outrage is most often directed towards workers and their union, demonstrated when Tom Brodbeck in the *Winnipeg Sun* announced, “it’s judgment day, people” (Brodbeck 2011), or when an editorial in the *Winnipeg Free Press* notes that the administrative negligence that shaped this particular case was “in [the writer’s] jaded view, the product of the Child and Family Services’ mindset” (Winnipeg Free Press 2012p). Indigenous political organizations and leaders also become targets for public rage. Examples of this targeting include an editorial piece in the *Brandon Sun* that argues that “aboriginal [sic] leaders are playing a dangerous game with the lives of aboriginal [sic] children” (The Brandon Sun 2014), or an anonymous editorial in the *Winnipeg Free Press* that accuses “the Assembly of Manitoba Chiefs and the Southern Chiefs Organization (SCO)” of throwing “another wrench into the proceedings of the Phoenix Sinclair Inquiry” in their responses to requests for publication bans (Winnipeg Free Press 2013b). Even individuals become the target of this rage: in one of Lindor Reynold’s editorial pieces in the *Winnipeg Free Press*, Reynolds expresses a particular sense of rage at a young family member for not appropriately responding to or reporting Sinclair’s living conditions. She questions:

So what do you do... Do you protest? Do you try to get the little girl out? Do you call CFS or talk to your second cousin, who is a CFS social worker on the reserve? Do you call the police? No. You walk out of that house, leaving Phoenix in a dark room. You leave her with the bogeyman (Reynolds 2013).

In this editorial, Reynolds not only names an Indigenous family member,⁴⁶ but isolates this person as a target for settler rage. The tone is simultaneously paternalistic (noted in its sardonic question “your spidey sense was tingling, remember?”) and shaming (implying that this family member “wouldn’t make a phone call to save the girl because [they] were afraid of [their] wicked uncle”) (Reynolds 2013). Notably, the editorial begins with a suggestion that the reader “put [themselves] in [the family member’s] shoes,” in a way that almost seems to encourage the reader to empathize with how difficult the circumstances were for this person. Then, the remainder of the editorial repeatedly emphasizes the many missteps that this person made along the way. In this act of modelling an ostensibly more appropriate emotional response and the logic behind it, Reynolds’ editorial reaffirms the need for benevolent settler intervention insofar as the pathologized Indigenous family is presented as lacking the ability to appropriately respond to violence. Finally, the piece ends: “imagine how Phoenix felt, living with the Bogeyman” (Reynolds 2013). Both the opening and closing of this piece not only invoke the performative practice of naming, but remind readers that while Indigenous *children* can, at times, merit settler empathy, Indigenous *adults* are less deserving of—and perhaps even incommensurable with—settler benevolence.

⁴⁶ There is a particular performance in demands to name deceased Indigenous children as a way to humanize them and empathize with their loss. The explicit naming of a family member in this editorial, however, appears to work in the opposite way, naming the family member to ascribe individual responsibility in the act of public shaming.

I return to the framework of settler benevolence to explicate the ways in which these verbose, impassioned, and highly visible performances of settler rage and grief emerge as part of the *dispositif*. Although settler emotionality is not necessarily contrived or intentionally politically motivated, such grandiose demonstrations of caring-ness towards Indigenous children cannot be disarticulated from the historical and contemporary iterations of settler colonialism that have shaped Indigenous-settler relationships. The Crown has historically taken a paternalistic approach towards Indigenous peoples, as evidenced by *the Indian Act* (1876), wherein Indigenous peoples have been legally constructed as wards of the state. In relation to the settler state, Indigenous nations were positioned as less civilized and therefore more in need of government interference, management, and oversight (e.g., Jacobs 2009; Hillel and Swain 2010). The construction of moral outrage amongst settler publics is contingent upon unequal forms of recognition that privilege settlers and depict Indigenous peoples either as helpless victims unable to adequately articulate their concerns in public and/or political debate, or, as in the case of Reynolds' editorial, as incapable of either providing appropriate care or responding to harm without the benevolent settler intervener as a guide.

Settler outrage is not only invoked with regards to moral outrage and a sense of moral responsibility for Indigenous children. Another form of settler outrage is invoked, one that emphasizes investment logics and the settler subjectivity of the "taxpayer-citizen"⁴⁷ (Henderson 2015; see also Willmott 2017). The taxpayer-citizen might be best understood

⁴⁷ In articulating the concept of "taxpayer-citizen," I am not suggesting that there is a literal correlation between the act of paying tax (which is, of course, not reducible to the settler/Indigenous dichotomy), but rather in the way that Willmott (2017) evokes the notion of "taxpayer governmentality" to highlight "how taxpayers are said to be interested and entangled in specific political questions and... how they are *performed* into existence" (256). The taxpayer-citizen is thus detached from its taken-for-granted relationship with governance, and thought of instead as a kind of subject and subjectivity that has to be "performed into existence" (256).

as the encounter between the emotionality and morality of settler benevolence into the assemblage of the reasonable citizen's measured concern with bureaucratic mismanagement. In other words, *emotional responses* might be said to be *reasonable* when directed towards managerialism and fiscal responsibility. An editorial from the *Brandon Sun* quotes Manitoba premier Brian Pallister's statement about a prospective inquiry into Missing and Murdered Indigenous Women and Girls in which he states that "millions of dollars of money have been invested [in the inquiry] on behalf of taxpayers here in Manitoba" on other inquiries that have, effectively (in his opinion) produced the same kind of knowledge (The Brandon Sun 2016). Here, Pallister is suggesting that the inquiries were "invested on behalf of taxpayers," implying that these processes were at least as much about reassuring taxpayers about the functionality of the Manitoba government as they were about seeking justice for Phoenix Sinclair (The Brandon Sun 2016) The article proceeds to discuss the Conservative Party's viewpoint that "it would be a waste of money for the inquiry to cover the same ground that the province has already investigated, such as the province's child welfare system and its failure to protect the toddler Phoenix Sinclair" (The Brandon Sun 2016). Furthermore, the two overlapping interests not only co-exist but are entangled with one another: moral outrage, expressed through demands for transparency, prompts the governmental promise of accountability—in this context, already filtered through New Public Management discourse to signal efficiency and efficacy. In another article, Nick Martin with the *Winnipeg Free Press* re-iterates the Manitoba Liberal Party's electoral platform that promises both a reduction in the number of children in state care, while "using existing spending more wisely" and "without increasing spending by more than two per cent a year" (Martin 2016). In this example, the

relationship with the taxpayer-citizen is implied, rather than explicitly announced; however, the implication of using taxpayer investments *better* or *more effectively* remains central.

These examples of taxpayer outrage indicate that Manitoban taxpayers are at least one of the intended audiences of the inquiry process and its performances of governmental accountability. The production of inquiries is framed not only as a mechanism through which to achieve justice for children, but also to ‘set the record straight,’ so to speak, with Manitobans, (who could be considered the ‘investors’ or stake-holders’ in these government services and departments). The constant reassertion that ‘Manitobans’ are owed answers indicates a sense of ownership over this government service: Commissioner Hughes is even quoted as saying “the public shouldn’t have to wait” for long, expensive inquiry processes “to find out whether Child and Family Services acted properly” (Kusch and May 2017). Elsewhere, former Manitoba Premier Gary Doer is quoted as saying that the questions surrounding Phoenix Sinclair’s death “have to be answered... to the public,” implying that the criminal proceedings weren’t enough to give Manitobans the information that they needed regarding Phoenix Sinclair’s death (Toronto Star 2006).

Manitoban taxpayers are not only positioned as stakeholders in the child intervention system but are also investing in the inquiry process. Press coverage reminds readers that taxpayers have paid \$4.7 million for the inquiry (Brodbeck 2012), and that because of this investment, the delay tactics put forward by the government and the union are an added and unnecessary expense to taxpayers. Not only is the lack of transparency a normative concern, but it is also an economic concern for taxpayers who are already covering the costs of “this very expensive inquiry” (Brodbeck 2012). As financial stakeholders in this

system, ‘Manitobans’ (i.e., Manitoban taxpayers) are brought into the fold of public emotion, expressed through the concern that their own resources being used to finance a program that is doing more harm than good—whether the harm is understood to be moral or economic (or both). Such articulations of scandal reveal different but intersecting settler emotions: on the one hand, there is moral outrage regarding the death of a child, and on the other, there is a sense of impatience, mistrust, or resentment at the mis/use of taxpayer money.⁴⁸

The compounding threads of benevolent intervention and supervision (read as transparency) and effective and efficient government management practices (read as accountability) ultimately work to relegitimize settler governance by taking devolution policy as the space in which the lack of appropriate supervision and the lack of effective administration practices culminated in the death of Phoenix Sinclair. This thread crops up throughout several sources, although most frequently in the editorial genre. The *Brandon Sun* published an opinion piece titled “Phoenix Sinclair case highlights racialization of child welfare system” (The Brandon Sun 2013b). This article takes on the topic of devolution directly and reiterates commonsense beliefs that through the process of devolution, “responsibility for children’s lives was turned over to a number of new, untested [Indigenous] agencies that were hastily cobbled together” (The Brandon Sun 2013b). Even more concerning for this writer was the fact that, ostensibly, “experienced supervisors and workers who were not [A]boriginal found they had no place in the new system. They were too often replaced by inexperienced and unqualified people, who were

⁴⁸ This resentment is visible, in an opinion piece in the *Brandon Sun* in which an anonymous writer expresses disdain for government promises “to spend more money” when the problem was, according to the author, “racialization” (read, in this specific article, as devolution to First Nations Authorities) (The Brandon Sun 2013b).

hired along racial lines” (The Brandon Sun 2013b). Indigenous foster homes, when compared with “foster parents [who] were not [A]boriginal” are described as “less than adequate” by this writer (The Brandon Sun 2013b).

The *Winnipeg Free Press* published an article in September of 2012 titled “A Frightful Picture of a System in Crisis” (Reynolds 2012b). The article retells the narrative of the “crisis” of child intervention in Manitoba, in which the crisis described is that of devolution and its repercussions. The article describes how “the devolution of services to [A]boriginal agencies saw massive staff and file transfers” that are presented as being virtually insurmountable to caseworkers (Reynolds 2012b). One of the social workers mentioned in the article even goes so far as to “[blame] devolution for the end of his 17-year career in child welfare” (Reynolds 2012b). This story is constructed around the notion that staff, “as a result of devolution... were afraid they’d lose their jobs” (Reynolds 2012b).

The author of this piece, Lindor Reynolds,⁴⁹ wrote several other columns critiquing the practice of devolution.⁵⁰ In another column, Reynolds notes that she has received flack in the past for critiquing devolution, which she describes as being “greeted with brickbats from those who favoured the flawed notion of devolution” sparking accusations of racism (Reynolds 2010). In the article, Reynolds suggests that these critics accused her of being “racist, they said. We didn’t understand the cultural imperative to reunite children with their relatives, even those who didn’t know or want them. We were just out to get the First Nations authorities” (Reynolds 2010). Instead, she suggests that, rather than being racist,

⁴⁹ When Reynolds passed away in 2014, members of the Canadian journalistic community remembered her as someone who covered the death of Phoenix Sinclair with “strong emotion” (CBC News 2014). A particularly interesting quotation from this article also lauds Reynolds for “being so angry that a Phoenix Sinclair, a child could be murdered and no one could really give a damn for so long” (emphasis added). Note that in this sentence “A Phoenix Sinclair” becomes a stand-in for the universal child-victim.

⁵⁰ Reynolds was also the author of an editorial piece discussed earlier in this chapter that accused family members of failing to appropriately respond to the ongoing harm (discussed from pages 99-101).

she was trying to prevent future deaths at the hands of devolution: “who will be the next victim of devolution,” she asks, and what will be the “roll call of the damaged and the dead” (Reynolds 2010). Of course, it is not only Reynolds who takes devolution to task, albeit in less direct and accusatory ways. An article in the *Winnipeg Free Press* argues that “devolution didn’t kill Phoenix Sinclair, but the strains on the system [that it caused] could not have enhanced her care” (Winnipeg Free Press 2012h). The tone of this article, in contrast to Reynolds article, carries an underpinning assumption that it is possible to critique the *way* that devolution occurred, without questioning the politics of devolution.

Journalists and members of the public submitting editorial pieces⁵¹ also made the argument that devolution would contribute to a “cultural clash” in which Indigenous run agencies would be “over-zealous” in returning children to families and communities, implying—with the notion of cultural clash—that care practices within Indigenous communities would not stand up to the supposedly rigorous mechanisms of liberal bureaucracies (Winnipeg Free Press 2007c). Of course, this supposed “cultural clash” is a revealing take in and of itself, given the emphasis throughout this case study on the chaotic and untrustworthy nature of governments and their bureaucracies. And yet, in these cases, the death of Phoenix Sinclair is used as evidence that returning children to their Indigenous families and communities is a liability (politically, morally, and financially) for the settler state and for the settler public, notably by emphasizing that the worst-case scenario is, ultimately, a life and death decision.

⁵¹ It is worth acknowledging here once again that although the diverse kinds of media production examined reflect different kinds of public opinion-making (for example, op-ed columns, editorial pieces, news reporting, letters to the editor, etc.), that methodologically I believe that it is necessary to take into account the diverse mechanisms through which mainstream media produces a sense of a ‘public’ and a ‘public opinion’.

Phoenix Sinclair's death is thus entangled within the assumption that social workers and others involved in the provision of intervention services were stressed and/or overworked in dealing with the aftermath of devolution. Journalist Carol Sanders covered the testimony of one of the Indigenous social workers involved with Phoenix Sinclair and her family during the inquiry process. Sanders highlights particular moments of the testimony that present the worker as overworked and underprepared for her responsibilities: for example, Sanders notes that the worker "couldn't recall why there were no notes of her doing work on the file" and that "she was "very busy" juggling a full-time job, attending university full time and commuting from [her home]... 82 kilometers north of Winnipeg, and that her employer was aware" of these challenges (Sanders 2012d). Although she was put in charge of the file in November 2000, she "didn't visit the family until February 9, 2001" (Sanders 2012d). Elsewhere, Sanders quotes former CFS chief executive officer Linda Trigg discussing the "decimated workforce" following the 2003 devolution of intervention services. Trigg goes on to suggest that the "anxiety about devolution and what would happen to them [the workers] and their pensions once CFS was chopped in half and aboriginal [sic] child-welfare agencies were established" created an environment of chaos that made day-to-day work virtually unmanageable (Sanders 2013e). The narrative suggests that individuals were not only coping with a change of structure and management, but also coping with the fear or stress of possibly losing their jobs when First Nations and Métis agencies hired from within their own communities, and that this ultimately translated into an explanation for what is termed "neglect" within the child intervention services (Sanders 2013e). Without being easily traced to the details of Phoenix Sinclair's case directly, the media reproduction of the narrative suggests that overall, the

system was coping with a sort of existential reckoning of its own organization. This narrative reveals the contradictory logics at play in settler-colonial devolution practices that are simultaneously 1) supported within many Indigenous communities as an increase in Indigenous autonomy 2) generally legitimated as a practice that saves taxpayer dollars in the context of neoliberal austerity, and 3) seen to cause insurmountable bureaucratic chaos and disruptions.

Prior to Phoenix Sinclair's death in 2006, and the ongoing demonstration of public concern in the decades following, news coverage of devolution in Manitoba appears to be relatively sparse.⁵² The focus of earlier articles is an examination of accountability regimes for service provision on reserves—focusing on First Nations authorities, rather than Canadian or Manitoban bureaucracies. In 1992, the *Montreal Gazette* discusses investigations into “political interference” and implementing “Quality Assurance program[s] on reserves” in response to a report that “blasted native [sic] child welfare officials and the province for failing a young suicide victim” (The Montreal Gazette 1992). Other coverage appears to highlight initial debates about “whether [the Canadian government] wants to help native [sic] child welfare agencies in Canada assume full responsibility for their charges” (Kitchener-Waterloo Record 1993). In other words, while there is certainly some public discussion around devolution (especially Indigenous “responsibility” “accountability” and “Quality Assurance”) prior to the death of Phoenix Sinclair, it appears that it was the scandal of her death that really prompted devolution to become a mainstream political debate for the settler public. The timing of the scandal, not

⁵² A search of the Canadian Newsstream database with several different combinations of key terms (for example “The Child and Family Services Authorities Act” and “Manitoba” and “Child Intervention” and “Aboriginal”), filtered for all articles published before 2006, turned up only a handful of news articles.

long after formal devolution legislation and policies were in place, resulted in a magnified examination of Indigenous-run services.

Given that 1) news coverage of Phoenix Sinclair's death frequently associated the death in some way to devolution, and 2) mainstream media coverage of the devolution of child intervention services was relatively uncommon prior to her death, the emphasis on devolved care agencies is demonstrative of the process through which Phoenix Sinclair also became symbolic of a particular set of relations between Canada and Indigenous peoples—and the supposed 'breakdown' of these relationships. Although race was not always centered in media reports or governmental debates, it is not possible to ignore the fact that Phoenix Sinclair was an Indigenous girl residing on a First Nation. Phoenix Sinclair became emblematic of the scandal of devolved welfare services, and as political contexts began to shift in the post-TRC discourse, Phoenix Sinclair also becomes emblematic of a failed relationship of reconciliation. Devolution, whether fundamentally or in its contemporary iteration, was deemed unaccountable and untransparent to the Manitoban public. Underpinning this assumption was the belief in the unquestionable legitimacy of the benevolent settler state to intervene in Indigenous life: if the government could be held accountable for some fault in this scenario, it was the fault of not supervising Indigenous peoples closely enough.

Case Study Two: Alberta "Fatal Care" Investigations, and the Case of Serenity

The Fatal Care series is distinct from the Phoenix Sinclair inquiry in a few ways. Most obviously, the Fatal Care series did not base its case on a single child death, but rather the overall numbers of child deaths as a systemic and longstanding issue (a request for information related to all deaths in the last decade was submitted by two of the province's largest newspapers, the *Edmonton Journal*, and the *Calgary Herald*, as part of this series).

Transparency in this case is expressed as access to transparent information and the public circulation of information—understood as numbers, statistics, and specific data— rather than the circulation of details and the attempt to find a specific perpetrator. The context surrounding the Fatal Care series is also unique, in that it emerged amid a nearly 40-year Progressive Conservative regime in Alberta. In other words, the same party had been governing the province, and therefore directing the bureaucracy in the province, for almost half of the twentieth century. Because Alberta did not have the same recent and robust implementation of a systematic devolution of welfare services, the precise language of devolution did not enter the investigation in the same way it did in Manitoba. However, the Fatal Care series does report on the finding that 74 of the child deaths (of a total of 145) were Indigenous children, and that of these 74 deaths, “proportionately more children died in the care of a DFNA [Delegated First Nations Authority] than a CFSA [Child and Family Services Agency]” in the province (Kleiss and Henton 2013).⁵³

The case of Serenity was also pushed into public spotlight after a journalist published an Op-Ed about the case of Serenity and the Government of Alberta’s handling of the case in 2017. Paula Simons wrote an article entitled, “Her Name was Serenity. Never Forget it” (Simons 2016a). The core argument of Simons’ piece is that the Office of the Child and Youth Advocate published a report on Serenity’s death that omitted key details—once again highlighting the significance of transparent information circulation within liberal democracies—revealed in the medical reports that clearly indicated a prolonged history of

⁵³ The statistics consulted, which Kleiss and Henton admit are incomplete, report that quantitatively more Indigenous children died in the care of Child and Family Service Authorities (CFSAs) than Delegated First Nations Authorities (DFNAs). However, Kleiss and Henton report that because most Indigenous children were in the care of CFSAs, the data was not representative of the statistical likelihood of death. Henton reports that “the result is a death rate of [A]boriginal children of 0.66/1,000 in the care of a CFSA, and a rate of 1.26/1,000 in the care of a DFNA” in the 2012-2013 year (Kleiss and Henton 2013).

abuse (2016a). The central concern is the lack of transparency and oversight within child intervention in Alberta that would 1) allow for this arguably preventable death to have taken place and 2) create a context wherein it was difficult, if not impossible, to identify the ‘truth’ of the situation. The accusation that circulated was that Alberta had “treated basic information about the deaths of children in care with *black-ops level secrecy* that served *only to protect the system*” (Edmonton Journal Editorial Board 2016, emphasis added), invoking the notion that child intervention in Alberta functioned as a more or less totalitarian regime. Subsequently, journalists argued that the public is “entitled to conclude that if the details of Serenity’s case hadn’t been published [by Paula Simons], silence and inaction would persist” (Braid 2016b). The media coverage in the Alberta case demonstrates that in the neoliberal settler state, Indigenous child deaths have been constituted as a problem around which to work out issues of accountability and transparency between the settler state and the settler public.

Originally, Alberta’s Child and Youth Advocate published the report detailing Serenity’s death using the pseudonym, “Marie.” It was this report that Paula Simons’ original article criticized, arguing that the report “omitted medical details even more shocking” than the details included in the report (Simons 2016a). When questioned about the omissions, the Office of the Child and Youth Advocate noted that they only included medical details that were confirmed by the medical examiner (Simons 2016a). In her coverage, Simons includes details from medical notes, including a note from the ER that indicating “Family emotionless... 0 crying, 0 emotion” (Simons 2016a). Simons then asked why the medical examiner had not completed a report and noted that she did not receive a response from the Government of Alberta, however she does note that “Alberta’s

medical examiner has not released Serenity's cause of death. The Child and Youth Advocate, an independent office of the legislature, was denied a copy of an autopsy report" (Simons 2016a). What, then, is the relationship between procedural bureaucracy (in this case, what details are permissible based on which offices and experts have been included) and the notion that the public has a right to know what *exactly* happened to a child—through publishing the notable and troubling details of abuse and violence. In particular, the Alberta media coverage is demonstrative of a settler public whose "benevolent" relationships with Indigenous children is filtered through the language of settler possession or settler desires for possession.

As was noted in the case of Phoenix Sinclair in Manitoba, the most prevalent discourse was one of needing to 'fix' a 'broken system'. In 2016, Simons pens an opinion piece in the *Calgary Herald* where she states that "*our system* has been a disaster for decades" (Simons 2016c, emphasis added).⁵⁴ Don Braid, a reporter from the *Calgary Herald*, accused the Government of Alberta of participating in and enabling a "cult of secrecy"⁵⁵ (Braid 2016b). Braid continues to describe the governmental response as "chaotic, negligent beyond precedent, and either duplicitous or ignorant" (2016b). In her *Calgary Herald* article, Paula Simons claims that Serenity has "become a symbol of everything that's wrong with our dysfunctional child welfare system" (Simons 2016c). Such statements are revealing of a particularly fraught relationship between Albertans and their government, where 'big government' is imagined as being an enemy of the people, prompting paranoid representations of chaotic, negligent, and duplicitous cults. One

⁵⁴ See also Emma Graney's point that changes to Alberta's child intervention practices would be a "mammoth undertaking" (Graney 2017k), or Mark Iype noting that "the response from the public... [was] overwhelmingly sad [and expressed] disappointment in the system" (Iype 2016).

⁵⁵ Significantly, the similar language of "veil of secrecy" was used in the Manitoba news coverage.

editorial piece asks, “who in the government will *really* champion the changes that report after report repeat year after year? It was disappointing to hear the NDP government go to many of the same talking points that Albertans heard from a succession of Tory ministers” (Edmonton Journal Editorial Board 2016, emphasis added). Here I am interested in the notion of ownership over the child intervention system, and the idea that *Albertans in general* should feel anger and disappointment because *Alberta’s* system is dysfunctional.

Underscoring the media discourses is an ongoing conflation of achieving justice for the deaths with undermining or overturning the bureaucracy. Media reports frequently highlight the complexity of the bureaucracy in cases like that of Serenity, where details cannot be published without being verified by the medical examiner, but also point to various examples of employees or public relations representatives denying interviews because “an investigation is still open” (Simons 2016a). This overlay of interconnected (and apparently ineffectual and incompetent) bureaucracies is provided to the public as the reason ‘Albertans’ don’t have the information ‘they’ are owed about ‘their’ dysfunctional system. In this narrative, mediation of the scandal emphasizes the bureaucratic ‘crises’ of the welfare state, prompting readers to see the problematization of child deaths in state care as an extension of collapsed vestiges of a welfare state that is not as efficient and streamlined as it *ought* to be in the context of the shrinking neoliberal state. Like that of Phoenix Sinclair, Serenity’s name comes to take on a meaning outside of the initial problematization. Whereas Phoenix Sinclair came to stand in for the failures of devolution, Serenity’s name is used to signify a byzantine bureaucracy that is unable to, or has no desire to, be accountable to Albertan taxpayer-citizens.

The media discourse further amplifies quotations from members of opposition parties who have expressed dissatisfaction with bureaucratic failure. Simons paraphrases the Wildrose Party's⁵⁶ stance on the ministry by suggesting that "Sabir [the minister] has been steamrolled by the size of his sprawling ministry, and by an institutional bureaucracy with a huge investment in protecting itself" (Simons 2016b). Simons also appears to promote this viewpoint independently of the inclusion of quotations from political representatives. Only a few days after the above quotation was included, Simons observes that "over generations, we've all allowed the creation of an entrenched child welfare bureaucracy that seems more committed to protecting itself than protecting vulnerable children" (Simons 2016c). The argument goes something like this: the bureaucracy has developed to such a point where pinpointing blame becomes a challenge, because there are so many layers of bureaucracy protecting one another. This apparent inability to locate individual responsibility becomes particularly significant after the election of the NDP in 2015, propped up by an assumption that the bloated bureaucracy of the previous 40 years of the Conservative regime would be challenged and repaired. Instead, the narratives circulated in mainstream media pointed to a suspicion that the bureaucratic bloat of the child intervention system was perhaps irreparable.

Even as the NDP government struck the Ministerial Panel, governmental action was placed under the spotlight, and representatives of opposition parties would list the multitude of failures in the NDP's approach. An article in the *Edmonton Journal* emphasizes that "Liberal Leader David Swann said he thinks the panel is working but the

⁵⁶ The Wildrose Party was a provincial party in Alberta from 2008-2017, emphasizing fiscal conservatism and pride in Alberta's rural roots. The Wildrose Party was bolstered by a position that promised to "return the province to a more traditional conservatism" after the "41-year Progressive Conservative dynasty" in Alberta (Davison 2012).

collaborative process involved "takes a heck of a long time" (Wood 2017b). Said otherwise, it is the committee's *inefficiencies* and *redundancy*, accusations long pointed at the supposedly bloated welfare state, that come under scrutiny. It is insinuated, but unsaid, that bureaucratic strategies are outdated and outperformed by more efficient private sector techniques. The language of inefficiency and redundancy is never abandoned: in 2018, the NDP Government disbanded the Child and Family Services Council for Quality Assurance to eliminate "the duplication of services"⁵⁷ (Clancy 2018c). In 2018, Simons refers to the recently published interim recommendations of the all-party panel as "nebulous exercises in self-important, politically fashionable rhetoric" (Simons 2018a). While partisan arguments are used to critique the governing parties—whether it is the Progressive Conservatives or the NDP—the discourse of scandal is never specifically about the party in government, but instead, about the size of government and its bureaucratic excesses.

The accusation that an entrenched and unchanged bureaucracy is what is responsible for child deaths is contradictory to the underpinning drive to establish when, exactly, the system ceased to function. As in Manitoba, journalists seek to pin-point the moment where the system 'broke'. In Manitoba, that moment was identified as the 2003 devolution of services to First Nations and Métis agencies. In Alberta, Simons suggests that increased "contracting-out" by the Ralph Klein government in the 1990s was a moment of collapse for the system (Simons 2016c). Simons insinuates that the transformation of the system left

⁵⁷ The closure of the Child and Family Services Council for Quality Assurance in 2018 will be picked up in chapters four and five, where Quality Assurance (along with other private-sector strategies) is foregrounded in the analysis. The irony, however, of an arm's-length governmental council designed to implement QA (a decidedly private-sector management strategy) being shut down to eliminate redundancy is not lost and will be addressed in these later chapters.

gaps that would soon lead to total collapse—not because privatization itself was inherently a problem, but because the bureaucracy stymied the privatization process: Simons writes,

problems escalated under Ralph Klein when social spending was slashed and the government started privatizing the child welfare system, contracting out to a patchwork of agencies, not-for-profit groups, regional offices and under-funded First Nations. Not everything about the contracting-out model was bad. But there was never enough central oversight; and every time the province downloaded responsibility to a third party, it lessened not just its own control, but its own accountability (Simons 2016c). Later, Simons explicitly states that any movement to produce changes in child intervention practices “were stymied by the bureaucrats from the ministry of Children’s Services, who objected when politicians tried to propose anything concrete” (Simons 2018a). In other words, even when political representatives attempted to make substantive changes, it was the ‘entrenched bureaucracy’ that made this transformation impossible.

Another focus for moral outrage in the Alberta case was the purported failure of ‘kinship care’⁵⁸ as a child intervention mechanism. Kinship care is a model of child intervention that emphasizes keeping children together with extended family members. It is frequently utilized by First Nations families and agencies, where it can mean keeping an Indigenous child within their community, culture, and land. In the context of the media coverage of scandals of child deaths in Alberta, the scandal of ‘kinship care’ functions in a similar way as the scandal of devolved care in Manitoba. Both scandals highlight how supposedly culturally-competent intervention practices become the location of crisis for the overall functioning of the child intervention more broadly. News articles incorporate

⁵⁸ According to Alberta’s Kinship Care Handbook, “the goals of the Kinship Care Program reflect the philosophy of the *Enhancement Act* and especially “Matters to be Considered”. Placement with family is a priority for children. Children placed with family do much better than children placed in foster care” (Alberta Government 2017, 9). In other words, Kinship Care is not a devolved service arrangement, but rather an alternative method of delivering provincially mandated and regulated services. While it is not exclusive to Indigenous children, it is advanced as a mechanism that can support keeping more Indigenous children with Indigenous family or community members as recognition “that Aboriginal infants, children and youth have a unique identity and culturally connected needs that must be supported by the adults in their lives” (Alberta Government 2017, 13).

perspectives from Indigenous family members to substantiate the notion that *not all* Indigenous peoples believe that culturally-competent practices are, in fact, effective. A prominent example is an article in the *Edmonton Journal*, which states that Serenity's kinship care arrangement took place "despite the objections of her mother" who ostensibly supported the previous foster care arrangement over a kinship placement (Clancy 2017a). The inclusion of Indigenous critiques of kinship care, especially that of Serenity's mother, could also be considered as a matter of strategic inclusion, to demonstrate that critiques of bureaucratic failure are not an exclusively settler position, narrowing the scope of the concern to a failed bureaucracy (rather than the ongoing assertions of settler-colonial legitimacy).

The question of kinship care, and its multiple, systematic failures, remained in the spotlight throughout the media coverage. In an early editorial, Simons critiques the government for pushing a kinship care model that saved the province money and sounded politically fashionable, but that "placed kids in homes that had not been properly screened, with caregivers unequipped to care for them" (Simons 2016c). In particular, the remark that kinship care is a "politically fashionable" policy implies, as I will further illustrate in the next chapter, the belief that movements to 'reconcile' or 'decolonize' child intervention practices for Indigenous families in Canada is what puts Indigenous children in harm's way. Later in the same article, Simons uses scare quotes around the term "kinship care,"⁵⁹ once again targeting this policy practice as the political problematization. In much the same way that devolution became the stand-in for governmental mismanagement in Manitoba,

⁵⁹ The full sentence reads: "Serenity's death effectively rescued her surviving siblings from hellish abuse in the same "kinship care" home" (Simons 2016c).

kinship care arrangements became the focus of Alberta's 'dysfunctional' child intervention bureaucracy.

Importantly, it is not only journalists and politicians who critique the kinship care model. In response to a lawsuit submitted on behalf of Serenity's mother against the kinship caregivers, the caregivers asserted, through their defense statement, that "Alberta child welfare is attempting to make (the caregivers) the scapegoats so that the incompetence and malice of Alberta child welfare is not the focus of (the mother's) and the public's anger" (defense statement as cited in Wakefield 2019a). The statement, quoted at length in a number of news articles written by Jonny Wakefield for the *Edmonton Examiner*, also cites the caregiver's claims the province "pushed the children on them, despite the fact they were already caring for several children and working or in school full-time" and that "the institutional defendants threatened...that, if [the caregivers] did not take guardianship... that the children would be separated and adopted into families that were not Aboriginal" (Wakefield 2019b).⁶⁰ Ultimately, the caregivers' defense statement also expressed a concern that the kinship care arrangement was a means by which the government could "save... money by off-loading the costs of caring for the children onto (the caregivers), rather than to be required to pay for supports or to have the children cared for through foster care" (Wakefield 2019b). From a different standpoint, then, the argument that the government is simply a mismanaged and inefficient bureaucracy takes on an important critique from Indigenous families themselves—that the act of creating kinship care and other reconciliatory child intervention programs was a deliberate means through which the

⁶⁰ This section of the defense statement—which of course can neither be substantiated nor dismissed—highlights concerns that the reconciliation of child intervention, taken to mean the provision of culturally sensitive services, was not only strategically mobilized, but, importantly, strategically mobilized in relation to cost-saving practices.

government could offload costs, responsibility, and accountability while maintaining its role as the manager of Indigenous families from-a-distance. However, this is not the argument that takes hold in dominant media representations.

Ultimately, in both the case of devolution in Manitoba and the case of kinship care in Alberta, media coverage circulates a convincing story that responsabilizes,⁶¹ without resources, Indigenous peoples, even when the broader problematization under examination is the provincial bureaucracy. One of Simons' early editorials relays a story in which it was the First Nations' authority who had failed to deliver the report to the RCMP to trigger an investigation:

Elden Block, the statutory director of children's services, said his department did an internal review of Serenity's death. The review, said Sabir, was forwarded to the First Nations child welfare authority, responsible for the First Nations reserve where Serenity had been living in a kinship care guardianship arrangement. Sabir said it was the job of that band welfare authority to forward the file to the RCMP for investigation. That never happened. No one ever gave that information to the police (Simons 2016b).

If this story is accepted, the 'crack in the system'—to use the language circulated in media—was not the Alberta government *per se*, but rather, the First Nations authority. *If* the Alberta government is responsible, it is because it did not extend the appropriate oversight⁶² over the First Nations authority.

⁶¹ Pyysiäinen et al. (2017) define the process of responsabilization in the context of neoliberal governance as “the remote and indirect action of the state [produces]... a form of subjectivity or self-hood” that is tasked with self-regulation (216). Pyysiäinen et al. (2017) are building on the work of governmentality theorists who define this form of subjectivity as one that “would produce the ends of government by fulfilling themselves rather than being merely obedient” (Rose, O'Malley, and Valverde 2006, 89).

⁶² In turn, this concern regarding the appropriate oversight of First Nations' governance is a longstanding practice within settler-colonial Canada. Willmott illustrates how the First Nations Financial Transparency Act (FNFTA) requires “*First Nation* governments to publicly reveal elements of their financial operations to the *settler* public” (2021, 472). Willmott argues that this example can be used to think about how settler-colonialism orchestrates transparency as “a strategy of simultaneous legislative imposition and calculated ‘governing at a distance’ that might be more productively called ‘paternalism at a distance’” (2021, 472).

Not only did the partisan accusations of the scandal span an electoral race, but these accusations also transcended it. Journalists and publications who had previously critiqued the Conservative government for their inaction were quick to point out that the NDP government was no different, arguing that the NDP were “sounding every bit as defensive, obdurate, and heartless as the Conservative government before them” (Simons 2016c). In other words, just as the desire for transparency and children’s safety supposedly transcends the political spectrum, so does the inability of governments to meet these standards. Journalistic problematizations of partisanship reiterate the sense of frustration at hearing the same kinds of discourse circulated by—ostensibly—very different political actors. In other words, the election of different political parties is not able to transcend the bureaucratic stagnation that Albertans are led to believe is the heart of the problem. An editorial in the *Edmonton Journal* points to the “frustrating sense of inertia” that is the result of “report after report... year after year” (Edmonton Journal Editorial Board 2016). This ‘inertia’ is further propelled when the then-NDP government used “many of the same talking points that Albertans heard from a succession of Tory ministers” (Edmonton Journal Editorial Board 2016).

At the same time as the media coverage is critical of this repetitive discursive cycle, the representations reassert what is, at best, a convoluted narrative wherein it is very difficult to ascertain who, exactly, is ‘accountable’. Simons lauds “the official Opposition” (at the time, the Wildrose Party) for their “perfectly reasonable sounding terms of reference” (Simons 2016b) for the Ministerial Panel, to then critique the same party for “thundering righteously about government mistakes” (Simons 2016b). Another example of this conflation occurs when news coverage focuses its spotlight on the alleged

mismanagement of the documentation related to Serenity's death.⁶³ These examples help to illustrate how even as media representations critique the re-circulation of discourses between changing governments, the news coverage itself is part of the process. Even as the media criticizes the artificial duality of partisan responses, coverage reiterates that partisan deliberation is integral to resolving the scandal.

The media circulation regarding Serenity's death emphasized the need to make information, names, and photos available to the public, information that the government was ostensibly concealing from Albertans. Simons, especially, has been invested in contesting the 'invisibility' of the deceased children by compelling Albertans to 'see' and 'name' them. Otherwise, as Simons argues, they become "the faceless, nameless disappeared of Alberta" (Simons 2016c). For Simons, the act of naming is a political challenge that draws upon allegations that the province had "refused to name the children" (Simons 2016c). Simons emphasizes that, although "the province amended the law that penalized journalists who published the names of the dead," journalists can still "only print the names if [they] discover them by other investigative techniques" (Simons 2016c).⁶⁴ Simons asserts her own understanding of how Serenity came to embody the figure of the Indigenous Public Child in settler-colonial Alberta— one that has to do with the involvement of journalists specifically. This understanding is rooted in an acceptance of

⁶³ Paula Simons contends that "despite Notley telling the house Wednesday that the medical examiner provided interim reports to Graf, Tim Chander, who speaks for the Office of the Child and Youth Advocate, says they were told no such thing, and received no response from the medical examiner to their repeated requests for information on Serenity's autopsy. (Simons 2016a). Even as journalists continue to demand accountability and transparency from the then-NDP government for the delay on a report from the Chief Medical Examiner Other stories acknowledge that the delays in the report from the Office of the Chief Medical Examiner originated with the fact that "September 2014 was a tumultuous time at the CME office, with then-head Dr. Anny Sauvageau locked in battle with the PC government, alleging political interference by politicians and bureaucrats" (Graney 2016a).

⁶⁴ Simons even goes on to suggest that the "story [of Serenity's death] galvanized public reaction like no other - because you could see her face, you couldn't look away" (Simons 2016c).

the moral or benevolent aspect to the humanization of Serenity as the Indigenous Public Child in Simons' narration of "how [she] was able to discover Serenity" (Simons 2016c), where the language of 'discovery' rearticulates the assumption that something is not 'public' until 'discovered' by (and circulated within) a settler public.

Additionally, Simons circulates Serenity's image amongst the Albertan public, as a "symbol of everything that's wrong with our dysfunctional child welfare system, and everything that's wrong with our dysfunctional legislature" (Simons 2016c). Like Phoenix Sinclair, Serenity's image is circulated in the media with instructions for the public on how to interpret the scandal as one of bureaucratic unaccountability. To invoke Serenity's name in a media article is already a reflection of the assumption that the public will know *who* Serenity is and *why she is significant* in public debate, as if her name speaks for itself. As with Phoenix Sinclair, the focus of the articles naming Serenity are not often stories specifically about Serenity. Instead, Serenity is invoked as a symbol of the failed system, the archaic bureaucracy, and the moral commitments on the part of journalists to reveal the injustice to the (settler) public.

In September 2019, Serenity's case was once again emerging as a significant news story in local and national newspapers.⁶⁵ This time, a new 'scandal' emerged, one which once again questioned the completeness of the information that was circulating amongst

⁶⁵ Notably, the family members with whom Serenity was placed for kinship care have launched a \$500,000 lawsuit against journalist-turned-senator Paula Simons for publishing content that alleges that Serenity's death was non-accidental in nature and was a homicide (Johnston 2019). The recent release of Serenity's autopsy report contradicted several claims made in medical reports prior to her death, many of which have to do with claims of sexual abuse and intentional harm. It is important for me to reiterate that I do not claim that this dissertation is capable of, nor interested in, determining blame or responsibility. Instead, I am interested in how Serenity's guardians are now also mobilizing discourses of transparency to push back against accusations which may or may not be untrue. In a recent interview with CBC news, Serenity's guardians say that they want the government to release accurate information about Serenity's death, as opposed to the information currently circulating that they argue the government is using "to hide" the truth (Johnston 2019).

the public, and particular actors in the narrative questioned whether the government was once again ‘covering up’ something by allowing First Nations kinship caregivers to be framed as culpable,⁶⁶ using the provision of some information to mediate how the ‘truth’ of the situation is packaged for the settler public. The media coverage of child deaths also reveals a public discussion about truth-production in which scandals are used to gather up clusters of transgressions and failures (e.g., bureaucratic failures, loss of trust in government, child deaths, financial accountability, secrecy in record-keeping) and render them ‘universal’ concerns for the (settler) public.

One of the major threads of the scandal was the provincial government’s use of publication bans, described by Simons in the *Edmonton Journal* as “draconian laws that made it a crime to publish information that might identify a child who died in care” (Simons 2016c). This reframing of the core problematization demonstrates how scandal must be reconstituted in multiple forms to retain its relevance. In this iteration of the problematization, what is constructed as particularly offensive to publics is the incomplete or redacted information provided by governments through reports and other technologies. An article published in the *Edmonton Journal* in 2017, that discusses the court case against the kinship caregivers, states that “Postmedia is not identifying the two accused because Serenity has siblings who cannot be identified under Alberta's child welfare legislation” (Parsons 2017). In June of 2020, CBC journalist Paige Parsons (who also authored the 2017 article referenced above) published an extensive account of Serenity’s life and death that features several large photographs of Serenity. The investigative feature also emphasizes the consultation of “extensive court documents and interviews” (Parsons 2020), insinuating

⁶⁶ In this case, the narrative implies that it is ultimately bureaucratic error, but that Indigenous pathologization can be read within ‘the system’ as part of its inefficiencies.

a complete, unequivocal account of Serenity's life and death that had not previously been made public.

The Ministerial Panel, itself a governmental response to the initial problematization, is also picked up as a core element of the scandal. Just as the Phoenix Sinclair Inquiry process generated its own scandals after Phoenix Sinclair's death, the Ministerial Panel on Child Intervention was also largely the subject of continuous scandal. Most notably, in 2016, multiple Panel members, especially non-NDP members, boycotted the Panel because of the decision to not discuss specific names and cases (particularly the lack of conversation regarding Serenity). Media repeatedly highlighted the fact that members of the opposition were unwilling to work on the Panel if they were unable to discuss the specifics of individual cases. In this instance, media coverage most often paraphrased and/or quoted opposition members as they expressed their frustration in the process. Multiple articles cite Progressive Conservative MLA Ric McIvor's description of the Ministerial Panel as a "sham vehicle for a government bent on whitewashing the incompetence of at least two of its ministers" (cited in Gerein 2016a, Graney 2016a). The multiple references to this quotation reveal the public appeal of both the clear articulation of scandal (here referred to as "sham") and the emotional language of frustration at the lack of governmental action.

Media discourses emphasize and embody emotionality and empathy—both on the part of the journalists themselves, but also ascribed onto an Albertan public unified in its feelings of disappointment towards the government.⁶⁷ Paraphrasing MLA Ric McIvor, Emma Graney of the Edmonton Journal suggests that "Albertans would never forgive their

⁶⁷ Unlike the coverage of the death of Phoenix Sinclair in Manitoba, there were fewer anonymous editorials and letters-to-the-editor, meaning that I can't assume these emotions are expressed on behalf of the public the evoke in the same way that that assumption is more readily made in the Manitoba case study.

government” if the different political parties could not work together to address the dysfunctional system. At the same time, Simons recalls that she’s “never yelled at a cabinet minister before. But [she] did Wednesday night” (Simons 2016b). The invocations of emotionality are not, inherently, empty gestures with political intentions. The performances of emotionality are much more deeply entrenched in settler colonialism’s benevolent possession through the subjectivity of the enraged taxpayer-citizen. The moral outrage expressed is both outrage at the death of a vulnerable child, and outrage about careless government expenditures, overlaid onto concerns regarding the safety and well-being of children. Simons concludes with a sort of call on Albertans “to be rightly concerned” that “personnel issues, office politics and under-staffing put *our* administration of justice at risk” (Simons 2016a, emphasis added). Simons’ invocations of moral outrage recall the earlier analysis of the Manitoba case study— where the rage surrounding Phoenix Sinclair’s death was expressed both as rage at the death of a child, as well as rage at being unwitting investors in dysfunctional administration. The articulation of a clear settler possession⁶⁸ of such administrative systems is also an important factor in the expression of emotion circulated in mainstream media.

The scandal surrounding the actual operations of the Panel was amplified by the perception that “the panel [was] hampered by child-care workers” and others involved in child intervention, who had “” closed ranks”” and were unwilling to publicly critique the system (The Medicine Hat News 2017a). This perception of individual case workers as withholding crucial information also echoes the MGEU scandal involved in the Phoenix

⁶⁸ Elsewhere, Simons also uses possessive language to describe Indigenous peoples: “Alberta’s Indigenous kids can’t wait any longer” (Simons 2018a). Read together, the Albertan public holds possession of its systems of administration, which in turn are used to secure settler possession of Indigenous lands and peoples.

Sinclair Inquiry. Provincial workers challenged the idea that it was simply a matter of ineffectual staffing or individual culpability in which bureaucratic secrecy is the focus of critique, resulting in rumors of governmental ‘cover-ups’ regarding concealed information (for example an editorial submitted to the *Edmonton Journal* suggesting that the Alberta government “had treated basic information about the deaths of children in care with black-ops level secrecy” (Edmonton Journal 2016), or shredded documents that the government doesn’t want the public to see (for example, when Joyanne Pursaga of the *Winnipeg Sun* flags “a plan to shred case notes” in September 2006) (Pursaga 2013a).

Case Study Three: Johnson Inc. Foster Home and the ‘Failure’ to Care in Ontario

In stark contrast to the Manitoba and Alberta case studies, the Johnson Inc. Foster Home in Thunder Bay and the death of Tammy Keeash were sparsely covered by dominant media. It came as a surprise to me that nothing came up in the Canadian Newsstream database when “Johnson Inc.” was searched. I then searched using Tammy Keeash’s name, which resulted in some (minimal) references in the database, suggesting that the names of Indigenous children become a stand-in for the messiness and incoherence of compounding forms of political power, violence, and failure. In turn, the partial and unsuccessful attempts to articulate a name that could stand in for the figure of the Indigenous Public Child reveals the complexity of ‘resolving’ a problematization that is ultimately made up of many distinct and often contradictory pieces. In total, only eight media articles were found in the database—substantially fewer news articles than those that were located for the other case studies.

Mainstream media coverage, in addition to public discourse issued through police statements, insinuated that youth like Keeash were living so-called high-risk lifestyles, a factor that likely shaped how public concern and settler benevolence were manifested

fleetingly in this case study. A letter to the *Thunder Bay Chronicle Journal* emphasized that the river where Keeash was found was, ostensibly, “a well-known hangout for teens” for decades, and has “become a hub for selling drugs of all kinds” (Chauvin 2017). Even careful discussions of the circumstances around Keeash’s death, for instance in Talaga’s coverage, included photos captioned “Tammy Keeash... was in and out of care for years” (Talaga 2017a). One story noted the fact that the alert was first raised when “Keeash failed to make her Saturday night curfew at her Thunder Bay group home” (Talaga 2017a), responsabilizing Keeash as a youth who was not appropriately disciplined. Keeash’s death was ultimately labeled as an “accidental” drowning (Talaga 2017c), and no charges were laid in the death (Cruikshank 2017). In contrast to the other two case studies, there was no one individual who could assume blame. The push for further investigation—which not only implicated Keeash’s death, but also the deaths of other Indigenous people in the area—was almost exclusively derived from pressure by Indigenous actors in Northern Ontario, with 77 Indigenous leaders calling for further police investigation (Cruikshank 2017). Recalling the earlier example of Serenity’s kinship caregivers and their public accusations against the child intervention system (which received substantially less coverage in the news media than the initial scandal), it is worth considering the ways that dominant media includes, but more often, occludes, the view of Indigenous agency as resistance to the dominant modes of storytelling in these case studies. Considering what appears to be the mainstream media’s relative disinterest in the case as a ‘scandal’ reveals the implied differences between the assumed “Ontarian” or “Canadian” public, and an Indigenous public as distinct from the settler public.

There are notable differences between settler publics' relative silence in response to Keeash's death, and coverage, circulated by an Indigenous investigative journalist, of Keeash's family and other Indigenous communities' ongoing efforts to have Canadians acknowledge the severity of the issue.⁶⁹ Certainly, in the other provinces, there were family and community members who were actively involved in amplifying public concern (notably, Serenity's birth mother in Alberta, who was heavily involved in media and legislative debates). And yet, in the Ontario case study we see that, instead of prompting additional concern on the part of settler publics, the advocacy work done by Indigenous peoples is called into question. As Indigenous publics demand police accountability and an acknowledgement of systemic racism, settler responses instead highlight Keeash's supposedly high-risk lifestyle, and the ostensibly well-known fact that the area was used for criminal activity.

Bringing together the apparent lack of substantial mainstream media coverage, the stark discrepancies in settler performances of moral outrage, and the very clear demands from Indigenous family members and leaders for police accountability, Keeash's death reflects a different kind of engagement with the 'field' of media in the context of the larger dispositif of child death inquiries. Specifically, the "intensified demands by First Nations leaders for an inquest into why their children are dying while in child protection" (Talaga 2017a) are articulated as demands for settler state accountability to Indigenous peoples. Unlike Serenity's death in Alberta, where demands for accountability and transparency were largely propelled by a settler journalist's investigation into the case, or Phoenix Sinclair's death, where these demands were made on behalf of Manitobans concerned with

⁶⁹ Tanya Talaga's May 2017 piece in the Toronto Star, which highlighted advocacy work done by Pearl Slipperjack, Keeash's mother, and Nishnawbe Aski Grand Nation Chief Alvin Fiddler (Talaga 2017c).

the mismanagement of provincial services, demands in the Ontario case were made *specifically by and for Indigenous peoples*. Talaga's coverage of these demands subsequently amplified these specific political concerns: Talaga notes that "due to a lack of mental-health and child-protection services" for First Nations in Northern Ontario, "many youth are taken out of their communities and placed in group homes hundreds of kilometers away" (Talaga 2017a).

Unlike the emphasis on devolution and kinship care programs in the other case studies, the Indigenous critiques of the child intervention system reflect the need for *more accessible and better funded* programs to address "the disparity in child welfare services for children who live on-reserve compared to kids who live in non-First Nations communities" (Talaga 2017a). Significantly, these demands for settler state accountability occur following both 1) "a high profile inquest into the deaths of seven Indigenous high school students living in Thunder Bay from 2000 to 2017" (Talaga 2017b), 2) Indigenous attempts to "pool their resources so they [could] hire an outside investigator into Keeash's death" (Talaga 2017c), and 3) ongoing "concerns of systemic racism within the Thunder Bay police force" (Cruikshank 2017), in which "relations between First Nations and the police in Thunder Bay [were] strained" (Talaga 2017c). In other words, Indigenous peoples were already making demands, and therefore the task of performing moral outrage as benevolent settler interveners could not serve the same kind of purpose as it did in the other case studies.⁷⁰ Performances of this moral outrage thus could not avoid appearing to come

⁷⁰ Here I am thinking specifically of Simons' comment on her 'discovery' of Serenity's death (Simons 2016 Dec 10), and the deep contrast to a circumstance where Indigenous demands for accountability were being made without prominent (benevolent) settler interventions.

too late, in response to the demands of an Indigenous public with a different analysis of what the nature of the crisis was.

Settler public responses were markedly different in this case study—not only in terms of overall quantity, but also in terms of both quantity and nature of opinion pieces, letters to the editor, and other similar media formats. A letter to the editor of the *Thunder Bay Chronicle Journal* responds to Keeash’s family’s concerns that the police were not seriously investigating Keeash’s death: “First of all, the police didn’t cause the deaths,” Tom Chauvin writes in the *Thunder Bay Chronicle Journal* (2017). The letter continues to discuss how the river is, ostensibly, a well-known area for teenagers (especially those without appropriate parental oversight) in the area looking to drink or use drugs, and that if anything, police should patrol the area more heavily.⁷¹ Chauvin’s argument assumes 1) that the nuclear family is the natural order of things and that children and youth live with their parents, and 2) if parents are not warning their children about these dangers, they are in some way negligent or responsible for the harm that befalls their children. Such an insinuation is easily troubled when we consider not only foster home placements generally, but foster home placements that are very far away from the child or youth’s families and communities—Keeash was from North Caribou Lake. However, the letter replicates the idea that, nonetheless, Indigenous parents are failing their children by not doing a better job of equipping them with the strategies to navigate life in urban spaces.

⁷¹ The letter continues: “What is needed is two-man police patrols of high drug use areas on a daily basis, especially on weekends and holidays. And large signs must be posted in these areas warning of police patrols at any time” (Tom Chauvin 2017) The letter also suggests that it is the responsibility of parents to warn their children to stay away from the area: “young people should be warned, first by their parents, and by those where they are staying to not go near people who use drugs or sell them” (Tom Chauvin 2017).

A significant difference in Keeash's death (in comparison with Phoenix Sinclair and Serenity) is that Keeash was living in a group home⁷² as opposed to a kinship care arrangement, like Serenity or living at home with her parents, like Phoenix Sinclair. Unlike the younger girls, Keeash is described as "a "troubled kid" living in a group home in Thunder Bay while she received counseling in the city" (Talaga 2017c). While Slipperjack, Keeash's mother, notes that "she regretted [that] she did not fight harder to get her children back from provincial care" (Talaga 2017c), there is an overall invisibility of the role of government intervention in the broader contexts that shape this case study. The lack of focus on child intervention practices reveals some of the assumptions that underpin the other two case studies – most notably the fixation on the family as the site of problematization (even, as the other case studies demonstrate, when it is the state that is implicated). The dominant narratives that circulate insinuate that Phoenix Sinclair died because she wasn't safely in a foster home, and Serenity died because the welfare system tried *too hard* to keep her with her community, rather than removing her from a supposedly unsafe family. These examples point the finger at child intervention services, suggesting

⁷² In Ontario, Children and Youth Residential Services "provide a range of services from basic accommodation, care and supervision in a family home setting to specialized programs in treatment settings for children and youth with complex special needs or who are medically fragile" (Ministry of Children, Youth, and Community Services 2020). As per the Child, Youth, and Family Services Act (2017), residential services are defined as "boarding, lodging and associated supervisory, sheltered or group care provided for a child away from the home of the child's parent, other than boarding, lodging or associated care for a child who has been placed in the lawful care and custody of a relative or member of the child's extended family or the child's community; ("soins en établissement")" (Province of Ontario 2017, 11). In other words, the kind of residential care context in which Keeash was placed is not, inherently, the same as a provincially mandated child apprehension. Talaga, drawing on Chief James Cutfeet, suggests that the provincial system functions by "continually forcing indigenous people out of their homes for mental health, medical care and other services," and Cutfeet, who was at the time the chief of the Kitchenuhmaykoosib First Nation, contends that this is proof that "residential school days are still in practice" in Canada (cited in Talaga 2017c). Around the same time that Keeash died in residential care, another Indigenous youth, Josiah Begg, died in residential care while in a residential agency "for medical appointments" (Talaga 2017c).

that they are, or *should be* an adequate replacement for the family, In turn, the emphasis on police investigations in Keeash's death highlights an assumption that Keeash, as a 'troubled' seventeen-year-old, was already separated from her family and more to the point, perhaps, required supervision and discipline more than any other form of intervention. Targeting the public's rage towards the child intervention system occurs only in cases where it might justify the continued removal of Indigenous children, rather than in a case like Keeash's, where it might call into question the system's abilities to adequately care for Indigenous children and youth.⁷³ Keeash is thus not appropriated as the figure of the Indigenous Public Child for a benevolent and possessive settler public, because she was neither within a family seen to require intervention, nor seen really to be *a child*.

The distinctions between this case study and the other two is revealing of the ways that narratives involving the scandals of Indigenous child deaths are played out, in particular, across forms of child intervention deemed to be 'culturally sensitive' and, in more recent years, 'reconciliatory.' Johnson Inc. is not legible as *specifically Indigenous child intervention* in the same way as devolution or kinship care are. While news media occasionally acknowledged "the clear lack of oversight and relaxed regulation" in Ontario's residential care system (Lisa MacLeod cited in Prokopchuk 2019), the case itself is not, most of the time, presented to the audience as being *about* child intervention or about government transparency at all, but rather one failed foster home⁷⁴ that resulted in limited

⁷³ There are, of course, exceptions. Some of Talaga's editorials make explicit connections between a number of youth deaths in group homes and cites former Provincial Child Advocate Irwin Elman stating that youth like Keeash "die on Ontario's watch" (Talaga 2017a).

⁷⁴ Unlike the other case studies, this was also the only instance I was able to find where a staff whistleblower was specifically involved in bringing the case forward. The whistleblower, however, did not figure into the conversation in any substantial way other than to mention that they "contacted the child and youth advocate's office" (Prokopchuk 2019). This finding is also interesting, as the other two case studies focused largely on the culpability of social workers and other staff involved in the cases. Repeatedly, mentions were made of how social workers and other staff 'closed ranks' (e.g., Broadbeck 2011; Broadbeck 2012) and how the

media coverage. The lack of a specifically reconciliatory or culturally sensitive practice *for Indigenous children and youth*, does not prompt the same kinds of demands for bureaucratic accountability, and the problem becomes one of regulatory compliance, rather than democratic transparency. At the same time, the contracting agency, was a designated First Nations' agency in Ontario. Even so, the media coverage mostly do not name relationships between Johnson Children's Services Inc. and Indigenous designated agencies, and it receives negligible attention in contrast to both provincial devolution in Manitoba and kinship care programs in Alberta.

The Ontario case study is revealing of how the dispositif of the child death inquiry plays out differently when the settler public cannot easily claim benevolent possession of the Indigenous Public Child. Keeash's death is largely not written about as a problem of intimate or family violence and is largely (though not entirely) separated from the child intervention and/or state care as the source of dysfunction. The investigative focus thus became the Thunder Bay police service and the RCMP, a problematization expressed through demands for justice from Indigenous communities themselves.⁷⁵ Johnson Inc. was scarcely mentioned in any of the media coverage, even as Johnson Children's Services Inc. was the subject of "surprise inspections" after Keeash's death and was ultimately shut down (Talaga 2017d). As a result, the Ontario case study may feel somewhat uneven in comparison to Alberta and Manitoba—and it is. The inclusion of this case study is, however, revealing of the particularities of settler benevolence and the invocation of the

MGEU Union banded together to prevent any individual from being singled out. These claims were invoked in the spirit of revealing the brokenness of the bureaucracy when it came to protecting children. It is interesting, then, that a whistleblower receives very little attention in the context of this case study.

⁷⁵ The "calls from 77 northern Ontario Indigenous leaders for the RCMP to investigate the deaths of Keeash, Begg and one other" youth (Cruikshank 2017).

figure of the Indigenous Public Child: rather than being a universal trope, the figure of the Indigenous Public Child is a political figure that emerges in specific circumstances, in relation to certain political tensions between settler states and assumed-to-be settler publics.

In this case, the demands for accountability that originate from within Indigenous publics are largely ignored by the dominant media coverage, and does not appear to ‘take’ in the same way that the other provincial scandals do. Several overlapping factors contribute to this discrepancy: 1) the absence of a specifically reconciliatory or culturally-sensitive reform that can be targeted for bureaucratic accountability, 2) the figure of a troubled and undisciplined youth (as opposed to a vulnerable child), and 3) Indigenous demands for police accountability for systemic racism, as opposed to demands for bureaucratic accountability in child intervention. This last factor stands out as demonstrative of the media framing of Keeash’s death in comparison with the other two—for Indigenous publics, Keeash’s death was preventable in a context where Indigenous youth were worth protecting; for settler publics, Keeash’s death was preventable in a context where tough-on-crime approaches more appropriately managed a problematization that is assumed to be Indigenous dysfunction and criminality.

Assembling Fields: The Role of Media Representations

I have considered the complex overlay of moral panic, scandal production, and public emotion (especially as they are attached to concerns of transparency, accountability, and secrecy within ‘the system’), and demonstrated that responses to scandals (including media circulation of emotional pleas) of child deaths are *performative* in nature. Furthermore, the emotional pleas of settler benevolence are made in such a way as to absorb the figure of

the Indigenous Public Child as a possession of the settler public, through which settler concerns about the supposedly incompetent vestiges of the welfare-state and fears of ‘big government’, the settler publics’ inhibitions around the devolution of authority to Indigenous peoples and organizations, and the necessity of ongoing settler supervision of Indigenous political life are reaffirmed.

Journalistic involvement in constructing and circulating these cases is not separable from acts of settler benevolence, in that settler media and individual journalists practice the settler “retreat to innocence” (Hargreaves 2017, 168). The moralized quest for knowledge and/or truth embodies a particular kind of settler benevolence that perpetuates the idea that “knowledge, once learned, requires no further responsibility” (Hargreaves 2017, 168). There is both an assumption, and the active production, of a coherent audience or public⁷⁶ for whom media narratives are generated and circulated.

An analysis of settler benevolence and affect that only considers the public audience’s reception of emotionality, without discussing the question of emotional journalists themselves, would therefore be incomplete. This is particularly salient given that many journalists took it upon themselves to become emotionally implicated—what is especially important for this research is how journalists (individuals like Paula Simons, Tanya Talaga, and Lindor Reynolds) come to not only write about these debates, but represent them, use their personal voices, and become personally implicated in the circulation of a particular sense of moral outrage in the cases they wrote about. Paula

⁷⁶ It is important to acknowledge that, within the context of field theory, I neither assert that mainstream media suddenly assembles publics that were previously unconnected, nor do I assume there is a specific, pre-formed public to which media explicitly speaks. Instead, the configuration of publics, which exists within historical relations articulated across fields, are informed by the pre-existing ‘rules’ of the field, and reshaped through their application, contestation, and affirmation.

Simons and her coverage of the Serenity case comes to mind as a particularly evident example of emotionally charged journalism, where “journalists’ personal feelings and sense of morality” guides the task of reporting (Pantti 2010, 176). Not only was Simons’ reporting indicative of a strong sense of emotional connection and moral responsibility, but it was a case she followed for many years. The public nature of the emotive response therefore exists through an ongoing conversation between the emotive journalist and the emotive public.

The case studies highlighted in this chapter reveal that, often, Indigenous children are not only ‘grievable’ for the settler public, but that it can be crucial for the settler public to be seen as grieving their deaths. Such an assertion runs contrary to assumptions about settler colonialism, affect, and mourning, and it is the practice of settler benevolence that enables us to understand these apparent contradictions most clearly. The need to perform care and grief for Indigenous children who die under the watch of the settler-colonial state is essential to the supposed democratic accountability that the settler state owes to its taxpayer-citizens. In turn, while the performative scandal is in fact an existential scandal about the legitimacy of the state, the dispositif of the child death inquiry works in part by framing this more narrowly as a scandal of democratic accountability. The subsequent chapter will articulate in greater depth how these public demonstrations of grief are shaped by both neoliberal responsabilization, as well as the affect or feeling of the “white-possessive” (Moreton-Robinson 2015) that shapes political relationships in settler colonialism.

Feminized emotions of grief, charity, and benevolence are not separable from the affirmation of settler-colonial intervention, and serve political functions that run deeper

than simply political moral signaling.⁷⁷ Emotional settler responses to the deaths of Indigenous children in state care is an act of delineating and defining who belongs to the Canadian nation *and how*: an “important strategy for securing a sympathy response from the public is to make the public figure into ‘one of us’” (Pantti and Wieten 2005, 366). The Indigenous child *is not*, at present, a full member of the settler nation-state, and is therefore always seen to be a ward of the state and a possession of the philanthropic settler public. On the other hand, it might be that the Indigenous child *can*, potentially, be absorbed into the Canadian state through a constant reassertion that Indigenous children are under the benevolent settler’s watchful protection.

Further, in the context of settler-colonial Canada, Indigenous children are absorbed into the political debates of settler publics in particularly visible ways. This is not to say that the public nature of the Indigenous Public Child is always one of benevolent intervention, but rather that throughout Canadian history, interventions into the lives (and deaths) of Indigenous children have been taken for granted as available to the settler public. One example of this public-ness can be seen throughout the sixties scoop, wherein Indigenous children were advertised for adoption in Canadian and international newspapers (Carreiro 2016). Although the lives of Indigenous children were not the focus of social justice demands or accountability discourses in this instance, there remained an underlying assumption that the Indigenous child necessitated public intervention. The history of colonial interventions into the Indigenous family shapes a context in which the Indigenous

⁷⁷ Moments of public mourning are “moments of national consensus and unity born out of mourning together” (Pantti and Wieten 2005, 365). These understandings of public mourning build on Judith Butler’s theorization of ‘grievable life’ (2004). Amber Dean argues that state apologies and other mechanisms for redress often “bring closure to an injustice that is framed as a ‘sad chapter’ in a nation’s history” through “proper public mourning” (2012, 181). This kind of consensus is true with figures like Phoenix Sinclair and Serenity, who become public figures specifically through an act of public mourning.

child is subject to public debate and public (settler) benevolence. However, who *counts* as the Indigenous Public Child and *who does not* is subject to the moral norms of settler society, meaning that ostensibly troubled youth, like Tammy Keeash, are already beyond the reach of benevolent state intervention. At the same time, the possessive nature of settler benevolence grants ongoing legitimacy to settler publics to scrutinize the lives and deaths of the Indigenous child. Public scrutiny, therefore, both produces and responds to common-sense understandings of what counts as public concern. The process of scrutinization is a selective process that does not make all scandals of child deaths objects of public concern in the same way. Instead of suggesting that settlers should not desire this kind of transparency or accountability, it is necessary to question *what makes it possible for settler publics to have this desire*, and *what we believe (or hope) it will resolve*. Why do these deaths result in thematizations of transparency and accountability today? What does a settler public believe will be resolved through a transparent and accountable examination of bureaucracy, especially as transparency and accountability are increasingly reframed through the language and practices of the private sector?

The question that looms over my research in this chapter is what it means for a news media that is largely directed towards, and reflective of, settler publics to *make transparent* Indigenous loss. It is settler colonialism that produces the Indigenous Child as the Public Child, and settler benevolence that makes it possible for settlers to believe it is both our right and our duty to demand transparency and accountability on behalf of the Public Child. If a full critique of settler-colonialism is too expansive, the benevolent settler public mobilizes its ability to critique the bloated welfare state and its bureaucracy as part of these demands. In turn, neoliberal settler benevolence draws upon private sector mechanisms as

not only the most effective mechanisms of transparency and accountability, but also as mechanisms of a form of social justice—or social ‘justness’.

Conclusions

This chapter has attempted to explicate the relationships between mainstream media coverage of child deaths, emotive public responses, and calls for governmental transparency and accountability. The next chapter highlights how governments have responded to these public moments of scandal through political discourse and legislative debate. Once the public has demonstrated an emotional investment in knowing ‘the truth,’ how does the government come to tell truths about itself? What kind of ‘truths’ do governments tell, and what kind of work is done—not only by these truths, but in the act of telling?

The emphasis on responsibility reveals an underlying assumption that to pinpoint who—either individuals or systems—was responsible, would ensure such deaths would be avoidable in the future. Settler publics are determined to seek out the responsible party for an avoidable death because it is too horrific to imagine that deaths of children like Phoenix Sinclair or Serenity are perhaps not so easily avoided within the context of existing structures and systems. The relationship between emotionality and transparency reveals that transparency functions as a moral cause, and that power (in this case understood to be the state and its bureaucracy) must be held to account for its actions. Transparency thus emerges as requests for the disclosure of narratives that reproduce hegemonic worldviews, rather than undo them: the assumption of the unfit or incapable Indigenous family or the assumption of the bloated and ineffectual bureaucracy. Hegemonic stories of scandal, such as the narrative of a chaotic and dysfunctional attempt at cultural sensitivity, reify the notion of settler benevolence and the underscoring belief that Indigenous incompetence

necessitates ongoing benevolent intervention, highlighting what devolution *should* (in the eyes of a settler public) be: that is, in line with neoliberal suspicions of bureaucracy, efficiently managed, and fiscally responsible.

This push for intervention that is premised in government transparency and accountability reveals the phenomenon that Howard-Wegner et al. (2017) refer to as “new paternalism,” or a practice of governing that reveals the intersections between neoliberalism and colonial paternalism. Rather than arguing that the neoliberal practice of devolution, compounded by the existing racialized logics of settler colonialism, burdens First Nations with the costs of running social services, the underlying assumption is that benevolent settler actors can help Indigenous peoples cease to be “passive disadvantaged” recipients of welfare (Howard-Wegner 2017), and instead become effective managers of their own systems through ongoing supervision and maintenance (e.g., Strakosch 2015).

Moving into the third chapter, which focuses more specifically on governmental responses to the scandals, it is important to raise the question of whether the scandals of child deaths are scandals of child deaths, of violence, of racism, or if they are, instead, scandals of data transparency and democratic accountability. News media, both articles published by seasoned journalists and letters to the editor submitted by readers and the general public, were largely ambivalent about whether these were scandals of violence or scandals of transparency (or, perhaps, both). I therefore ask how democratic representatives, debating the scandals in legislative settings, decide what is at the ‘heart’ of the scandal.

Chapter Three: Debating the Obvious? Legislative Debates on Child Deaths and Child Death Inquiries in Manitoba, Alberta, and Ontario

Introduction

Following the media outcry and public outrage, the deaths of children in state care became the subject of significant debates in legislative proceedings in two of the three provinces examined (Alberta and Manitoba). The third province, Ontario, offers insight into what happens to the terms of political debate without the emotional investment of the settler public, and therefore remains an important site of discourse production and governmental performance. I analyze legislative debates by examining provincial *Hansard* records from Alberta, Manitoba, and Ontario, to examine how child deaths are debated and discussed in an explicitly political space and how emotionally charged conversations occur within the contexts of partisan legislative debates. The work here builds directly on the analysis and conclusions of the previous chapter, which examined the role of media and public emotion in the production of scandal and inquiry. Paying attention to the circulation of public emotion within the field of the officially political (i.e., formal legislative politics), I demonstrate that the legislative arena is a stage for the performance of two things:

- 1) Settler benevolence as narrated by *Hansard* as an “archive of feeling” (Cvetkovich 2003). I illustrate that settler benevolence is simultaneously configured through a sense of grief and morality, but also through a relationship of possession. Settler benevolence thus structures its interventions into scandals of child deaths through the lens of accountability and transparency to the exalted “taxpayer-citizen” (Henderson 2012). I demonstrate that the performativity of governmental scandal

exists in the context of repetition⁷⁸ (defined, ultimately, through an aura of constant policy improvement).

- 2) The assertion of a type of political neutrality that actively configures neoliberal settler-colonial re-legitimation via technocratic solution-making, and subsequently configures the space of the work that needs to be done by the government and its bureaucracies.

In turn, the performance of both settler benevolence and political neutrality are combined in the legislative arena to structure the temporal nature of the neoliberal settler state. As demonstrated in the media analysis, the scandals of child deaths are produced around a temporality of too-lateness, one where governmental and societal responses were too-late for the ‘universal’ specter of the dead child, enabling these deaths to become prototypical forewarnings for future harm. The recursive nature of the political debates is key to considering how these events structure settler-colonial power, especially in the context of settler benevolence as a practice of settler sovereignty: David Gaertner notes in his critique of Canadian reconciliation performances that “state morality is a recursive event, characterized by an interpretation that is dependent on routine or repetition” (2020, 23-4). In other words, the performance and articulation of settler benevolence in the post-TRC discourse can only be understood as recursive: it is always too-late for past misdeeds, but possibly, through the development of technocratic solution-making, there is always-more-time to prevent future harms.

⁷⁸ Here, I am once again Butler’s notion of the performative utterance as the perpetual reproduction of structures of power.

The public grief that follows the settler re-discovery and high-profile publicity and mediation of some deaths of children in the child intervention system eclipses the history of Indigenous dispossession and colonial violence. Provincial governments are empowered to evoke the language of reconciliation to emphasize their affective and emotional stakes in the resolution of scandal, while also articulating a position wherein the blame falls largely on supposedly poorly managed processes of devolution and kinship care arrangements. The insistence on the undeniable correlation between Indigenous child deaths and governmental accountability to the public is one of the ways in which a possessive relationship is reconstituted in the context of settler-colonial and neoliberal policy making.

Many of the concepts grappled with in this chapter (accountability, transparency, and ‘the child’, to name a few) are presented to a democratic audience as trans-historical values that reinscribe their supposed universality. In particular, the child is presented as a figure with a status that is asocial or pre-social, and therefore universal. At the same time, there is a kind of unmentionable specificity to the (Indigenous) children whose deaths are universalized through repetition in the House debates. Therefore, the deaths of Indigenous children are simultaneously offered to a democratic public as the universal, apolitical symbol of government responsibility, and as a non-universal and singular case: a figure whose life and death are shaped explicitly by the manifestations of settler-colonial power administered through state policy.

The ‘Field’: *Hansard*⁷⁹ Records as “Archives of Feeling”⁸⁰

In total, I analyze 121 House Debates. Forty-nine of these debates are from Alberta, forty-four are from Manitoba, and twenty-eight from Ontario. In Alberta, I searched for debates using “Serenity”/”Ministerial Panel”/”Child Intervention”/”Child Deaths.” In Manitoba, I searched the debates using “Phoenix Sinclair”/”Child Intervention”/”Phoenix Sinclair Inquiry”. In Ontario, where it was the most difficult to find relevant debates, I searched for “Tammy Keeash”/ “Child Intervention”/ “Johnson Children’s Services Inc”/ “Child Advocate.” I was able to eliminate debates that were not relevant (e.g., if the word “serenity” was used instead of the name “Serenity”). I do not examine the entire proceedings from each date, only relevant discussions, Bills, and questions from Question Period. In the case of Ontario, where child deaths and related inquiries were apparently a less frequent topic of debate, only two *Hansard* documents mentioned Tammy Keeash, and none mentioned Johnson Children’s Services Inc. The bulk of the Ontario debates used are therefore following the Ford Conservatives’ decision to cut the Office of the Child Advocate (and other independent watchdog agencies) under *Bill 57: The Act to Restore Trust, Accountability, and Transparency*.

While the debates that take place in provincial assemblies are defined in no small part by the partisan politics of the parties and members who engage (and in what ways), they are also arguably less rehearsed⁸¹ than other official political discourses: there are no speech writers preparing comments verbatim, and they are not public press releases that

⁷⁹ Hansard refers to the “official report of the debates of a Legislature or Parliament and its Committees” (Legislative Assembly of Alberta 2020). In some Provinces, like Manitoba, Hansard is also referred to as “Debates and Proceedings” (The Legislative Assembly of Manitoba 2020).

⁸⁰ From Anne Cvetkovich’s (2003) theorization of affect, emotion, and the creation of “Archives of Feeling”.

⁸¹ Members of the Assembly will have some advanced preparation of subjects on the agenda and questions that may be asked, but there is still an assumption in my work that, as an affective and emotional space, responses in the Assembly are shaped partially through party politics and preparation, and partially through emotive responses that cannot be rehearsed fully.

have been vetted by multiple levels of senior staff. *Hansard* records are treated as “essentially verbatim” (The Legislative Assembly of Manitoba 2020), meaning that transcriptions do make certain eliminations in the written record (e.g., stutters are eliminated, as are exclamations such as “um” or “uh”, and unintentional repetition) (The Legislative Assembly of Manitoba 2020). This “essentially verbatim” approach does pose challenges in a study of discourse, as it eliminates several unintentional pauses, slips, and repetitions that could be revealing of highly emotionally charged discussions. The debates are also subject to time limitations, and often Members will be cut-off mid-sentence to move onto the next agenda item. This can sometimes mean that material that would be of particular significance to my analysis is cut-off before it is spoken. At the same time, however, the record of the words spoken is significant to the consideration of how the public theatre of legislative debates shape the broader discourses I trace in the coming chapters.

Strict editorial guidelines and rules of the assembly in each province dictate how *Hansard* records are produced. In Alberta, Standing Order 113 ensures that Members are unable to change *Hansard* records without proving that they have been misrepresented or that the transcription of the Member’s comments are “manifestly erroneous” (Legislative Assembly of Alberta 2020). Standing Order 113 also specifically disallows Members to “make any insertion or strike out any passage that the Member regrets having uttered” (Legislative Assembly of Alberta 2020). The inability to rescind comments that are regretted by the Member is significant in the context of reading emotion in public debate. Contemporary legislative proceedings also use microphones so that debates can be recorded. Microphones are only turned on when the House Speaker recognizes a Member,

which means that there is off-the-record banter that cannot be fully analyzed. In the *Hansard*, these off-the-record conversations are most frequently recorded as [Interjections] or as [Some Honourable Members: Oh, oh"] (The Legislative Assembly of Manitoba 2020). I am unable to directly analyze any of the off-the-record debates that are recorded simply as interjections, however my coding and analysis enables me to make note of the timing of the interjections, as well as various responses from other Members and the Speaker, who is responsible for mediating the debate. At times, the Speaker will specifically address comments made by Members, or encourage Members to think before speaking in the House, and I take these moments seriously as practices of shaping the bounds of allowable public expression in political debates.

I analyze the legislative debates as performance in two senses: both the colloquial and theoretical sense (outlined in chapter one). I treat the legislative debates as a form of public theatre, one that is attended, broadcasted, and narrated. Performances of adequate and/or appropriate emotionality are part of the broadcast of this form of theatre. I further argue that the legislative debates function as politics-as-ritual: where “ritual is material in the extend that it is productive, that is, it produces the belief that appears to be behind it” (Butler 1997, 25). While the specific event (the death of a child in state care) is pointed to repeatedly in the House debates, there are other discussions happening that are mediated through these specific references.

Thus, political performance-as-ritual is revealed in two distinct dimensions. The first dimension is that the invocations of the *names* of Indigenous children is a speech act that “has become citational” in legislative debates about child intervention (Butler 1997, 14). The legislative debates about the deaths of children are as much about those deaths as

they are about devolution policies, and stakeholder accountability. The second dimension is the ritual expression of grief by Members of the House. These emotional expressions bring the broader notion of settler benevolence into the formal field of political debate and affirm both its benevolent and possessive origins in the settler-colonial context. Gaertner discusses, in the context of state-centric reconciliation in Canada, the “theatre of regret,” in which “settler anxieties around the fact of Indigenous dispossession often result in performative over-compensation (such as giant, skywritten apologies) that facilitate settler moves to innocence and obscure more fundamental issues of sovereignty, self-determination, and land rights” (2020, 51). The *Hansard* records analyzed in this chapter function as an archive of feeling in which settler benevolence is re-enacted.

Settler colonialism not only constitutes and maintains spectacles, but also requires them to maintain relationships of power. Henderson has asked: “what kind of affect, what kind of spectator, is involved in the contemporary circulation of spectacles of broken Indigenous families?” (2012, 301). In asking these questions, Henderson contends that “Indigenous pasts and futures sometimes serve as the stage on which neoliberal campaigns to effect profound cultural changes in the broader relationships between states and citizens are fought” (2012, 306). I ask these questions in relation to the public theatre of legislative assemblies, where specific affects and implied spectators are produced. The legislative debates reveal a battleground-stage, where relationships between states and citizens, often over issues of accountability and transparency (but also reconciliation, family intervention, funding, and austerity, etc.), take place through and around the spectacle of Indigenous loss. In addition to being the battleground-stage of political relationships, the “demand for a specific kind of visibility, and thus transparency, is coupled with a possessive entitlement

to know and control directly or indirectly the affairs of First Nations” (Willmott 2020, 476). Here, the demand for visibility and transparency, articulated both around narratives of loss and around bureaucratic managerialism, reveal the complicated entanglements of moral sensibilities, affective and emotional relationships, and fiscal responsibility—all of which become conflated under the broader guise of ‘accountability’ or ‘transparency’. This simultaneous ascription of the moral, financial, and affective results in the spectacle of child deaths—so consistently articulated as affective, emotional, and moral crises—interacting with specific values, like accountability, transparency, and good governance that emerge from spheres of financial management. Notions of good governance and fiscal responsibility *recharge* themselves through contact with the moral imperative of the vulnerable child, betrayed by the ‘broken system’.

Archiving Public Affect in Legislative Debates

The legislative debates reveal a discourse of ownership between the Indigenous public child, and the implied settler, tax-paying public. The emphasis on emotional performativity, as well as the prominence of discourses about protecting ‘Albertan’/‘Manitoban’ children, reflect attempts at cementing the figure of the Indigenous Public Child as a possession of a settler public. The House proceedings from provincial legislative debates can be read as a reflection of a dominant or hegemonic public⁸² and, therefore, the public displays of emotion reflect, to some extent, a distinctly Canadian affect. The performances of emotionality, caring-ness, and benevolence are intended for an audience, and this audience is not Indigenous peoples, but instead a settler public that continues to see its own centrality in the protection of Indigenous children, as articulated

⁸² I make this assertion based on the fact that the House is made up of democratically elected representatives, enshrined in their roles through the hegemonic belief that democratic election represents ‘the people’.

through an ongoing assertion of settler benevolence. The performances of emotionality in spaces articulated as ‘the public sphere’—in this specific context, legislative assemblies—“are agentive and influence how audiences respond to social objects” (Deumert 2019, 472). Said differently, “emotives⁸³ not only move audiences in the moment, but they also establish particular discursive regimes” (2019, 472). Settlers are certainly *moved* in the moment by stories of Indigenous loss performed in the center of the settler public sphere (i.e.: the house of democratically elected representatives for a settler sovereign authority) but, perhaps more importantly, these performances establish regimes of truth around what kinds of problematizations make certain lives grievable.

Such emotives are ever-present in the legislative debates. In Alberta, United Conservative Party (hereafter, “UCP”) representative Nathan Cooper describes the “heartbreaking ache that came over [him]” when learning about the details of Serenity’s death (Nov 21 2016, 1900).⁸⁴ In the same House sitting, UCP member Drew Barnes declares his rejection of “cold, uncaring, sanitized language” that pervades the legislative debates, and announces that he’s “sick and tired of hearing about processes and

⁸³ Deumert’s use of the word “emotives” comes from William Reddy’s (2001) work on historicizing emotions. Reddy argues that emotives are a particular kind of utterance that are “similar to performatives... in that emotives do things in the world” (105). Importantly, however, Reddy’s distinction between performatives and emotives rests on two core factors: the first is that these utterances are specifically shaped around emotions and feelings, and the second is that emotives are ‘self-altering’ in that “they may have repercussions on the very goals they are intended to serve” (2001, 105). In the context of what Reddy describes as “emotional regimes” there are particular emotive claims understood to be “required” or “normative.” These “required emotives” shape publics, as well as “emotional regimes” by highlighting “the highest political significance of emotions” and constituting an accepted and socially, politically, and culturally sanctioned range of emotional expression (125)

⁸⁴ However, in addition to overt declarations of emotional responses, there are points throughout the House proceedings where emotionality is expressed in the Speaker’s interventions into House conduct. When NDP Minister of Health, Sarah Hoffman, outlines priorities for the Ministerial Panel, she is met with interjections from opposition parties (Legislative Assembly of Alberta 2016 Dec 8, 2479). The Speaker intervenes and demands “order, please” several times over the ongoing interjections (Legislative Assembly of Alberta 2016 Dec 8, 2479). Importantly for the argument being made here, this emotional contestation appears to be sparked by Hoffman’s description of how the Ministerial panel will consult with “outside experts,” as well as how they will “present to the public” their findings (Legislative Assembly of Alberta 2016 Dec 8, 2479), suggesting a performative emotional response to matters specifically involving questions of transparency.

bureaucracies and unfortunate errors” (Legislative Assembly of Alberta 2016 Dec 8, 2484). Barnes also asserts that the “cold, dispassionate terms [of legislative debate] fail us” (2484). Barnes’ claim both invokes and rejects commonsense democratic assumptions about legislatures as rational, public spaces for measured debate.⁸⁵ Broadly speaking, academic work interrogating any notion of ‘the public sphere’ has moved away from analyzing a single homogenous public sphere towards an understanding of multiple publics and counter-publics (Wischermann and Meuller 2004).

The argument, made in the previous chapter, that a settler public feels entitled to Indigenous loss as part of the legitimacy of settlement, and as part of democracy and good governance, runs contrary to the argument in settler colonial studies that suggests that colonial governance is sustained through the ‘disavowal’ of Indigenous life (e.g., Granzow 2020). However, part of Granzow’s argument about settler disavowal also draws on Lorenzo Veracini’s notion of the “mimetic character” of settler colonialism (2010, 14). Granzow argues that “there must be repetitions in settler-colonial projects, and with that repetition comes a recurrent need for... settler societies [to be] rendered legitimate and benevolent over and over again” (2020, 36). Part of this mimetic nature is this ‘sharing’ in Indigenous loss, especially when that loss specifically relates to the category of children seen to transcend all cultural and political distinctions.

⁸⁵ Not only are emotions specifically evoked and named during the debates (e.g., Legislative Assembly of Manitoba 2014 April 17, 2076; 2014 April 14, 1856; Legislative Assembly of Alberta 2018 Nov 20, 2005), but there are also moments in which affect is palpable in the House proceedings (for example, interjections, comments made by the Speaker, etc.). The reality of the legislative debates is one in which the so-called hegemonic public sphere is already being expressed emotionally, while also being considered a rational space of discourse. As my analysis demonstrates, it is both rational and necessarily emotional in the post-TRC era of Canadian politics.

There are moments in which the legislative debates explicitly position the experience of loss as something that belongs to *all Albertans* or *all Manitobans*. UCP MLA Jason Nixon refers to Serenity as “a little Albertan” who happened to find herself in an unfortunate situation⁸⁶ (Legislative Assembly of Alberta 2016 Nov 21, 1909). Even more telling are statements like that of Alberta Party leader Greg Clark that “Albertans are looking for answers” (Legislative Assembly of Alberta 2016, Nov 22 1931). Progressive Conservative MLA Ric McIvor echoes this sentiment, stating that “Albertans want answers” (Legislative Assembly of Alberta 2016 Nov 23, 1983), while NDP member Sarah Hoffman responds from the government perspective and asserts that proper investigations are “*owed* to all Albertans” (Legislative Assembly of Alberta 2016 Nov 23, 2029, emphasis added), implying a transactive relationship between the government and Albertans. Similar kinds of rhetoric appear in the Manitoba *Hansards*, where NDP Minister Irvin-Ross asserts that “Manitobans want to know” what enabled Phoenix Sinclair’s death and, further, that “as [Minister of] the Department of Family Services... which *serve[s]* Manitobans,” (Legislative Assembly of Manitoba 2014 April 17, 2076, emphasis added) she herself will take on a leading role in this process. Furthermore (at a subsequent debate on a related topic),⁸⁷ Irvin-Ross announces that the NDP government is “ensuring that Manitobans across the province have access to good quality service” in Family Services (Legislative Assembly of Manitoba 2014 April 28, 2314).⁸⁸ Elsewhere, Albertans and Manitobans take

⁸⁶ The full quotation reads: “For me, and, I suspect, for many of the parents that are in the Assembly and the House this evening, my thoughts were for my kids, to think about them and the preciousness of them, my nieces and nephews, just to think that somebody, a little Albertan like that, could so abused and ultimately lose their life because of the situation that they found themselves in. Well, our responsibility is as a province, and nobody saw it” (Legislative Assembly of Alberta 2016 Nov 21, 1909)

⁸⁷ Specifically, the follow-up debate on the 28th of April was a discussion of budget estimates for Family Services.

⁸⁸ At another point, Progressive Conservative MLA Heather Stefanson, in asking about the NDP’s plans for an improved tracking system for children in care, asserts that the “Premier is reluctant to answer a very simple

on the role of stakeholders: in discussing the lack of consultation with First Nations and Métis leaders,⁸⁹ Irvin-Ross defends a decision to not consult with these leaders because “there needed to be an opportunity to speak with Manitobans, to have a conversation with stakeholders and families around how these recommendations could be implemented” (Legislative Assembly of Manitoba 2014 April 17, 2050). Remarkably, here, ‘Manitoban stakeholders’ are either seen to not include First Nations and Métis peoples, or to see them as easily absorbed by the general consultation process. This process of absorption reflects an attempt (one that is incomplete and thus contested) on the part of legislative representatives to fold Indigenous demands into a more generalized practice of ‘stakeholder engagement’, wherein all stakeholders are made to appear to have the same ‘stakes’ in the outcome of the debate.

The explicit naming of Albertans/Manitobans as a grieving (and an aggrieved) public makes visible the relation of emotional proprietorship. Rather than focusing on the ways that children and their families are impacted by governmental mismanagement and failure, these kinds of discourses emphasize, to some degree, that the primary responsibility of the government is to ensure that Albertan and Manitoban publics have confidence in their governments as fiscally responsible actors. The references to “all of those

yes-or-no question [and that that’s] unfortunate for all of those hardworking Manitobans” who have put their faith in the NDP government (Legislative Assembly of Manitoba 2013 April 26, 796).

⁸⁹ Specifically in this debate, the NDP government in Manitoba was being critiqued for their decision to hire a private consulting firm to follow-up on the Phoenix Sinclair Inquiry without consulting First Nations and Métis leadership. Importantly, this debate is introduced with an emphasis on fiscal irresponsibility. Progressive Conservative MLA Ian Wishart introduces the discussion around concerns that “this NDP government [is] breaking the rules by not properly tendering a contract worth \$350,000 and then breaking the rules yet again by hiding this contract award from the people of Manitoba” (Legislative Assembly of Manitoba 2014 April 14, 1855). The comments relating specifically to the private contract awarded to follow-up on the Phoenix Sinclair Inquiry also immediately followed a discussion in the Assembly regarding fiscal irresponsibility more broadly, in which Progressive Conservative leader Brian Pallister asks the Premier (then NDP leader Greg Selinger) “how much money is he taking from Manitoban’s kitchen tables this year?” (Legislative Assembly of Manitoba 2014 April 14, 1855). This comment is not made in reference to the contract with AMR Consulting, but certainly shapes the discussion that follows.

hardworking Manitobans” (Legislative Assembly of Manitoba 2013 April 26, 796), and questions about “how much money... [Premier Sellinger is] taking from Manitoban’s kitchen tables” (Legislative Assembly of Manitoba 2014 April 14, 1855) are indications of the discourse, first noted in dominant media coverage, wherein the aggrieved settler public as a specifically *taxpaying* public, whose emotional responses to the deaths of the figure of the Indigenous Public Child are not separable from financial logics of investment that shape the relationships between the settler state and its settler public. The ‘taxpayer’ as a political subject emerges from “a complex assemblage of moral consciousness, notions of citizenship” and more (Willmott 2017, 256). Although the notion of the taxpayer-citizen is deployed in a manner that “looks to responsabilize citizens to reason [and] calculate” (Willmott 2017, 256), it is shaped, in no small part, due to the emotive utterances that shape the emotional regime of the settler possessive.

Thresholds of Problematization in the Field of Legislative Debates

In all three case studies, the political debates surrounding child deaths in state care is centered around core democratic values of accountability, transparency, and responsibility. A settler possessive logic comes into view through the insistence on a connection between Indigenous child deaths and governmental accountability. While not necessarily ‘entitled’ to Indigenous children, settler publics are entitled to accountability, transparency, and responsibility from their elected representatives. This relationship, enshrined in liberal democracy as a foundational relationship between citizens and their government, also enables settler publics to access the lives and deaths of the Indigenous Public Child as part of a democratic exchange. In turn, crises of devolution to Indigenous authorities and programs like kinship care, both presented as reconciliation-through-

reform, produce debate. Other child intervention practices do not produce the same kind of political debate.

These case studies therefore contribute to an ongoing theorization of the relationship between political accountability and settler-colonial governance. Settler colonialism produces political accountability seen to have multiple layers: federal and provincial government accountability, but also First Nations governmental accountability—which is more likely in settler-colonial states to become the subject of scrutiny and critique (e.g. Pasternak 2016; Willmott 2020). In the legislative debates analyzed in this chapter, the responsibility of Indigenous governments takes a secondary position to the responsibility of provincial, settler governments to *better manage the devolved powers of Indigenous governments*. In other words, it is assumed that the devolved Indigenous governments would not be able to function independently, and therefore the true collapse in responsibility was the provincial governments *not watching closely enough*.

Manitoba

The legislative debates in Manitoba present the story of devolution in the province as a failure of effective and efficient management. Progressive Conservative MLA Mavis Taillieu stated that devolution was “rushed ahead” in spite of serious concerns regarding its management (Legislative Assembly of Manitoba 2010 Dec 9, 615). Her colleague, Bonnie Mitchelson, similarly critiqued the fact that the devolution process was “rushed ahead... without the proper checks and balances in place and without ensuring that those providing advice and moving children had the skills and the expertise and the training to do that” (Legislative Assembly of Manitoba 2010 Dec 8, 576). Mitchelson appears to imply that the devolution process was a failure (e.g., “we’ve seen a pattern by this government of

not accepting responsibility or taking accountability for the system they created” (Legislative Assembly of Manitoba 2010 Dec 8, 576)), at least in part, because the Manitoba government did not properly set up transparency mechanisms for the First Nations agencies created as part of the process, and—ostensibly because of a lack of appropriate auditing processes—there was no relation of accountability *from* these agencies *to* the provincial government. This is most evident as Mitchelson demands a “moratorium on moving children from safe environments where there are no protection concerns” (Legislative Assembly of Manitoba 2010 Dec 8, 576) to Indigenous care arrangements.

MacDonald and Levasseur (2014) argue that devolved child intervention services in Manitoba, premised in collaborative governance models, complicate conventional understandings of accountability through a conflation of vertical and horizontal accountability practices. This conflation is expressed in Mitchelson’s claims that devolution should not have occurred without first ensuring vertical accountability mechanisms to enforce compliance for First Nations Agencies.⁹⁰ Furthermore, the language of collaborative governance conceals the deeply asymmetrical relationships that govern delegated child and family services, in which the provincial government retains final decision-making powers (MacDonald and Levasseur 2014). As a result, Indigenous agencies bear the brunt of the blame for supposedly ineffective intervention and management. This responsabilization is possible, in no small measure, because settler states and publics continue to “construct Indigenous peoples as a policy issue” (Altamirano-

⁹⁰ As articulated in the introduction, where provincial devolution practices have been examined in more depth, there are certainly relationships of vertical accountability that bind First Nations agencies to provincial legislation, contrary to the claims made in the legislative debates.

Jimenez 2009, 141). As a result, rather than creating equitable devolution relationships in which Indigenous governments and Canadian governments are partners, Indigenous governments are absorbed as a responsibility of the state, and therefore the settler government is accountable for their management. In the legislative debates, this absorption is demonstrated through the ways in which the figure of the Indigenous Public Child slides between debates of provincial governmental accountability to settler publics, and Indigenous governments and service providers who require (according to settler governments) more oversight and better management.⁹¹

Most of the legislative debates therefore do not appear to be interested with First Nations' obligations of accountability or transparency—certainly not overtly. Instead, they are most interested in provincial accountability and transparency, even when it is about devolved services.⁹² This does not fundamentally transform the nature of governmental intervention into Indigenous lives, nor does it mean that the regimes of permanent austerity that Pasternak (2016) highlights as part of settler regimes of management and accountability are not present. I instead suggest that the construction of Indigenous peoples as a policy issue that requires ongoing intervention and governmental management ensures that constant supervision is legitimated. In this way, even without directly focusing

⁹¹ Discourses of welfare dependency and self-sufficiency pre-date the Canadian state, as Pasternak demonstrates (324). However, it is the rise of “accounting discourses” throughout the mid-nineteenth century that emerges as a “more subtle disciplinary power” Pasternak 2016, 325). Pasternak further argues that these accounting strategies functionally “[structured] a regime of permanent austerity into Indigenous life” (325). Pasternak’s argument is crucial, as the logics of accountability and management that permeate political debates on devolution indicate that the regime of permanent austerity continues, carefully monitoring how Indigenous agencies spend their money, train their employees, and run their services.

⁹² As expressed in the December 2010 debate, this sometimes results in discussions about how or why accountability mechanisms need to be put in place for First Nations agencies, and yet these debates still emphasize that the failure to properly implement these mechanisms is a failure on the part of the provincial government, for example, MLA Mitchelson’s accusations that the government moves children “back into abusive, neglectful circumstances [where]... children continue to be murdered, to be killed in the system that they [the NDP] have created” (Legislative Assembly of Manitoba 2010 Dec 8, 576).

attention on the need for First Nations to implement accountability and transparency measures, settler governments can secure ongoing surveillance. Unlike the examples that drive Pasternak's (2016) and Willmott's (2017; 2020) arguments, the debates analyzed in this chapter point the critiques of state accountability largely *on* the settler state via provincial governments. Most often, the policies and legislation that “enable [I]ndigenous communities, including First Nations, Métis and Inuit communities to exercise greater control over the care of their children” are largely spoken about as successes of the provincial government, praised as “monumental change[s],” and Manitoba is celebrated as being “the first province in which First Nation and Métis people acquired province-wide authority and responsibility for their own child and family services” (Legislative Assembly of Manitoba 2016 Feb 29, 617). This final narrative reveals of the moveability of discourse within the dispositif, in which devolution is (depending on who is speaking and when) both a catastrophic failure and a monumental move towards reconciliation with Indigenous peoples.

The province's role in appropriate management is brought under the magnifying glass: as late as 2016, with the introduction of new customary care legislation, Progressive Conservative MLA Ian Wishart states that critiques of devolution do “not mean devolution cannot be a very successful process. It becomes more about the management” (Legislative Assembly of Manitoba 2016 Feb 25, 621). Therefore, while it is not *specifically* First Nations or Indigenous organizations coming under fire in the debates, speakers remind the public (and one another) that the provincial government *ought to be* better at ‘managing’ these devolved responsibilities.

Phoenix Sinclair died after being reunited with her mother and stepfather, a ‘truth’ about the case that empowered political representatives to dismiss practices of family reunification, especially for Indigenous families, as being rushed or ill-planned. PC MLA Bonnie Mitchelson⁹³ evokes Phoenix Sinclair’s death to flag the dangers of reunification: “More than five years after Phoenix Sinclair’s horrific death, children are still being moved from safe, loving foster homes in the hopes of reuniting them with their parents, parents who we later learn *are not fit to be parents*” (Legislative Assembly of Manitoba 2010 Nov 24, 207, emphasis added). In this statement, Phoenix Sinclair not only becomes a symbolic iteration of pathologized Indigenous families, incapable of parenting, but also the alleged failings of a system that tries too hard to reunite pathological families in the interest of political correctness. The idea of ‘political correctness’ or cultural sensitivity (and the limits of both) become the stakes over which the legislative debates take place. In a later debate, Mitchelson goes as far as to assert that the goal of family reunification for Indigenous families is “politically motivated” (Legislative Assembly of Manitoba 2010 Nov 25, 250). Although it remains unnamed, the implied political motivation is being seen as trying to keep Indigenous families together. This implication is hinted at several times, including the proximity to conversations around devolution, in which Conservative member Bonnie Mitchelson proclaims that while “cultural identity and education about one’s heritage is extremely important for all children... achieving that goal should never come at the expense of a child’s safety” (Legislative Assembly of Manitoba 2010 Nov 25, 250) The fact that Phoenix Sinclair died after family reunification resulted in the Progressive Conservatives, then the Official Opposition, asking for a moratorium to be

⁹³ At the time, the Progressive Conservatives were the Official Opposition in Manitoba.

placed on moving children from foster homes deemed to be safe. Resolution 4, referred to as “Child Welfare in Chaos,” was moved on December 9, 2010 by PC MLA Mavis Taillieu. The resolution proposed “that the provincial government consider immediately placing a moratorium on moving children from safe, long-term foster placements until a transparent, system-wide public review of the child welfare system is carried out” (614).

Alberta

In the same way that the political debates about devolution structure the scandal of Phoenix Sinclair’s death, it is significant in the legislature that Serenity’s death occurred while she was in the care of kinship caregivers.⁹⁴ In summary, kinship care offers children who have been apprehended by provincial social services the opportunity to live in an “extended family home that’s approved to care for a child or youth” (Government of Alberta 2021). The Government of Alberta’s Kinship Care Handbook cites several reasons why kinship care is preferable to other forms of intervention, including the fact that children are less likely to experience multiple moves between different families; are more likely to be placed in the same home as other siblings; and are more likely to be successfully reunited with their parents (2017c, 9). Kinship care is particularly framed, by settler governments themselves, as an approach to caring for Indigenous children that facilitates community and cultural connections. The Alberta Kinship Care Handbook also articulates that kinship care itself as a practice is grounded in Indigenous experiences and forms of care that exist in networks of extended families (2017c, 12).

⁹⁴ The Government of Alberta defines Kinship Care as “an extended family home that’s approved to care for a child or youth in care. The caregiver must have a family relationship or significant connection to the child – for example, grandparent, aunt or close family friend. Supports for kinship care are similar to the supports provided to a child and caregivers in foster care” (Government of Alberta 2021).

The legislative debates in Alberta articulate similar concerns as those raised in Manitoba, namely that kinship care is a political project that puts vulnerable Indigenous children in harm's way. UCP MLA Pitt states that "what happened to four-year-old Serenity while in kinship care couldn't have been further from a safe place to grow up. While in kinship care Serenity withered away" (2016 Nov 21 1889). Pitt's UCP colleague, Nathan Cooper, contends that kinship care "place[d] the needs of the group ahead of the needs of an individual," (2016 Nov 21, 1901) insinuating that foregrounding Indigenous demands for the prioritization of family reunification comes at the expense of child safety. Cooper proceeds to name (what is perceived to be a debate around) cultural sensitivity as a subordinate claim to government accountability for effective care: "in dealing with the "sensitive issues around cultural sensitivities, kinship care, our desire for families to be together... [the] most important, primary need and desire [is] of the safety of the children who've been placed in our care" (2016 Nov 21 1901).

The legislative debates similarly emphasize the settler government's responsibility for effective oversight of programs like kinship care. NDP Premier Rachel Notley guarantees the House that "work has already been ongoing to improve oversight of kinship care placements" in Alberta, and that her party will "remain vigilant" in the management of this program (2016 Nov 21, 1887). Insinuations are brought forward, without ever explicitly naming Indigenous kinship caregivers, that "caregivers, custodians, families that weren't quite qualified, weren't quite up to the standard that we would hope but that would be identified as higher risk [ought to be] monitored more closely" (2016 Nov 21 1901). MLA Cooper concludes that provincial employees are responsible for having the conversation with Indigenous caregivers that

even though there are advantages to being in a kinship relationship because you're in a First Nations culture and you can benefit from that, you do not have the skills, you do not have the attitudes, and you do not have the ability to do what is necessary to keep this child healthy and growing and developing in a healthy way (2016 Nov 21 1902).

The fact that Serenity was receiving care through a program promoted in government documents as being especially favourable to Indigenous families is important to foreground for several reasons: the first is that Serenity died while being cared for by her Indigenous family. This 'truth', as presented in the media and the legislative debates, makes it easier for settler governments and publics to pathologize Indigenous families and caregivers, and especially for political debate to emphasize Serenity's Indigeneity while debating her death. It is also significant in that, like the death of Phoenix Sinclair and the characterization of devolution-as-crisis, the fact that Serenity died in kinship care that was designed to allow for increased cultural continuity enables the political debate to question whether political moves to create more culturally accessible services for Indigenous families is beneficial, or if it is instead dangerous. In other words, the stakes over which these debates take hold become 1) the potential failures of reconciliatory reforms that have been mismanaged by the state and 2) the necessity of distancing the problematization from any insinuations of racism or cultural insensitivity.

Ontario

In contrast, Tammy Keeash died in a privately-run, but government approved and licensed group home, Johnson Children's Services Inc. At the time of this research, I could not locate a single mention of Johnson Children's Services Inc. in the Ontario *Hansard*, even as it was subject to an inquiry on the part of the Child Advocate. Johnson Children's Services had a license to operate foster services in the Province of Ontario (Office of the Provincial Advocate for Children and Youth 2019, 4). However, the decision to subcontract

group homes to private companies is not raised in the legislative debate around Tammy Keeash's death in the way kinship care and devolution become spectacular crises in Alberta and Manitoba.⁹⁵ This contrast demonstrates how particular arms of child intervention are easily defined as poorly managed programs, while others, like subcontracting, do not come under the same scrutiny. The post-TRC discourse around child intervention in Canada is revealing of a context wherein some forms of government intervention (namely devolution to First Nations and Indigenous kinship care arrangements) can be subject to public demands for accountability in the moment of neoliberalized settler colonialism, and that any critiques leveraged against 'the system' must be carefully balanced in such a way that the agreed-upon critique is never explicitly about neoliberal austerity, nor about settler-colonial control, but about something else that occurs in the technicalities of administering services that are 'culturally sensitive'.

Ensuring that forms of care that are primarily directed towards Indigenous peoples (like kinship care and devolution) remain problematic in political debate maintains the settler state's and settler public's possessive relationship to the Indigenous Public Child.⁹⁶ The performances of governmental self-accusation that result in blaming particular sites of

⁹⁵ However, while Tammy Keeash was placed in a privately-run group home, the agency who placed her here was an Indigenous designated agency. Allusions to this relationship are rare, however for the purposes of this chapter, it is significant that an Indigenous-run agency was responsible for this placement decision (as well as the fact that the debates did not flag that).

⁹⁶ The possessive relationship between settler governments, settler publics, and Indigenous children that is maintained by the construction of crisis is not a new one. It has been well-documented that there is a concrete connection between colonialism, the history of residential schooling, and the contemporary child intervention system in Canada (e.g., Landertinger 2017; Phillips and Pon 2018; Thobani 2007). The history of white settler benevolence and intervention into the Indigenous family, that predates and does not end with the residential school system, is a form of governmentality that manages and polices Indigenous peoples and nations. Historicizing the Canadian welfare state is therefore a necessary part of unpacking how governmentality and biopower function within contemporary child intervention practices in Canada (e.g., Phillips and Pon 2018; Thobani 2007). Although my argument here is premised in the assumption that different aspects of the child intervention system in Canada function in different ways to maintain a particular relation of power, a governmentality analysis prompts me to consider the ways these different avenues of power intersect.

child intervention, like devolution to First Nations Agencies and increased emphases on kinship care, may function as a way of keeping particular forms of care (like Indigenous kinship care) in crisis, and, as a result, under the constant scrutiny of the settler state and its settler public. At the same time, other kinds of child intervention programs and facilities, like Johnson Children’s Services Inc., are not subject to the same kinds of reaffirmations of settler states and settler publics as benevolent agents of oversight—something that would run contrary to the neoliberalization of social service provision and the valorization of privatization as a mechanism of greater accountability and transparency (in contrast to the ‘secretive’ bureaucracies of Manitoba and Alberta).⁹⁷ The moral outrage that is so palpable in the debates in both Manitoba and Alberta, directed towards culturally sensitive and/or reconciliatory reforms of child intervention, does not stick to contract group-homes, universalized for ‘vulnerable’ Ontario youth, in the same way. That moral outrage and scandal cannot stick to reforms other than those presented as reconciliatory reforms indicates that this moral outrage ultimately serves as a mechanism through which to

⁹⁷ I would be remiss to not acknowledge that the landscape around this kind of scrutiny is not homogenous. Notably, in the advent of the Covid-19 pandemic and the outbreaks and deaths in Ontario’s long-term care facilities for senior residents, the Ontario government “launched an independent commission to investigate spread in long-term care homes” (Ontario Government 2021). At the same time as the final report appears to acknowledge that the private long-term care sector has lost substantial public trust throughout the Covid-19 pandemic, the report also appears to suggest that the private sector approach is not only redeemable, but advisable: “it is not easy to see how the multi-billion dollar need of new and redeveloped beds can be satisfied without private capital funding,” the report reads (Marrocco et al. 2021, 34). Ultimately, the report appears to endorse a public/private partnership model as a resolution, arguing that a model in which the construction and ownership of facilities are separate from the provision of care within those facilities, “would allow the private sector to satisfy the demand for long-term care facilities by accessing the capital required to construct the facilities and ensure that residence receive care from a mission-driven provider whose focus is care, not profits” (Marrocco et al. 2021, 34). Further research would be required to understand whether the findings of this commission challenge the arguments I make here regarding the comparative lack of scrutiny imposed on privatized care delivery, or if, instead, that the reaffirmation of public/private partnerships is a mechanism through which privatized care is not only recuperable but advisable.

relegitimize settler governance (rather than particular *styles* of settler governance—such as neoliberalism).

It is not a coincidence that the two girls who died while in the care of Indigenous family members became objects of public scandals, while Tammy Keeash, who died in a provincially-approved but privately-run facility did not. It bears repetition that the roots of this crisis are continually re-ascribed as the failures and scandals of colonialism and reconciliation themselves, where the pathologized Indigenous family, ostensibly not *surveilled appropriately* by the benevolent settler state and its publics, are the site of crisis. *If* the government is to blame, it is *because* they failed in their benevolent surveillance. The performance of governmental self-accusation thus works to reinscribe the settler government's and settler public's roles in intervening appropriately into Indigenous life to demonstrate the benevolent nature of settler sovereignty.

The “Indigenous Public Child” in Legislative Debates

Both Phoenix Sinclair and Serenity become symbolic stand-ins for a variety of political discussions in provincial legislatures. As children, they are presented to the House (and its audience) as being ‘beyond political considerations’ and well into the space of moral indisputability. The Indigenous Public Child is a point of reference, invoked to conjure ideas, emotions, and values in ways that the speakers both intend, and do not intend. Public signification is not used in the same way in the Ontario legislative debates. As alluded to in my analysis of media and scandal, it is necessary to consider that the Ontario case study offers insight into what happens when the settler public *does not* attach possessive meaning to a figure of the Indigenous Public Child.

Manitoba

In the Manitoba *Hansard*, Phoenix Sinclair holds continued significance in the legislative debates—both in the immediate fallout of the scandal of her death, but more significantly, for years to come. In contrast to the other provinces, where there were no specific Public Inquiry processes, Phoenix Sinclair is frequently referred to when citing the report of the inquiry or any of its recommendations. Colloquially, the report has become known as “The Phoenix Sinclair Inquiry” (e.g., Legislative Assembly of Manitoba 2014 April 17, 2051, 2077; 2014 April 28, 2315). In addition to the discussion about her murder, and on the creation and results of an inquiry into her death, Phoenix Sinclair is most frequently referenced in relation to the perception of a failed child intervention system in Manitoba. Both Phoenix Sinclair and her parents’ experience in state care is frequently alluded to as a clear indication that the system is not functioning as it should. Progressive Conservative⁹⁸ MLA Leanne Rowat notes that “Phoenix Sinclair’s mother and father both aged out of the child-welfare system” (Legislative Assembly of Manitoba 2014 April 2, 2379), highlighting that this crisis spans generations of bureaucratic mismanagement.

The Manitoba *Hansard* reveals that other children also function as referents for political debates. Although my research specifically traces mentions of Phoenix Sinclair, other children are often named in these debates: “Tina Fontaine—which [who] was the most recent one, Phoenix Sinclair *herself*, Gage Guimond, Jaylene Sanderson-Redhead, Breanne Belanger, Heaven Traverse, Venecia Shanelle Audy, Patsy Demarais, Michael Helgason and Tracia Owen and then Baby Amelia” (Legislative Assembly of Manitoba 2016 Feb 26, 621, emphasis added). Importantly, the act of naming also seems to be

⁹⁸ In 2014, the NDP is the governing party in Manitoba and the Progressive Conservative Party is the Official Opposition.

connected to a desire to “humanize” these children, enacted with good intentions, but that requires “just as much interrogation as those representational practices that *dehumanize*” (Dean 2015, 77). Why do we *require* acts that supposedly rehumanize to understand “the woundedness” implicated in the deaths and disappearances (Dean 2015, 85)? More pertinent here, why is it that we need to *see* and *name* the wounded subject to feel implicated or invested in the political debates? Dean provides a nuanced argument to demonstrate what is at stake in the settler *need* to humanize Indigenous women: the

efforts to humanize the women through aesthetic changes to their appearances seem to risk further entrenching a *dehumanization* of the women as represented in the photographs... The drive to “soften” the women’s appearances in the interests of making them seem more grievable to a wider audience risks reinforcing the notion that there *is* indeed a universal framework for what makes life grievable (Dean 2015, 94).

Amid these discussions, the discrepancy between simply naming other children and emphasizing “Phoenix Sinclair *herself*”⁹⁹ (Legislative Assembly of Manitoba 2016 Feb 26, 621, emphasis added) points to a differentiation in public discourse about the meaning and significance of *certain names*. In other words, Phoenix Sinclair becomes the prototypical example of the government failing in its role as manager and caretaker for the vulnerable. Tina Fontaine’s death and the invocation of her figure in the legislature, while beyond the scope of this research, illuminates yet another paradox: unlike Phoenix Sinclair and Serenity, Fontaine’s death is both evoked in the debates as a scandal of child intervention and as part of debates around violence against women, and specifically, violence against Indigenous Women. Fontaine takes a prominent public role, but unlike Phoenix Sinclair

⁹⁹ It strikes me as being important to consider that the children documented in these case studies are Indigenous girls. Although it is beyond the scope of the work at hand to consider how gender pervades the dispositif of child deaths. Like the argument that there is something specific about the work of the settler colonial state and its settler public that incorporates the Indigenous child as an object of political debate, and through that, an object of settler ownership, there is a discussion to be had about the ways that gender illuminates what comes to be constituted as public.

and Serenity, Fontaine fluctuates in the ways she is signified as the figure of the Indigenous Public Child (but more often, seen as an adult woman). In the same way that Tammy Keeash was not invoked as the figure of the Indigenous Public Child by a benevolent settler public, Tina Fontaine was, in different ways, invoked in public debate, but not always around the child intervention system—in other words, Public, but not always a Child. Just as aesthetically altering photographs to render Indigenous women more universally grievable reinforces a standard framework of grievable life, so too does the emphasis on naming certain children.

It is worth mentioning the consistency with which both Phoenix Sinclair and Serenity are named in the legislative debates even as discussions move away directly from their deaths, or even child intervention broadly understood. Phoenix Sinclair is repeatedly brought up by the Manitoba Progressive Conservatives¹⁰⁰ in reference to proposed amendments to Employment and Income-Assistance Rental Allowance Increases, cited as being “the very same recommendation [that] was made in a final report of the inquiry into the circumstances surrounding the death of Phoenix Sinclair” (Legislative Assembly of Manitoba 2014 April 15, 1935; see also: 2014 April 16, 1996). In these contexts, Members reference the inquiry process and recommendations, but draw on Phoenix Sinclair as a symbol of vulnerability: not accepting the proposed amendments is referred to as a failure to “protect the most vulnerable Manitobans” (Legislative Assembly of Manitoba 2014 April 16, 1996). The continued and prolonged connection between Phoenix Sinclair and the notion of vulnerability reveals the significance of the evocation of Phoenix Sinclair as

¹⁰⁰ The Official Opposition in Manitoba in 2014.

the Public Child, a symbolic reminder of “the most vulnerable Manitobans” for whom the government *ought* to be a benevolent caretaker.

Phoenix Sinclair’s name continues to structure political debate in the Manitoba Legislature, signaling and alluding to a multiplicity of political performances that exceed the boundaries of Phoenix Sinclair’s literal death. Even in debates that are only tangentially related to Phoenix Sinclair, her name is evoked as a core part of either supporting or refuting legislation. The Official Opposition, at the time the Progressive Conservative Party, frequently named Phoenix Sinclair in their critique of the NDP’s Employment and Income Assistance Rental Allowance Increase, noting that “despite the many calls from the official opposition [the Conservative Party] caucus, individuals, and community groups, the provincial government has failed to protect the most vulnerable Manitobans” by implementing the recommendations from the inquiry’s final reports—in this specific debate, recommendations regarding rental allowance increases (Legislative Assembly of Manitoba 2014 April 1, 1935; see also: 2014 April 16, 1996). The Phoenix Sinclair Inquiry occupies legislative debates and is invoked as a way of proving the Progressive Conservative success at governing, in particular as proof of how well Manitoba’s PC government has satisfied the conditions of reconciliation (e.g., Legislative Assembly of Manitoba 2019 Sep 30, 16; 2018 Nov 26, 126), while simultaneously being evoked to talk about how the province has failed to live up to its commitments as outlined in the report. NDP MLA Nahanni Fontaine¹⁰¹ presents a petition to the Assembly on May 15, 2019 demanding “a public inquiry into the systems that had a role in the life and death of Tina

¹⁰¹Significantly, Nahanni Fontaine, the MLA who presents this petition, is an Indigenous woman from Sagkeeng First Nation, and her raising this issue must also be seen in the context of Indigenous agency within legislative debates, wherein Fontaine uses the settler space of the legislature to critique settler-colonial violence and neglect.

Fontaine” that contextualizes the demand by naming that “Manitoba has failed to fully implement the recommendations of numerous reports... including the Manitoba Aboriginal Justice Inquiry, the Royal Commission on Aboriginal Peoples, and the Phoenix Sinclair Inquiry” (Legislative Assembly of Manitoba 2019 May 15, 1910; see also: 2019 May 27, 2143; 2019 May 28, 2190).

Alberta

The first *Hansard* debate that mentions Serenity is on November 21, 2016, three days after the publication of Simons’ first article outlining the details of the case. During the debate, Wildrose MLA Jeremy Nixon asserts that “this should not be about politics. This should be about: What do we do to make sure there’s never another Serenity in Alberta” (Legislative Assembly of Alberta 2016 Nov 21, 1910). Elsewhere, Nixon adds:

I was physically ill thinking about what happened to poor Serenity. For me, and, I suspect, many of the parents that are in the Assembly and the House this evening, my thoughts were for my kids, to think about them and the preciousness of them, my nieces and nephews, just to think that somebody, *a little Albertan* like that, could be so abused (Legislative Assembly of Alberta 2016 Nov 21, 1909, emphasis added).

Serenity is therefore not only an example of the failures of child intervention in Alberta, but also becomes the *quintessential example* of these failures. Even when the discourse accepts that Serenity is not the first (or only) child to be failed by the government, she is almost always the only child named in the statement: “It’s a shame when Serenity *and other beautiful children* fall through the cracks, and Serenity has yet to receive justice,” Progressive Conservative¹⁰² MLA Ric McIvor states (Legislative Assembly of Alberta 2016 Nov 24, 2029, emphasis added). In this comment, Serenity is the only child who is

¹⁰² In 2016, the Progressive Conservatives were the Official Opposition to the NDP government in Alberta.

named, illustrating that her name carries significance beyond the specific details of the case.

The signification of her name is taken on to such a degree that it is used to mark legislative changes. On June 5th, 2017, NDP MLA Larivee¹⁰³ announces (of the proposed amendments to child and family intervention legislation) that “this legislation *is about Serenity*, but it is also about children across this province who receive services from the province” (Legislative Assembly of Alberta 2017 June 5, 1587, emphasis added). Although the legislation being discussed is presumably for all children receiving services from the province, it is especially for Serenity,¹⁰⁴ someone who is not able to benefit from it, invoking the temporal too-lateness of government intervention. She remains ever-present in the legislative debates, and in the creation of legislation, even so far as to have Bill 202 named *Serenity’s Law*. UCP MLA Ellis, who initially moved *Serenity’s Law* as a Private Member’s Bill mused that the Bill “could easily be called Ezekiel’s law, Ryan’s law, Alex’s law” before ultimately concluding that evoking Serenity’s name was essential to this piece of legislation (Legislative Assembly of Alberta 2017 June 5, 1527). Such repetitive utterances of regret, accompanied by a promise of change—configured as incremental policy improvement—structures the kinds of discussions that can and do take place in the public theatre of settler-colonial politics.¹⁰⁵ When discussing the details of other children who have died or been subject to harm within the child intervention system, some MLAs even use the language of “preventing *another Serenity*” (Legislative

¹⁰³ In 2017, the Alberta NDP formed government.

¹⁰⁴ In the iteration and repetition of Serenity’s name, there is an exploitative use of the figure of Serenity, whether conscious or not. It is worth acknowledging that this exploitative use of the symbol also figures into the process of self-accusatory practices in governmental performances.

¹⁰⁵ Yet these other named children, Ezekiel, Ryan, and Alex, remain unnamed in other legislative debates, and are only evoked to highlight the significance of naming the Bill after Serenity.

Assembly of Alberta 2017 May 11, 1016, emphasis added). These statements demonstrate that Serenity's presence is so central to articulating the 'problem' of child deaths in the Alberta Legislature that it is unthinkable to not explicitly name her in the discussion of the 'crisis' within the child intervention system. The Ezekiels, the Ryans, the Alexes are named as just *another Serenity*: she is the prototype, the point of reference from which all discussion stems. The discussion may or may not *be* about Serenity, but the citational practice of calling her name shapes the how her figure is mobilized in political debate: calling out Serenity's name *enables* the political performance of settler benevolence, without having to come to terms with the specific implications of settler colonialism as a structure of violence.

Ontario

Tammy Keeash is not present as the figure of the Public Child in Ontario's legislature, and her death is not used to frame debates about child intervention services, funding, or legislative changes. Keeash is only named in two of the legislative debates analyzed in this chapter: once under a debate referred to as "Indigenous Education," (Legislative Assembly of Ontario 2017 June 1, 4774), and once under a debate labelled "Child Protection" (Legislative Assembly of Ontario 2017 May 16, 4441). The first debate begins by naming the recent deaths of three Indigenous individuals in Thunder Bay: Josiah Begg, 14; Tammy Keeash, 17; and Stacey DeBungee, 41 (4774). MPP Sarah Campbell names these three deaths as examples where First Nations individuals moved to Thunder Bay to "pursue public education and [access] health care they can't get in their home communities" (Legislative Assembly of Ontario 2017 June 1, 4774). Campbell's comments highlight disparities in education, health, and social service provisions for First Nations in Ontario before ending abruptly and moving to the question of hydro rates in

Ontario (Legislative Assembly of Ontario 2017 June 1, 4775-6). The other debate, on May 16, 2017, does present Keeash's death in reference to broader systemic problems concerning child intervention in Ontario. NDP MPP Lisa M. Thompson introduces the debate by highlighting the tragedy of Keeash's death and the fact that "nobody was out looking for this young woman" on the night she "failed to make curfew" (Legislative Assembly of Ontario 2017 May 16, 4441). Thompson asks the Minister of Indigenous Relations and Reconciliation—notably, not the Minister of Children and Youth Services—whether the government will "call a coroner's inquest" into several recent deaths of First Nations youth in state care (Legislative Assembly of Ontario 2017 May 16, 4441). The debate remains very general and concludes with the Minister of Indigenous Relations and Reconciliation highlighting the government's priorities in terms of "returning jurisdictions back to [I]ndigenous communities and making sure those communities can care for their children" (Legislative Assembly of Ontario 2017 May 16, 4442).

A few processes are at play in the ways that the debates play out differently in the Ontario legislature. First, Tammy Keeash, even when named in discussions of child intervention, is named when she is included in lists of other names (rather than as a prototypical case). As noted in the previous chapter, the settler public in Ontario does not take on Keeash's death as a scandal in the same way that Serenity' and Phoenix Sinclair's deaths are scandals. As a result, the legislative debates reflect the relative lack of a concerned settler public demanding accountability from their government. Keeash's Indigeneity is not spectral in the same way that this is true for Serenity and Phoenix Sinclair. This difference is most notable in the fact that questions regarding her death were specifically directed to the Minister of Indigenous Relations and Reconciliation, rather than

the Minister of Children and Youth Services. In other words, Keeash is not a generalizable figure, and the settler public does not envision her as reflective of an Ontarian public—very much unlike the evocations of Serenity as “a little Albertan” in the Alberta legislature (Legislative Assembly of Alberta 2016 Nov 21, 1909). It is important that Serenity, Phoenix Sinclair, and Tina Fontaine¹⁰⁶ are often dislocated from their specificity as Indigenous girls in a neoliberal and settler-colonial state that has utilized the technocratic system of child intervention to maintain settler governance. It is similarly significant that Tammy Keeash is not dislocated from Indigeneity in this way.

At the same time as the Indigeneity of the Public Child exists as a specter¹⁰⁷ in the legislative debates, the names are also evoked as spectacle. The presence of Serenity and Phoenix Sinclair are simultaneously highly visible and invisible. The settler fascination¹⁰⁸ with the spectacle of Indigenous loss is not new or limited to the case studies examined

¹⁰⁶ Although it is beyond the scope of this project to include an analysis how Tina Fontaine’s death circulated in public debate, it is nonetheless necessary to acknowledge its connection to the questions at hand. Following her death in 2016, Tina Fontaine became a symbol both for the failures of the child intervention services in Manitoba, as well as the public awareness of Missing and Murdered Indigenous Women and Girls (MMIWG). Including contemporary and ongoing debates, Tina Fontaine is frequently invoked alongside Phoenix Sinclair, as another Public Child who could symbolize the dysfunction of the current government.

¹⁰⁷ It is interesting to note that the language of spectrality is even directly invoked within legislative debates. In Alberta, UCP MLA Leila Aheer pleads to other Members to understand that “[Serenity’s] not just an apparition” (Legislative Assembly of Alberta 2018 Nov 28, 2174). This kind of statement is underpinned by an assumption that there is already a spectral quality in the ways that Serenity has been called upon in the Assembly. And yet, at the same time, it reinvokes that spectrality by not even naming Serenity (the original statement reads only “she”) (Legislative Assembly of Alberta 2018 Nov 28, 2174). These kinds of comments point to a circular pattern within the legislative debates, wherein Members of the Assembly enact citational practices that reference their own evocations of the spectral. In the Manitoba Hansard, the documents from Phoenix Sinclair’s files are evoked in an almost spectral way, in which they continue to disappear and reappear: “the files disappeared from Phoenix Sinclair’s case” (Legislative Assembly of Manitoba 2014 April 17, 2077). Even in life, Phoenix Sinclair is an almost spectral figure that the government is unable to trace throughout this scandal. Then, following her scandalous death, her life becomes the subject of public spectacle. The files, which are described as having “disappeared from Phoenix Sinclair’s case,” (Legislative Assembly of Manitoba 2014 April 17, 2077) highlight that the questions of accountability and transparency might be more accurately described as questions of accurate and responsible record-keeping, absolved of their political implications in the context of settler colonialism.

¹⁰⁸ Tuck and Yang (2014) also emphasize how white settler researchers can reassert this fascination in our work if we are not careful: “how do we learn from and respect the wisdom and desires in the stories we (over)tell, while refusing to portray/betray them to the spectacle of the settler-colonial gaze?” (2014, 223).

here. Dara Culhane critiques settler fascination with “the dramatic and photogenic spectacle of social suffering” in Vancouver’s Downtown East Side (2003, 594). Stories like those of Phoenix Sinclair and Serenity are (over)told in the context of settler-colonial debate—in the media, in legislatures, in policy and inquiry documents—and yet the ways that these stories are repeated in public speech acts is used to argue that they are in fact invisible to the settler public.

In the *Hansard* records of debates surrounding the deaths of Phoenix Sinclair and Serenity, the shifting relevance of Indigeneity is necessary to highlight. If it is Indigeneity that is spectral, the spectacle is all the political debates that the figure of the Indigenous Public Child is used to signify. At times, Phoenix Sinclair and Serenity are called upon to invoke the need for reconciliation. A notable example occurs in the Alberta legislative debates regarding the implementation of various bills related to child intervention, where members of the government state that “our [NDP] government is committed to reconciliation and to making practical, common-sense improvements to Alberta’s child intervention system” (Legislative Assembly of Alberta 2018 Nov 10, 1736). In the fifth chapter, I turn to an examination of technocratic solution-making as part of the dispositif of child death inquiries and flag the significance of conflating reconciliation as a political project with this notion of “making practical, common-sense improvements” (Legislative Assembly of Alberta 2018 Nov 10, 1736). Similarly, in Manitoba, Bill 15—legislation regarding the recognition of Indigenous customary care practices, is introduced in the legislature as a bill that will “[answer] the calls to action of the Truth and Reconciliation Commission” (Legislative Assembly of Manitoba 2016 Feb 15, 616). The discussion of *Bill 15*, as will be highlighted in the fifth chapter, was also discussed as being legislation

that would specifically respond to the recommendations of the Phoenix Sinclair Inquiry (see: Legislative Assembly of Manitoba 2019 March 13, 662; 2016 Feb 25, 616; Legislative Assembly of Alberta 2018 Dec 5, 2376). Phoenix Sinclair and Serenity are also named in order to draw attention to the scandal of the overrepresentation of Indigenous children in state care, exemplified by Manitoba NDP Minister Kerri Irvin-Ross' acknowledgement that "the history of colonization and child apprehension by a modern-day child-welfare system are closely entwined" (Legislative Assembly of Manitoba 2016 Feb 25, 617, see also: Legislative Assembly of Alberta 2018 Nov 20, 2008); or the need to develop culturally relevant intervention services, for example when Alberta UCP member Nathan Cooper announces a "heart-cry" to consider how the Assembly is "dealing with the sensitive issues around cultural sensitivities" for Indigenous children in the child intervention system (Legislative Assembly of Alberta 2016 Nov 21, 1901, see also: 2018 Nov 28, 2717; 2018 Dec 5, 2376; Legislative Assembly of Manitoba 2010 Dec 9, 620). In other moments, the fact that Phoenix Sinclair and Serenity were both First Nations girls drops out of the conversation entirely, and their names are evoked primarily to recall debates on governmental accountability and transparency. In Alberta, UCP member Angela Pitt declares that if she were in the governing party, she

Would really ask some very sharp questions about what the current state of the system is. What are the constraints? What are the challenges? What are the resource shortfalls? I would really bring that before not just my colleagues in my own caucus, but before this House and *before all Albertans so that Albertans know* that not only that something is being done, but it is *seen being done* (Legislative Assembly of Alberta 2016 Nov 21, 1908, emphasis added. See also: 2019 June 17, 838; 2018 Dec 4, 2331; Legislative Assembly of Manitoba 2010 Nov 29, 285; 2013 May 29, 1790).

Critiques of the NDP government's approach to child intervention reform reinforce the centrality of 1) 'Albertans' as stakeholders, and 2) transparency to Albertans, (in such a way as to ensure that Albertans can *see what is being done*).

Similarly, Phoenix Sinclair and Serenity, as figures of the Indigenous Public Child, are evoked to consider other inefficiencies or defects in governance more broadly. Ric McIvor, Progressive Conservative MLA in Alberta, evokes Serenity's death in a summation of the NDP's governmental failures, in a section of the debate titled "Government Policies." McIvor announces that

Mr. Speaker, as time goes on, it becomes more obvious that this NDP government must be replaced. A government typically uses Bill 1 to set a positive tone. This government used it to break their election promise of eliminating all school fees. They took over \$50 million away from school boards, leaving the parents, who now won't be paying those fees, to wonder what else will be taken away from their school to make up for the money. Bill 3 does nothing to make the blood supply in Alberta safer. It does, however, give a monopoly in providing blood services to the union employing the Premier's husband. The Children's Services minister has left kids in the same home where Serenity was abused and eventually killed, hiding behind legislation that the minister will not specify... The Premier should fire all these ministers and resign as leader of this out-of-tune band. I have no faith, Mr. Speaker, that will happen. The answer is a new, united conservative government in 2019. Albertans are actively shopping for a new government. Our job is to be the best choice to fix the mess created by the current group of ministers, who are completely out of touch with Alberta (Legislative Assembly of Alberta 2017 May 23, 1205, see also: Legislative Assembly of Manitoba 2010 Nov 25, 240; 2006 Nov 22, 209).

The list of governmental failures provided by McIvor includes Serenity's death only briefly, before addressing additional failures of other NDP ministers, and concludes that the NDP government is an "out-of-tune band" incapable of maintaining a functional government, demonstrating the ways in which Serenity's life and death is evoked not only as a symbol of a dysfunctional child intervention system, but ultimately, a completely dysfunctional government. The simultaneous discourses—of the pathologized, traumatized

Indigenous family, and the Albertan citizen (and consumer), “shopping for a new government” (Legislative Assembly of Alberta 2017 May 23, 1205)—demonstrates not only the specificity of these named Indigenous girls themselves, but of the quality of Indigeneity, rendered invisible by settler governments when it is inconvenient, and reinscribed when the naming of Indigeneity is necessary to the state’s goals.

The spectacle of settler public grief¹⁰⁹ exemplified in the legislative debates about Serenity and Phoenix Sinclair’s deaths eclipses the history of dispossession of Indigenous children, as well as the contemporary realities of neoliberal devolution and ongoing colonialism through child and family intervention. The ‘eclipsing’ of dispossession and settler colonialism is not the same as the erasure of these structures. Instead, what can be seen in both public debates in provincial legislatures is the acknowledgement and even commitment to centering the ‘histories’ of colonialism that contribute to contemporary circumstances (the most frequently cited are the histories of residential schools and the sixties scoop). The commitment to acknowledging these ‘histories’ as something that is ‘behind us’ (or that we are *trying to move past*) raises the political and moral stakes of making sense of Indigenous child deaths. Notably, House representatives in both Alberta and Manitoba, of different partisan affiliations, assert an understanding of the contemporary state of Indigenous child intervention in Canada as directly connected to colonialism. Alberta Independent member Robyn Luff (a former NDP representative and member of the Ministerial Panel) announced that *Bill 22*¹¹⁰ “works to peel back some of

¹⁰⁹ In Alberta, then- Wildrose (now UCP) member Nathan Cooper declares the “heartbreaking ache that came over [him]” after reading journalist Paula Simon’s editorial (Legislative Assembly of Alberta 2016 Nov 21, 1900). NDP Minister of Social and Community Affairs Irfan Sabir asserts that “all Albertans share that devastation” (Legislative Assembly of Alberta 2016 Dec 5, 2271). In Manitoba, Minister Irvin-Ross recalls the “despair across this province” following Phoenix Sinclair’s death (Legislative Assembly of Manitoba 2014 April 14, 1856).

¹¹⁰ An Act for Strong Families Building Stronger Communities

the years of colonial principles that our justice system was built on” (Legislative Assembly of Alberta Dec 5, 2377). In Manitoba, NDP Child and Family Services Minister Irvin-Ross declares that “the history of colonization and child apprehensions by a modern-day child welfare system are closely intertwined” (Legislative Assembly of Manitoba 2016 Feb 25, 617).

In a discussion of the Ministerial Panel on Child Intervention in Alberta, NDP MLA Sucha¹¹¹ noted that the Government of Alberta “started to learn that this whole thing [child intervention] delved deeply into reconciliation” (Legislative Assembly of Alberta 2018 Nov 20, 2008). Significantly, how it “delved deeply into reconciliation,” or what the specific relationship was between governmental accountability for the child intervention system, and the reconciliation process, is unnamed. In Manitoba, responses to the Phoenix Sinclair Inquiry are frequently invoked alongside responding to the Truth and Reconciliation Commission, and the two reports are often articulated as almost synonymous in scope and intention. Conservative Finance Minister Scott Fielding, in response to a question about whether the Conservative government will implement recommendations from a recent Child Advocate’s report, asserts that the Conservative government record has “implemented more than 90 per cent of the recommendations that’s a part of it [the Phoenix Sinclair Inquiry] ... [and] close to 25 of the 34 recommendations that relate to the truth and reconciliation committee” (Legislative Assembly of Manitoba 2019 March 12, 620. See also: 2019 March 13, 662; 2019 March 12, 620; 2019 June 3, 2322). In other words, while they are not clearly or explicitly connected, the audience of

¹¹¹ In 2018, the Alberta NDP formed government.

the public theatre of legislative debates (i.e., the settler public) is reminded that these two debates are fundamentally entwined.

While it is perhaps unsurprising that NDP members make such declarations, it is more telling of the common-sense nature of these statements that Conservative MLAs also affirm this position. Alberta Party member Rick Fraser attests to having “seen the devastating impact that our previous colonial practices have had on [I]ndigenous families and communities through continuing intergenerational trauma and violence” (Legislative Assembly of Alberta 2018 Nov 20, 2011). Similarly, Alberta Party leader Greg Clark acknowledges that the work of the Ministerial Panel grappled extensively “with child intervention and the results of decades, more than a century of colonialism” in trying to reach legislative resolution to the crisis of child deaths (Legislative Assembly of Alberta 2018 Dec 4, 2331). United Conservative MLA Angela Pitt even goes as far as to assert that it was the United Conservative Party who had alerted the Alberta NDP to the question of colonialism, when she states that “the reason this [NDP] government is aware of the issues surrounding the ‘60s scoop is from the Official Opposition [the UCP]” (Legislative Assembly of Alberta 2018 Dec 5, 2377). The debates flagged throughout this chapter are not often cleanly cut across partisan lines, but instead reflect the emergence of a post-TRC common-sense understanding of colonialism, in which settler governments must be able to provide some, limited, recognition in exchange for continued support from the benevolent settler public.

The legislative debates that foreground settler state protection of the Indigenous Public Child thus culminate in political commitments “to reconciliation” (Legislative Assembly of Alberta 2018 Nov 1, 1736, see also: 2018 Dec 5, 2376; 2016 Nov 21, 1908;

Legislative Assembly of Manitoba 2016 Feb 25, 616). In Manitoba, in response to criticism that the Conservative government was not properly addressing the recommendations of the Phoenix Sinclair Inquiry (in addition to more recent discussions of violence against Indigenous women in the province), Conservative Premier Brian Pallister indicated that partisan critiques do “not reflect the willingness to look with an open heart and an open mind at the actions of this [Conservative] government... [who has] work completed or ongoing on 25 of them” (Legislative Assembly of Manitoba 2019 June 3, 2322).¹¹² This post-TRC discourse, in which government officials are intent on demonstrating their knowledge of historical colonialism and its connection to contemporary politics, is performed in the naming of children like Serenity and Phoenix Sinclair as the figure of the Indigenous Public Child. Furthermore, the demonstration of this knowledge offers the setting for the spectacle of the figure of the Indigenous Public Child’s hypervisibility, even if the child’s Indigeneity is itself spectral in the discourse.

Recognition of the Indigenous Public Child is ultimately folded back into a universalist narrative that repositions children like Phoenix Sinclair or Serenity as symbolic of all Albertan/Manitoban children. The continual reference to “our children” may be thought of as part of the practice of settler efforts of reconciliation, that draw together affective entanglements of acknowledging past wrongs, while simultaneously reinscribing a particular set of political relations that cannot, or will not, move past the centrality of ownership and property. Indeed, it is perhaps the case that the recognition of past wrongs seems to lead to the performance of these inclusive or proprietary feelings, often invoked through recognizing that Indigenous children are now Albertan children too—which was

¹¹² Here, Pallister refers to 34 Truth and Reconciliation Commission Calls to Action. It is unclear which 34 he is referencing, but I speculate that it is 34 Calls directed specifically to provincial governments.

not the case in the historical colonial relations highlighted. Repeatedly, children are referred to with the possessive “our” children. These pleas, often coming from the opposition, are communicated within the discourse of responsibility, and often have a strong emotional undertone: “We have a responsibility, Madam Speaker, as legislators, to ensure the safety of our kids, our children” (Legislative Assembly of Alberta 2016 Nov 21, 1906). The possessive framing of ‘our children’ also often comes up against the need to distinguish children from politics: members plead with one another to “please put politics aside for the love of Alberta’s children” (Legislative Assembly of Alberta 2016 Dec 12, 2502). Progressive Conservative MLA¹¹³ Dave Rodney proclaims to the Assembly: “God bless our little Albertans” (Legislative Assembly of Alberta 2016 Nov 21, 1904). The language of possession in such expressions is explicit and connected to possessive discourses in settler-colonial contexts that refer to Indigenous peoples as “our” or “Canada’s” Indigenous peoples.

The contradiction at play, namely the spectral quality of Indigeneity amidst the need to be seen recognizing Canada’s colonial history, reveals a key dynamic at play in public discourse. The Indigenous Public Child, invoked as a spectacle for public debate is at once uniquely weighted by settler-colonial history and called upon to stand in for every Albertan-Manitoban-Canadian child who may encounter child intervention services.¹¹⁴ The Indigenous Public Child is therefore presented as both evidence of a specific problem in child intervention practices, and a figure of universality¹¹⁵ that can be used to both

¹¹³ In 2016, the Progressive Conservatives are the Official Opposition in the Alberta Legislature.

¹¹⁴ The contradiction here, namely the simultaneous ascription of abjection and universality, is core to how the legislative debates function. Audiences are simultaneously reminded of the particular significance of the Indigenous Public Child, while performative utterances signal the supposedly universal nature of ‘the child’ who must be protected by adult citizens and the government.

¹¹⁵ Significantly, this contradiction rests at the heart of my argument in this analysis. While scholars like Kara Granzow (2020, 194) have argued that “the deaths of the ‘Othered,’ as deaths of the already nearly dead, as

acknowledge and quickly move away from the debates of the settler state into the lives of Indigenous families. The ostensible universality of ‘The Child’ (removed from the highly politically constituted space of settler colonialism) offers a way *out* of the admission that Indigenous children’s relationship to the state is unique in its violence. As a result, the process of self-accusation present in legislative debates is used to smooth over this impossible admission.

Searching for the Responsible Party and Ensuring Accountability

There is an underlying assumption revealed in the legislative debates that if responsibility for the deaths can be identified, similar tragedies will be avoided in the future and child intervention will stop being ‘broken’. References to ‘responsibility’ are already separated from a notion of criminal responsibility: in both the Alberta and Manitoba legislative debates, the public already knows (or is believed to know) who is criminally responsible for the deaths of Phoenix Sinclair and Serenity. Instead, responsibility in the legislative debates refers to a less clearly defined notion of responsibility, certainly drawing on the commonwealth notion of ministerial responsibility, but also moral and social responsibilities.

Manitoba

The emphasis on the diffusion of responsibility is particularly visible in Manitoba, as the inquiry process sought to establish where exactly Phoenix ‘fell through the cracks’. Against opposition party insinuations that workers were or were not responsible, the governing party attempted to assure the Assembly that individual workers were taking on

the deaths of those deemed to be abject, to be located elsewhere, or not to belong here, and as the deaths of the unrecognizable and the unrecognized” shape settler public indifference to Indigenous suffering, that it is the flexibility and maneuverability of the humanization and universalization of the Indigenous Public Child that enables these deaths to occupy such a space of significance in the articulation of settler morality and benevolence.

the burden of enormous caseloads and making judgment calls where the ‘wrong’ choice could have unfathomable implications.¹¹⁶ To varying degrees, all three case studies examined must be contextualized with the shifting political landscape of ongoing devolution of services to First Nations and other Indigenous organizations.¹¹⁷ The legislative debates speak to the process of devolution in Manitoba as a largely unsuccessful political project. References to devolution imply that it was poorly managed, poorly planned, and poorly funded. Bonnie Mitchelson, a Progressive Conservative MLA¹¹⁸ asserts that

the [NDP] government has to accept complete responsibility for their legislation that devolved the child welfare system in 2002 through legislation and then rushed ahead to implement that legislation to the detriment of children that needed to be protected, children that needed the care and the supports, some of the most vulnerable children within our Manitoba society (Legislative Assembly of Manitoba 2010 Dec 8, 575).

In legislative debates in Manitoba, the process of devolution is continually referred to as a political disaster, a plan that was “rushed ahead... without ensuring that those that were providing advice and moving children had the skills and the expertise and the training to do that” (Legislative Assembly of Manitoba 2010 Dec 8, 576; see also: 2010 Dec 9 2010, 615; 2010 Nov 25, 244). PC MLA Ian Wishart goes as far as to stipulate that his comments do “not mean devolution cannot be a very successful process,” only that it hasn’t been thus far, particularly given the partisan failures of the Manitoba NDP (Legislative Assembly of

¹¹⁶ In Manitoba, the NDP government preemptively highlights the kinds of responsibilities that are thrust upon individual workers: “But sometimes that area [child apprehension] is not so clear, as it seems to be when we stand here in the House, for the people on the front line every day. They have to make decisions, and I think we have to commend them for the difficult decisions that they make” (Legislative Assembly of Manitoba 2010 Dec 9, 916).

¹¹⁷ See the introduction to this dissertation for a more detailed history of provincial devolution policies.

¹¹⁸ In 2010, the Manitoba NDP formed government, and the Progressive Conservative Party was the Official Opposition.

Manitoba 2016 Feb 25, 621). Thus, in Manitoba, responsibility is located in the government's mismanagement of devolution to Indigenous authorities.

Phoenix Sinclair is made to signify, in the legislative debates, the 'problem' of First Nations' child intervention programs and processes of devolution. This problematization is another way in which the Indigenous Public Child lingers in all political debates regarding the devolution of services. The conflation of the Indigenous Public Child, and the need for settler state and public surveillance of Indigenous management of these devolved services, reveals one facet of the triangulation of relationships between settler governments, settler publics, and Indigenous peoples: namely, that processes of governmental "transparency further makes [I]ndigeneity public—no longer for only an Indigenous public, but for a settler public. For which public information is being made transparent is an important question" (Willmott 2020, 483). The spectacle of governmental transparency, when particularly directed towards Indigenous management of services like devolution, mediates not only the relationships between Indigenous peoples and the settler government, but also enables the settler public, as taxpayer-citizens, to take on the responsibility of both 1) holding the settler state to account, and 2) surveilling Indigenous peoples and reporting on misdeeds.

Alberta

Perhaps the most literal evocation of the notion of responsibility is observable in the Alberta context. In Alberta, opposition MLAs assert that the government is fundamentally responsible for these kinds of tragedies occurring: "children in care are the personal responsibility of all members of this Assembly" (Legislative Assembly of Alberta 2016 Dec 13, 2574). Notably, in this case, democratic accountability in its broader sense is filtered through the narrower understanding of responsibility—in particular, ministerial

responsibility.¹¹⁹ Demands for ministerial resignations dominate the legislative debates in Alberta in a way that is not taken up in the other two provinces. Before arguing that “the best action this minister [of Human Services] could do... is to resign,” Wildrose leader Brian Jean accuses “all departments of this [NDP] government [of] mislead[ing] Albertans about” the investigation into Serenity’s death (Legislative Assembly of Alberta 2016 Dec 8, 2476; see also: 2016 Dec 12, 2499; 2017 May 9, 917). The push for ministerial resignation, which did not ultimately lead to any resignations in Alberta, was also coupled with an interpretation of ministerial responsibility¹²⁰ as the responsibility to manage staff who have failed to meet their disciplinary standards. Just as the Premier should be holding Ministers responsible, the Ministers should be ensuring that their staff are also acting responsibly, and, thus, the ‘true’ and ‘fundamental’ responsibility itself shifts to unelected bureaucrats as accountable actors. The process of ministerial responsibility imposed in the Alberta context is demonstrative of the move from a politics of accountability to a narrower and more individualized framework of responsibility.

Like the devolution process in Manitoba, the kinship care system comes under fire in Alberta’s legislature for being mismanaged. Kinship caregivers are criticized for lacking the appropriate training to take care of vulnerable children. UCP MLA Leila Aheer calls into question the “insufficient training practices for kinship providers” (Legislative Assembly of Alberta 2016 Dec 8 2016, 2482), after asserting that “the NDP government

¹¹⁹ In Canada, and other commonwealth liberal democracies (e.g., New Zealand and Australia), democratic accountability has largely relied on the unwritten rule of ministerial responsibility (Brenton 2014). Ministerial responsibility refers to what Brenton (2014) argues is the “common—yet inaccurate—interpretation of individual ministerial responsibility... that ministers are expected to resign due to administrative failings. Yet this has not been the tradition for centuries” (2014, 468-9).

¹²⁰ Significantly, Benton argues that “NPM [New Public Management] increased the delegation of direct accountability from ministers and other elected officials to senior executives, with ministers transferring responsibility and expecting problems to be fixed whether the cause is a problem of policy or maladministration” (Brenton 2014, 470).

has failed children in kinship care” (2482). At the time, Premier Notley asserted that her government was working “to improve oversight of kinship care placements” (Legislative Assembly of Alberta 2016 Nov 21, 1887). What is important to glean from these debates is that the government is failing in its responsibility for oversight and management of any policies or legislation that devolve some degree of autonomy to Indigenous peoples.

Ontario

As previously mentioned, Tammy Keeash is named only twice in the Ontario legislative debates, and both times as part of a list including other named and unnamed Indigenous youth (and adults) who died in Thunder Bay, for example, when NDP member Sarah Campbell asks the lists the names of Indigenous peoples who had died in Thunder Bay: “Josiah Begg, 14 years old... Tammy Keeash, 17..., Stacy DeBungee, 41” (2017 June 1, 4774). A couple of weeks earlier, Progressive Conservative member Lisa Thompson questions the Minister of Indigenous Relations and Reconciliation as to why they are “sitting idly by and letting this happen” (2017 May 16, 4441). The ‘this’ that is implied is a sort of general apathy towards the deaths of Indigenous youth and adults in Thunder Bay, and specifically in the McIntyre River, as a precise location of the problem of anti-Indigenous racism in the province of Ontario. This example illustrates the significance of naming Phoenix Sinclair and Serenity as figures of the Indigenous Public Child—and, importantly, that the naming *performs certain politics into being*. That is not to say that there was more government accountability in Manitoba or Alberta, nor that the responses were more progressive. Instead, it demonstrates to what extent the figure of the Indigenous Public Child is a possession of the affective settler public. The performance of naming the Indigenous Public Child *does things* politically that did not occur in the Ontario case study: it enables settler demands for governmental accountability, increased surveillance and

attempts at professionalization of Indigenous kinship networks and legitimizes scrutiny of Indigenous authorities in the context of good governance, public concern, and caring for *our children*.

I speculate that, at least in part, the death of Tammy Keeash was less likely to be mobilized in legislative debates as scandalous because her death did not occur under any obvious form of devolved or culturally accessible programming. Instead, Keeash died while living in a group home in Ontario, one that was part of a contract between the Ontario Government and Johnson Inc, while Freeman, another Indigenous youth named in the *Hansard*, died while receiving services from the Lynnwood Charlton Centre, “a publicly funded charitable organization” that works closely with Ontario’s Ministry of Children and Youth Services” (Lynnwood Charlton 2020). Unlike the other case studies, where targeted rage focused on the government’s responsibility to better manage unskilled and incompetent workers, the Ontario case study reveals a highly generalized sentiment of apathy, in which “nobody was looking out for this young woman,” even as the Members themselves acknowledge the specificity of “four [I]ndigenous youth living in group homes [having] died in the last six months” (Legislative Assembly of Ontario 2017 May 16, 4441). The debate here concludes with the Minister of Children and Youth Services, at the time Liberal Member Michael Coteau, noting that the governmental response to these deaths was to “[make] sure those [Indigenous] communities can care for their children” (2017 May 15, 4442).

Differentiating Between Responsibility and Accountability

Substantive literature has been produced on how contemporary neoliberal child intervention regimes place responsibility for child wellbeing primarily on families, and in particular, mothers (e.g., Harder 1996). However, familial responsibility is virtually absent

from the legislative debates. Both Serenity and Phoenix Sinclair have already been marked as the figure of the Indigenous Public Child, and therefore their families are cast as tangential to the debates about accountability and transparency. That is to say that, while Phoenix Sinclair's mother and step-father were held criminally responsible, and Serenity's kinship caregivers came under substantial scrutiny, the assumption remains that these pathologies were inevitable, and that the settler government's role was to manage and surveil the pathologized Indigenous family appropriately—something that they failed to do.

Responsibility and culpability are evaded not only through delegation but also through diffusion. If we are all responsible, then no one can be held responsible: as MLA Nixon stated in the Alberta Legislature: “our responsibility [to Serenity] is as a province” (Legislative Assembly of Alberta 2016 Nov 21, 1909). The ambiguity of this statement, however, ensures that no one can be held responsible: is Nixon referring to the province as a political entity? As a group of responsible individuals? Or something else entirely? In some moments, the debates lead us to this conclusion: “this is pure negligence, and someone in this government must be held responsible” (Legislative Assembly of Alberta 2017 May 9, 916). In other moments, this assertion of responsibility is refuted: “no member of this Assembly is responsible for what happened to Serenity” (Legislative Assembly of Alberta 2018 Nov 20, 2012). The diffusion of responsibility is also visible in the discussion of Phoenix Sinclair's death in the Manitoba *Hansard*: “It [The Phoenix Sinclair Inquiry] will look at issues of accountability on behalf of the family, the community and the various levels of government” (Legislative Assembly of Manitoba 2010 Nov 24, 207). As a result, the ‘unknowability’ of responsibility is articulated alongside and demands for

accountability, where the promise of illumination remains steadfast, even as no one will be reductively pointed to as ‘the’ responsible agent. The Inquiry, then, is a state accountability exercise that diffuses responsibility to the extent where individuals may be presented as responsible, but the act of self-accusation and self-examination is itself offered as accountability to the settler public, ensuring the legitimacy of the state to engage in its practices of intervention remains intact.

Partisanship, Non-Partisanship, and the Non-Political Political Debate

A driving thrust of this chapter has been the demonstration that the Indigenous Public Child, The ‘Responsible’ or ‘Dysfunctional’ Government, and a collective (settler) public are brought into play in debates in a way that enables the re-legitimization of settler-colonial governance in Canada. The legislative debates disarticulate these discussions from the realm of the ‘political’—even as they take place in the highly political setting of provincial legislatures. Brian Jean, leader of the Alberta Wildrose Party, argued that “Serenity’s death is obviously not a partisan or political issue” (Legislative Assembly of Alberta 2016 Nov 22, 1930). This statement was made on the second day that Serenity’s death was debated publicly in the Legislative Assembly of Alberta. The overarching sentiment persists in debates during the subsequent months and years: “please put politics aside for the sake of Alberta’s children,” Progressive Conservative MLA Mike Ellis implores of Premier Notley (Legislative Assembly of Alberta 2016 Dec 12, 2502). The assertion that child wellbeing is an apolitical issue is not limited to Alberta but is repeated in the Manitoba legislature as well.¹²¹ In this case, House Speaker, as the mediator of the debate intervenes in order to insist that the issue itself is not a political debate. This

¹²¹ At one point in the debate on December 9th, 2010, the House Speaker intervenes to assert that “there’s not a member in this House that would support the death of any child or any member” (Dec 9 2010, 616).

discourse reflects the performative assertion of non-politicality that works to actively configure the space of technocratic solutions and ‘best practices’. In other words, the legislative debates around child deaths are presented to the settler public not as political debates or contestations, but as self-evident bureaucratic ‘fixes’—said otherwise, moments of seeking solutions to problematizations that are ostensibly beyond ideology.

Because the insistence is that these discussions are fundamentally non-partisan and apolitical, parties will often accuse one another of ‘playing politics’. Sarah Hoffman, who was, at the time the Minister of Health as well as the Deputy Premier in Alberta, announced that resolving the issues with Alberta’s child intervention system “is a matter far more significant than political games or partisan attacks,” and argues for a collective and collaborative approach (Legislative Assembly of Alberta 2016 Dec 5, 2270). The Official Opposition in Manitoba frequently critiqued the NDP government for ‘playing politics’ with an issue that was not about politics: “Why are they [the NDP] playing such shameful, despicable, reprehensible politics with Phoenix Sinclair?” (Legislative Assembly of Manitoba 2010 Nov 26, 257). In Alberta, similar discourses about ‘political games’ emerge, this time from the NDP government: MLA Larivee asserts that “what they [Albertans] don’t deserve are Conservative politicians who would politicize this particular issue and politicize a particular family instead of focusing on getting down and doing that work that needs to be done.” (Legislative Assembly of Alberta 2018 May 15, 1079). The discourse of non-partisanship and being above politics recirculates in the context of this research in that it reveals how the death of the Indigenous Public Child is constructed and mobilized in settler public spaces: notably, that the political realities that shape settler-colonial sovereignty and legitimacy require a constant disavowal of the political in order

to naturalize the presence of the settler state and the core relationship as being one that is between the settler state and the settler public.

The way that partisan politics play out in these debates troubles conceived ideas of partisanship: right-wing parties like the Progressive Conservatives, the Wildrose, and the UCP raise debates that are not often associated with that area of the political landscape.¹²² Partisanship, therefore, does occupy a prominent position in the narration of events in the legislative debates analyzed, even as it is disavowed in those debates. The flattening of both questions of accountability and transparency and child wellbeing into apolitical issues allows for these issues to be simultaneously placed outside of the scope of political debate even as they are debated in House proceedings. This flattening also normalizes the spectacle/specter of the Indigenous Public Child as available and suitable for consumption by the settler public. Jacques Rancière argues that “politics is the art of suppressing the political” (1995, 11). Drawing on this claim, Elizabeth Strakosch asserts that the “the purpose of politics is to close itself down once and for all, to ground the polity and release us finally into ‘the administration’ of things” (2017, 28). Strakosch argues that in a settler-colonial context, we must pay explicit attention to the drive towards the end of politics: “the goal of contemporary settler-colonial *politics* also lies beyond itself, in the desire to

¹²² In both Manitoba and Alberta, there is a tendency to hear these parties critiquing government in/action on reconciliation with Indigenous peoples. In Alberta, Angela Pitt, a member of the UCP, goes as far as to state that “the reason that this Government [the NDP] is aware of the 60s scoop is from the Official Opposition” (Legislative Assembly of Alberta 2018 Dec 5, 2377). The statement was made in reference to a Private Member’s Bill submitted by a UCP Member for the Government of Alberta to formally apologize for the role played by Alberta in facilitating the 60s scoop. That said, the assumption within the statement is that the NDP government did not have any knowledge of this period of history until the UCP raised the issue in the legislative debate. Importantly, this is not the only time that partisan expectations are reversed in the discourse. In Manitoba, it is often the Progressive Conservative Members articulating the “duty to care for our society’s most vulnerable” (Legislative Assembly of Manitoba 2014 May 20 2782). This includes the multiple petitions from the Progressive Opposition in 2014 to increase the rate of rental allowance for Manitobans accessing employment assistance (e.g., Legislative Assembly of Manitoba 2014 April 15, 1935; 2014 April 16, 1996).

close down political relations between Indigenous and settler selves once and for all” (emphasis in original) (2017, 29). The drive towards the apolitical administration of the state, and in this case, responsibility for Indigenous Public Child, is already framed within the context of the settler-colonial aspiration for an end to Indigenous-settler political, as opposed to affective, relationships.

Conclusions

Although media representations were the focus of the previous chapter, I return to the moral and political positioning of the media to highlight their role in the legislative debates here. Rather than being a matter of the media reporting on the happenings of the legislature, the overlap in discourses represents a more dialogical¹²³ approach in which the news media and the legislative debates mediate one another. A clear interaction is drawn out between the legislative debates and the media coverage of events highlighted previously. The two sites of discourse not only overlap but interact with one another throughout the dispositif. The news media informs and shapes how the discussion takes place in the context of provincial legislatures. This repetition of media framings in the legislatures remains relevant in the coming chapters, as legislative debates reference inquiry documents and policies that come up through the course of discussion. There is not a linear pattern to how the discourse progresses (through the ‘fields’ of media scandal, political debate, inquiry, policy); rather, there is a sequence that cycles between processes of scandal and politicization, depoliticization, and the diffusion of responsibility, that

¹²³ Here, I am drawing on Mikhail Bakhtin’s “dialogic principle.” As outlined in the Routledge Dictionary of Literary Terms, “Bakhtin is not merely talking about dialogue in the ordinary sense in which two or more people talk with each other. He is addressing the prior issue as to how such dialogues are in the first place enabled or even possible. They are so because, in his view, language is constitutively intersubjective (therefore social) and logically precedes subjectivity. It is never neutral, unaddressed, exempt from the aspirations of others” (Childs and Fowler 2005, 52). This theory of the dialogical structure of speech therefore both extends from, and expands on, the performative nature of political speech already highlighted in this chapter.

operates as these sites of discourse cross-reference each other and continually build on one another.

The mainstream news media plays a substantive role in constructing the parameters of legislative debates. Part of this undoubtedly stems from the perception of journalism and media in the context of liberal democracies that tend to perceive journalists as “truth vigilantes” (Bennett 2014, 103) whose primary role is to bring political truths to the public.¹²⁴ This perception is not only a vision or aspiration that journalists hold for themselves, but also one that the watchful public, constructed by the press in liberal democracies, projects onto the media: their role is to make legible political issues that would otherwise be inaccessible, and to expose governmental secrecy and misdeeds. The moral drive towards ‘truth’ in the context of the settler state cannot be divorced from the possessive logics of settler colonialism: “transparency as a technology of government does not simply emerge from where secrets lie, it emerges from a colonial will-to-knowledge, a desire to tell some form of ‘truth’ about an object” (Willmott 2020, 477). The morally coded and affectively intense site of public debates around child deaths becomes a mechanism through which settler-colonial relations of power are re-coded.

In Alberta, MLAs frequently cite the Paula Simons article as the moment in which the crisis of the death of Serenity became relevant in public debate, as exemplified by Wildrose leader Brian Jean’s statement that “the fact is that we know what we do today about Serenity because of an *Edmonton Journal* column.” (Legislative Assembly of Alberta 2016 Nov 21, 1886; see also: 2016 Dec 13, 2574). Significantly, MLAs in

¹²⁴ John Lloyd (2014) argues that “journalists see themselves as highly moral actors, and they pursue their moral mission by attempting to make events and characters more transparent, more open to public inspection and judgment (73).

Alberta's Legislature point to Paula Simons' reporting on the case that ultimately persuaded them of the emotional relevance of Serenity's death to public life in Alberta (Legislative Assembly of Alberta 2016 Nov 21, 1900). Interestingly, however, none of the debates in the Alberta Legislature appear to cite the original *Fatal Care* (2013) investigative journalism series. This could possibly be a partisan matter—the Progressive Conservative Party was still in power, and discussions of accountability and transparency would necessarily be a critique of the regime. With the change in government in 2015, right-leaning parties like the UCP and the Wildrose were able to politicize debates of accountability in a way that leveraged their positions in the opposition. In the Manitoba Legislature, there are also frequent references to the media and its critiques of government business. Arguably, members of the Assembly seem to perceive media as translating the perceptions of the public in a way that legislators can understand.¹²⁵ The NDP government cites news articles published during the previous PC government, seemingly also to emphasize the now-opposition party's failure during their time as the government. On December 19, 2010, MLA Martindale notes, "I have a number of newspaper headlines and quotes that I'd like to put on the record" (Legislative Assembly of Manitoba 2010 Dec 19, 621). The act of ensuring that news articles are on public record in the legislature communicates the significance of this overlap in discourses.

¹²⁵ Progressive Conservative MLA Jon Gerrard, then a member of the opposition, states that "reporter James Turner of the Winnipeg Sun, who follows the Phoenix Sinclair Inquiry closely, writes that CFS is seen as, and I quote, a gigantic government machine, the feared child police which operates largely in secret and appears completely unaccountable for the decisions it makes" (Legislative Assembly of Manitoba 2013 May 22, 1565). In this case, Gerrard is using Turner's reporting to emphasize a belief supposedly universally shared among members of the public about the NDP government. In the subsequent chapter, however, I will illustrate how, while settler public mistrust of government agencies is seen as cause for structural change, Indigenous mistrust of these same agencies and practices is pathologized as something to be remedied through intervention and corrective policy.

This chapter demonstrates what happens to the dispositif of the child death inquiry as it moves into a different site of discourse. The dominant media, with its assumed settler audience, generates scandal through the spectacle of Indigenous loss—this first ‘stage’ of the dispositif shapes the terms of debate, both by producing an object of concern around which the settler public response (ostensibly universally), and by orienting the ‘target’ for the rage as the government, broadly, and bureaucracy, specifically. In turn, the move into the provincial legislatures offers insight into how political debate is used to shape the parameters of the scandal around specific policies, programs, or bureaucratic units—in other words, narrowing the expectation of governmental accountability into individualized responsibility. Importantly, the narration in the legislative debates 1) identifies the target for scrutiny in the inquiry process, and 2) insists upon the apolitical nature of the dispositif as something that *all Albertans* and *all Manitobans* ought to be emotionally affected by.

This chapter illustrates that, even as settler colonialism operates through a “sovereign death drive” (Simpson 2016a) in which the settler public is shaped through “societal indifference to violence” towards Indigenous peoples (Graznow 2020, 14), settler publics are shaped also through affective relationships towards Indigenous life—some of the time, and under specific circumstances. The analysis in this chapter demonstrates that the settler public does, at times, forge affective relationships to the figure of the Indigenous Public Child. In turn, this affective relationship both claims the Indigenous Public Child as an object of settler possession, and overwrites political relationships with a benevolent, affective relationship—where Indigenous children are ‘granted’ the status of Albertan or Manitoban children. By disavowing political relationships through affective and emotional attachments, technocratic reform as a ‘solution’ to violence is naturalized. In turn, the

expression of reform to child intervention as ‘apolitical’ or beyond politics enables further mediation of political relationships and the ongoing assertion of settler-colonial legitimacy in the management of Indigenous life. The subsequent chapter, which focuses specifically on the mechanisms of accountability and transparency instituted following scandals of child deaths—mechanisms like commissions of inquiry, public inquests, and non-partisan committees—reveals how the ongoing maintenance of neoliberal settler-colonial governmentality is dependent on the promise of apoliticality and the promise of a universalized ‘public good’.

Chapter Four: Building Legitimacy, Preserving Authority, and Defining ‘The Public’ through Public Inquiries in Manitoba, Alberta, and Ontario

Introduction

Following the public outrage expressed in the media coverage, and the assertion of a non-political, benevolent care for children documented in legislative debates, all three provinces began a process of public inquiries, reviews, or committees. I expand on the arguments of the previous two chapters by emphasizing how the performative nature of governmental admissions of wrongdoing shapes the inquiry process. The performative nature of these practices does not suggest that these actions are meaningless, but rather that they *do things*—they define and narrate political relationships, they shape truth-production in the context of the settler nation-state, and they reframe the language of political contestation in unexpected ways. A core focal point of this chapter is an examination of how the language of political debate is reframed through notions of depoliticized self-improvement and customer (taxpayer-citizen) satisfaction.

In this chapter, I ask: *how are practices of accountability and transparency framed, imagined, and made possible by certain discourses (namely cultural sensitivity, reconciliation, and Quality Assurance)?* Drawing on the previous chapter’s arguments regarding settler possession and the figure of the Indigenous Public child, I demonstrate how the dispositif of the child death inquiry is structured along racial lines in settler-colonial Canada, and is further complicated by proximity to different forms of governance of the child intervention system—notably, to devolved service arrangements to First Nations or other Indigenous organizations, kinship or customary care, and other forms of child intervention broadly positioned under the discourses and practices of Canadian ‘reconciliation’ efforts. The analysis in this chapter reveals key differences in the work of

public inquiries that scrutinize improvement regimes framed as reconciliatory reforms (Manitoba and Alberta) and those that do not (Ontario). The Ontario case study illuminates both a) how inquiries play out in a context where an affective and benevolent settler public is not called upon in response to the death of the Indigenous Public Child, and b) the limitations of political accountability when filtered through public inquiries in the landscape of neoliberalized service provision that lacks a specifically ‘cultural’ or ‘reconciliatory’ component (in other words, service provision understood to be ‘universal’).

The core thrust of this chapter is an examination of the deeply entangled discourses and practices of accountability and transparency as they are simultaneously shaped, reshaped, and contested within and between discourses of transitional justice (such as truth claims, reconciliation, justice for survivors) and neoliberal logics. NPM and managerialism, having pervaded public and political life, now frame how we understand and implement supposedly appropriate responses to injustice and demands for justice. Notably, notions of justice—or perhaps more appropriately, justness¹²⁶—are increasingly framed in the language of Quality Assurance. This chapter adds three substantive contributions to arguments made previously:

- 1) The dispositif of the child death inquiry, as a practice of state accountability and transparency, rearticulates the core relationships of settler-colonial governance. This triangulation of relationships, through the inquiry process, *performs* the legitimation of settler-colonial governance.

¹²⁶ As highlighted in the introduction, I use the term ‘justness’ rather than ‘justice’ to articulate that the notion of ‘justice’ expressed in the inquiries here reflects a sense of moral propriety, of ‘the right thing being done.’

- 2) Specific sites and techniques of re-legitimation are articulated in child death inquiries in the contemporary Canadian state, and that these sites and techniques emerge from the neoliberalization of governance: New Public Management, Quality Assurance, devolution and privatization, and quantification. In other words, the inquiries establish the practices that will count as improving on the past.
- 3) I foreground the intersections and inconsistencies between the neoliberal drive towards increased efficiency, privatization, and individualization, on the one hand, within the moral and affective necessity of re-establishing settler benevolence, on the other.

Chapter Methods, Source Material and Reports

Recalling arguments made in the previous chapters regarding settler states and publics, and their proprietary relationship to the figure of the Indigenous Public Child, this work is facilitated through the overt publicization of Indigenous loss as a problem for settler governance, and the articulation within public inquiries that this problem has more to do with the relationship between the settler state and its taxpayer-citizens than it does with the settler state and Indigenous peoples. I examine six public inquiries in this chapter, and one pre-emptive government report (in the case of Ontario). In Manitoba: three inquiries into the death of Phoenix Sinclair; in Alberta: the Child Advocate's investigation report, titled "Four-Year-Old Marie", as well as documents from the Alberta *Ministerial Panel on Child Intervention*, and in Ontario: the Provincial Advocate for Children and Youth's investigative report on the Johnson Inc. group home in Thunder Bay, the 2018 Office of the Chief Coroner' as well as the 2016 report "Because Young People Matter," and the 2018 report of the Office of the Chief Coroner, "Safe with Intervention." While these documents range in length, specificity, and process, all the sources examined are

invested in producing a kind of accountability, transparency, or truth-telling with regards to child deaths within the child intervention system. They represent different governmental approaches to the mechanisms of accountability and transparency. Below, I describe the specific inquiry and review documents—dating from 2006 to 2019—that are relevant to this chapter, before turning to the results of my analysis of the documents related to the three case studies. Ultimately, I distill the specificity of the exercises in managing scandal and legitimacy, before returning to the results of my overarching analysis of the dispositif. The work of the public inquiries within the dispositif is to transform a political crisis into a solvable problem. In turn, this move from crisis to solution is articulated through specific forms of truth-telling, and solutions offered are defined narrowly within the inquiry: cultural competency, reconciliation, and Quality Assurance.

Documents from the Manitoba Case Study

A. *“Honouring their Spirits”: The Child Death Review: A Report to the Minister of Family Services and Housing, Province of Manitoba (2006)*

For the Manitoba case study, I have chosen to analyze three different inquiry documents¹²⁷ (out of a total of eight different inquiries and reports published in the aftermath of Sinclair’s death). It is worth noting the volume of documents¹²⁸ produced in

¹²⁷ Significantly, all the reports examined in this chapter were published while the NDP held office in Manitoba.

¹²⁸ The following is a list of the reports commissioned following the discovery of Phoenix Sinclair’s death: A Special Case Review in Regard to the Death of Phoenix Sinclair (Andrew J. Koster and Billie Schibler, 2006); An Investigation into the Services Provided to Phoenix Victoria Hope Sinclair (Department of Justice, Office of the Chief Medical Examiner, September 18th, 2006); Strengthen the Commitment: An External Review of the Child Welfare System (Michael Hardy, Irene Hamilton, and Billie Schibler, September 29th, 2006); Honouring their Spirits, The Child Death Review: A Report to the Minister of Family Services and Housing, Province of Manitoba (Billie Schibler and James H. Newton, September 2006); Strengthening Our Youth: Their Journey to Competence and Independence, A Report on Youth Leaving Manitoba’s Child Welfare System (Billie Schibler, Children’s Advocate, and Alice McEwan-Morris, November 2006); Audit of the Child and Family Services Division, Pre-Devolution Child in Care Processes and Practices (Carol Bellringer, Auditor General, December 2006); The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children (The Honourable Ted Hughes, Commissioner, December 2013); Options for Action: An Implementation Report for *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children* (AMR Planning and Consulting, January 2015).

comparison with both the Alberta and Ontario case studies also featured in this chapter. The first public inquiry document I examine is the *Honouring their Spirits* report, prepared by the Manitoba Office of the Children's Advocate in September 2006 and delivered to the Minister of Family Services and Housing. Unlike some of the other reports analyzed, the *Honouring their Spirits* report was designed as a systematic review and was therefore not an investigation into the specific circumstances that led to Sinclair's death. Because of the volume of reports in Manitoba, I specifically analyze reports that have a systemic or structural, rather than individual, focus, as these reports are more useful in grappling some central questions and themes: namely how intimate details of grief, produced as a spectacle, are brought into the fold of public discourse as a shared concern of community stakeholders. The *Honouring their Spirits* report was tasked with investigating all deaths of children who had been receiving welfare services within a year of their deaths and developed a set of common themes as well as eighty recommendations submitted to the Minister of Family Services and Housing. Because of its similarities in scope to the Ministerial Panel in Alberta, this report is also useful to my analysis from a comparative perspective.

B. The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children (2013)
The Legacy of Phoenix Sinclair report is the most comprehensive and detailed public child death inquiry in my analysis. The full document was released in December 2013, eight years after Sinclair died in 2005; seven years after her death was discovered by authorities in 2006; and over one year after the inquiry process began in September 2012. The Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair was established with the express purpose of uncovering how "a child who had been connected to a child welfare agency [could] end up suffering such a tragic fate, and how...

her death [went] undiscovered by law enforcement and child welfare for so long” (Hughes 2013, 53). The authority of the Commissioner is derived from *The Manitoba Evidence Act*, which empowers the Lieutenant Governor in Council “to order an inquiry into any matter within the jurisdiction of the Legislature that is of *sufficient public importance*” (Hughes 2013, 53, emphasis added). The details surrounding the death of Phoenix Sinclair, not only her involvement with child intervention or other publicly funded services, but also intimate details of her family’s trauma, were deemed to be of *sufficient public importance* to the people of Manitoba. This statement requires the careful unpacking of a coherent notion of ‘public importance’ that is constituted and reconstituted in neoliberal and settler-colonial governance: while the statement appears to suggest that ‘public importance’ is a self-evident quality, my hope for this chapter is that I can point to the dynamism and contestations surrounding the supposedly universal and ahistorical notion of ‘public importance’.

C. “*Options for Action*”: *An Implementation Report for The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children (2015)*
 Following the publication of the report of the commission in 2013, AMR Planning & Consulting was hired to produce an implementation report and deliver it to Manitoba’s Minister of Family Services (at the time, NDP Minister Kerri Irvin-Ross). The Manitoba Government hired AMR Planning & Consulting as an “independent firm... to provide options for implementing and responding to the remaining recommendations from the Hughes inquiry” (Manitoba Government 2014). The hiring of an independent consulting firm, in the context of shifting interplays between the moral/affective and financial/managerial elements of the inquiry process, is in and of itself an interesting practice, and worth flagging at this juncture. The underpinning assumption appears to be

that private-sector managerial expertise has become the commonsense approach to the interrogation of governmental and bureaucratic effectiveness. The contracting of an independent firm¹²⁹ to conduct an audit of the government is of direct interest to the question of how accountability and transparency mechanisms, imported from the private sector, reflect the transformation of citizen-state relationships in settler-colonial Canada.

In their implementation report, AMR notes that they were “tasked with the responsibility of developing options for action for 31 of the 62 recommendations made by The Honourable Ted Hughes” (2015, np). The assumption made here is that the other 31 recommendations had been sufficiently implemented and did not require additional work to develop implementation strategies. My interest in including this report is that it is a direct follow-up of one of the other documents analyzed and offers insight into how the Manitoba Government managed the case over time.

Documents from the Alberta Case Study

A. “4-Year-Old Marie: An Investigative Review” (2016)

The first part of my analysis of the Alberta case is the official investigation of the Office of the Child and Youth Advocate published following the death of Serenity, released under the pseudonym “Marie” to preserve confidentiality for Serenity’s siblings who were still involved with provincial child intervention services. The anonymity of this document was part of the scandalization of Serenity’s death and the process of shaping Serenity as

¹²⁹ This iteration of private sector incorporation into political life also points to the reconstitution of citizens as ‘stakeholders’ or as ‘taxpayer-citizens’. As Kyle Willmott has argued, the citizen-as-stakeholder, or the taxpayer-citizen is “empowered to use elements of the economy as responsible, fiscal stewards of the state to discern, calculate, critique and ultimately make decisions about what form and shape government should take” (2017, 266). The decision to incorporate a private sector consultant in the policy audit of the Manitoba Government foregrounds that part of the settler public’s outrage has something to do with bureaucratic inefficiency and ineptitude. Rather than arguing that this is the sole logic of critique, the intentional bringing-in of a private sector consultant further begs the question of what ‘accountability’ or ‘transparency’ might mean when these values are reframed by the supposedly efficient corporation.

the Indigenous Public Child. The investigative review published by this Office was released prior to the media outrage and was initially the subject of media scrutiny, especially for journalist Paula Simons who argued that the investigative review document omitted key details to downplay the violence of Serenity's death.¹³⁰ Like the investigative inquiry into Johnson Children's Services Inc. in Ontario, this investigative review was led by the Alberta Office of the Child and Youth Advocate, an independent office of the Legislative Assembly of Alberta. In Alberta, unlike in Ontario, the Office of the Child and Youth Advocate continues to conduct inquiries and investigations into serious injuries and deaths of young people in Alberta who are receiving services as outlined by the *Child, Youth, and Family Enhancement Act*.

B. The Ministerial Panel on Child Intervention (2017-2019)

The second half of the analysis of the Alberta case study examines the Ministerial Panel on Child Intervention (hereafter, Ministerial Panel), assembled following the media outcry related to Serenity's death, and the partisan debates of governmental responsibility in the legislative assembly. The Ministerial Panel was the Government of Alberta's response to the media and public outrage surrounding the handling of the investigative review discussed previously. As an all-party committee struck in 2017, the Ministerial Panel was tasked with "outlining immediate recommendations to improve the child death review process," as well as recommending ways to "strengthen the intervention system" more broadly.

I examine the terms of reference, thirty-three sets of meeting minutes, as well as the final recommendation documents from the Ministerial Panel's work. Although these

¹³⁰ This contention is currently under review, as different departments released different information, and there is no consensus on what the cause of death was, and what injuries were sustained.

documents do not represent the entirety of the Ministerial Panel’s work, they offer sufficient overview of the main themes and questions discussed, as well as a thorough chronology of the Ministerial Panel, from the time its terms of reference were laid out, to the final recommendations put forward before the Ministerial Panel was dissolved. Unlike the other documents examined in this chapter, then, the documents from the Ministerial Panel do not represent a formal inquiry or investigative review process. While the demand for a formal inquiry was part of the media and public outcry surrounding the management of Serenity’s death in kinship care, the Government of Alberta responded instead by creating the Ministerial Panel. Government discourses frame the Ministerial Panel in many of the same ways that the inquiry documents are presented, however. The necessary adherence to standards of openness, transparency, and non-partisanship is reiterated throughout the documents. On the Government of Alberta’s website detailing the Ministerial Panel and its work, the panel is described as “an unprecedented, open, and transparent review of Alberta’s child intervention system” (Government of Alberta 2020).¹³¹

Documents from the Ontario Case Study

A. *“Investigation Report: Johnson Children’s Services Inc.” (2019)*

The Investigation Report regarding Johnson Children’s Services Inc. was produced by the Office of the Provincial Advocate for Children and Youth in Ontario and was released publicly in March 2019. The investigation and subsequent written report were tasked with following-up on the concerns of a whistleblower staff member who alerted the Advocate’s office of staff who were “poorly trained and ill-equipped to meet the complex needs of

¹³¹ Although it is beyond the scope of this research to analyze, the Ministerial Panel also audio-recorded most of their meetings (except those that were in-camera for confidentiality and privacy reasons) and uploaded them onto the Government of Alberta’s SoundCloud Account, *Your Alberta*.

children in their care” (Ontario Child Advocate 2019, 2). Johnson Children’s Services Inc.¹³² closed their Thunder Bay facilities following the death of seventeen-year-old Tammy Keeash, who died while living in the care of the private foster home. Following the closures and whistleblower statement, the Office of the Provincial Advocate for Children and Youth initiated an investigation.

B. “Because Young People Matter”: Report of the Residential Services Review Panel (2016)

The second document from Ontario that I analyze in this chapter is the 2016 “Because Young People Matter” report. Although it is not directly part of the dispositive of the child death inquiry in Ontario, as it was published a year prior to Keeash’s death in 2017, it is a key moment in shaping the discourses that follow in the case study I examine. The report was the product of the Residential Services Panel, “brought together by the Ministry of Children and Youth Services in July 2015 to conduct a system-wide review of the Province’s child and youth residential services system” (2016, 6).

While the report addresses many of the same values and ideas expressed in the other provincial reports (for example, oversight, accountability, and access to information), it is also unique in its approach: “Because Young People Matter” differs from the other child death inquiries examined in the fact that this report is pre-emptive, rather than reactionary, and does not respond to a specific child death or a specific moment of ‘crisis’ within the system. Instead, it is a report “centered on improving the everyday experience of young

¹³² Johnson Children’s Services Inc. is a “treatment foster care agency” in Ontario (Johnson Children’s Services Inc. 2021). The beds are “funded on a fee for service or contract basis.” These group homes, which continue to operate in East-Central Ontario, offer three different branches of service: traditional foster care, therapeutic foster care, and respite. The homes in Thunder Bay were specifically advertised as treatment foster care homes for youth with special needs or other ‘high risk’ factors. Because Johnson Children’s Services Inc. had received licensing approval from the Ontario Government to operate other foster homes in the province, “JCS did not obtain—nor was the agency required by the Ministry to obtain—a separate license” for the services provided in Thunder Bay (Office of the Provincial Advocate for Children and Youth 2019, 9).

people living in residential services and on developing a meaningful, sustainable, and consistent framework for developing outcome measures” (2016, 6). Rather than indicating a crisis of transparency or accountability, then, the Panel was part of a demonstration of “a commitment to improvement,” and even more explicitly, referred to as a “commitment to seek excellence” by commissioning the work of the panel” (2016, 6). The pre-emptive or differently temporal nature of this report helps to explain why the Ontario case study relied less on the particular evocation of the figure of the Indigenous Public Child: in having already demonstrated its commitment to continuous improvement, the need for the settler government *to be seen responding* was already less urgent and less affectively structured by the temporality of *too-lateness* that informs the other two case studies.

C. “*Safe With Intervention: Report of the Expert Panel on the Deaths of Children and Youth in Residential Placements (2018)*”¹³³

This 2018 report, published by the Office of the Chief Coroner (OCC) released the findings of an Expert Panel tasked with investigating twelve child and youth deaths in Ontario residential care facilities. Unlike the 2016 report, this report was not pre-emptive and was not celebratory of the Ministry of Children and Youth Services’ “commitment to seek excellence” (2016, 6). Instead, the Expert Panel concluded that “the systems involved

¹³³ Towards the end of my research, as I was revisiting the Ontario case study in the hopes of providing a more substantive explanation of the ways it intersected with (and diverged from) the other two provinces, I decided to look once more for a report cited in the 2020 Quality Standards Framework (examined in the subsequent chapter). The report was a 2018 review of twelve child deaths in residential care in Ontario, released by the Office of the Chief Coroner (OCC). Earlier attempts to locate this report had been unsuccessful, as the multiple links to the report on government websites were broken. I was eventually able to locate an html version of the report on the OCC’s website. While this report corresponds, in some ways, to the more individualized investigations into child deaths in Manitoba and Alberta, it is also worth considering how it is both 1) curiously absent from the Ontario Government’s web presence, and 2) received comparatively little news coverage and, like the other reports from the Ontario case study, did not seem to call upon a moralized and outraged benevolent settler public in the same way that the reports in the other two provinces did. Significantly, I was unable to locate any news coverage about the report in the years following its release (2018-19) on both the Canadian Newsstream database and on Google News. On Google News, I was able to locate one 2020 article that mentioned the report following the death of Devon Freeman (Jackson 2020).

repeatedly failed in their collective responsibility to meet the fundamental needs of the young people” (2018, np). Although the Expert Panel was tasked with an analysis of “reviewing and assessing the services and supports provided” to twelve young people who had died in residential care prior to July 31st 2017, Tammy Keeash is not included among the “group of 12 deaths of young people in the care of a Children’s Aid Society or Indigenous Child Wellbeing Society” identified by the Panel (2018, 3).

The 2018 *Safe with Intervention* report is not only a reflection of how the dispositif changes without the individualized and spectacularized figure of the Indigenous Public Child, but is also revealing of how the contemporary child death inquiry in Canada can simultaneously work to incorporate Indigenous agency, while reabsorbing political critique into neoliberal regimes of New Public Management and better oversight mechanisms. Unlike other reports, the *Safe with Intervention* report appears to take seriously the incorporation of youth and Indigenous voices, frequently including remarks that are sharp and pointed critiques of systemic racism, ongoing colonialism, and ineffective solution-making: one Indigenous youth is quoted as saying “don’t colonize the process, don’t colonize the solutions” (2018, np) to the ‘problems’ that lead to intervention in the first place. When consulted about the Panel’s recommendations for increased accountability, an unreferenced quotation (likely a youth, but the reader is given no context) asks, “I was traumatized by the system—who is accountable for that?” (2018, np). As will be examined in this chapter, the partial inclusion of these accounts in the report highlights the spectral quality of Indigenous children and youth referenced in the previous chapter and demonstrates how it operates in different moments throughout the dispositif. Most notably, the incorporation of youth critiques of systemic neglect are presented as decontextualized

and emotional (rather than political) claims, and through their decontextualization are used to justify the potential of New Public Management strategies as the most productive responses to the ‘problems’ of caring for vulnerable youth.

The Indigenous Public Child and the Public Inquiry into (Indigenous) Child Death

The provincial case studies are shaped by the settler public’s creation and acceptance of the figure of the Indigenous Public Child. In the field of the inquiries themselves, the presence or absence of the Indigenous Public Child shapes how problematizations are identified, as well as what kinds of ‘solutions’ are imaginable to these problematizations. In both Alberta and Manitoba, there is a clear emphasis on Serenity and Phoenix Sinclair’s ‘invisibility’ throughout their lives. This emphasis on their invisibility in life is used to justify the hypervisibility of their deaths in inquiries, reports, media, and public debates. This dichotomy reveals the interplay between “both strategies of visibility and imperceptibility”¹³⁴ (Wilke 2018, 158) that operate within settler-colonial governance: Indigeneity can only ever be invisible or hyper-visible in the context of settler colonialism. The Phoenix Sinclair Inquiry is framed around a central question asked by the Commission Counsel: “How it is that in Manitoba, a small child can become so invisible— invisible to an entire community, one that includes social service agencies, schools, neighbours, friends and family—so invisible as to literally disappear?” (Hughes 2013, 54). The remainder of the report works to highlight *how* Phoenix Sinclair came to be invisible to the public (through limited face-to-face contact between social workers and the family;

¹³⁴ Wilke’s theorization of visibility and imperceptibility, used to analyze the political lives of illegalized migrants, draws on (and challenges) Rancière’s (1999) question of how “political subjectivities emerge in moments of disruption in which the invisible and voiceless become visible and audible” (cited in Wilke 2018, 159). While Wilke emphasizes the transformative potential of “the imperceptible political lens” in his analysis of illegalized migrant struggles (Wilke 2018, 159), I am hesitant to ascribe a transformative potential to forms of invisibility and hypervisibility enabled through the inquiry processes analyzed here, where the management of invisibility and hypervisibility is administered *by* settler publics and governments *onto* Indigenous children.

the fact that she was too young to be attending school; unclear paper trails kept in child protection agency records) in a way that seems to be attempting to rectify this invisibility after the fact. Without a similarly public figure to be claimed by a benevolent settler public, the inquiry process in Ontario becomes *an even narrower* filtration of problems and solutions.

The three reports examined in Ontario provides the comparative example of how the dispositif remains incomplete in the absence of an individualized and spectacularized Indigenous Public Child for whom the benevolent and outraged settler public can demand accountability. Given the difference in this case study, I have opted to analyze two additional reports in the case of Ontario that are relevant to the site examined (licensed residential care for children and youth), while not being specifically connected to Tammy Keeash's death. In different ways, each report contributes to an understanding of the differences of the dispositif of the child death inquiry without its central figure. The Child Advocate's report related to Johnson Children's Services Inc. is narrow in scope and makes limited and specific recommendations—mostly regarding the licensing protocols in the province. The 2016 report, which I refer to throughout this chapter as “pre-emptive” (in that it did not respond to a crisis of a child death, but rather gave rise to a “culture of continuous improvement” from which all data in the Ontario case study emanates), allowed for a softened political context in which the government was already *seen do be doing something*, even before any specific or named crises could happen. Finally, the 2018 report, while responding to a provincial crisis of child deaths, is framed already by 1) the ostensible commitment to service excellence and continuous improvement as laid out in the pre-emptive 2016 report, and 2) a pattern of deaths of young people in residential care of and

for whom a benevolent settler public never claimed affective possession, nor accepted moral responsibility.

The ‘Field’ of Inquiry: Naming and Defining Political “Problems” through Public Inquiries

Inquiries, as performative mechanisms of governance, reshape the relationships that exist between the Indigenous Public Child, the (settler) taxpayer-citizen, and the ir/responsible state. The case studies present different, but intersecting, approaches to a central question of the state’s relationship to child deaths, especially as they are framed as questions of transparency and accountability.¹³⁵ Expanding on the arguments of the previous chapter, where legislative debates were used to define the parameters of political problems (or problematizations), the analysis of public inquiry documents reveals the process of filtering and narrowing these problematizations into questions of good governance: public access to information (transparency) and restoring the settler public’s trust in their government (accountability).

As mechanisms of public accountability and transparency, all inquiry processes examined in this chapter form a particular emphasis around the public’s right to information, as well as the act of defining and shaping what exactly constitutes ‘the public interest’. The technicalities of child abuse and death as a logistical problem comes into direct contact with the heightened affective and moralized elements of the scandal previously highlighted, and through this contact produce and communicate ‘solutions’ to problems articulated as truth. This contact point, between logistical problem-solving and the moralization of child deaths, results in a mechanism of truth-telling where, if enough

¹³⁵ As demonstrated earlier, the state’s articulations of transparency and accountability in this context reflect a historically-specific blend of financial/private-sector and moral/affective meanings that have resonances in political discourse.

information is uncovered and revealed to the public, then the state has done its part to ensure that the public's interests have been protected.¹³⁶

Transparency: Public Access to Information as a form of Justness

A central problematization outlined in the inquiry documents is managing the public's 'right to know' what has been going on in publicly funded departments and ensuring that the public's access to information has not been compromised by opaque bureaucratic processes. The various tactics used by provincial governments reveal a belief that if enough information—*that is of public interest*—is shared, then the government has done its due diligence in meeting transparency obligations. However, the inquiry documents examined also reveal in great depth the fluidity of the concept of "public interest." Additionally, the question of what aspects of the individual lives of children become matters of public interest is central to understanding how the relationships between the settler state, the settler public, and Indigenous families are framed throughout these processes of transparency. In the settler-colonial context, legitimacy is derived in part from the ability to mediate relationships through the provocation and rewarding of public interest and concern.

Perhaps the most obvious example of the circulation and management of publicly available information in Manitoba is the repeated decision to publicly circulate information regarding child intervention that is not, at least obviously, linked to Phoenix Sinclair's death: most notably, the insistence on Fetal Alcohol Spectrum Disorder (FASD), as well

¹³⁶ At the same time, the unresolved tension (where the inquiry processes themselves are depicted as scandalous) between media-produced scandal and the conclusions of public inquiries indicates that perhaps inquiries do not often replace or clarify truth produced in the media's constitution and circulation of scandal. Neither the media-produced scandal nor the inquiries' conclusions are 'the truth'—but rather, interrelated processes of truth-production, whereby the public is exposed to different frames of interpretation. Both the media and the governmental inquiries are mechanisms that manage how the social relations of settler colonialism are both perceived and reproduced, especially by settler publics.

as devolution processes throughout the province. Both questions are certainly part of the ‘big picture’ of child intervention in Manitoba and would have impacted Phoenix Sinclair’s involvement with the child intervention system in some way, but neither were specifically nor explicitly named as factors in her death. In Alberta, the Ministerial Panel, created as a direct response to the death of Serenity, was given a mandate that clearly stipulated that the Panel could not investigate specific cases. However, much of the work of the Ministerial Panel, as evidenced in both its reports and meeting minutes, focused on elements of child intervention that were explicitly relevant in the case of Serenity’s death (specifically, kinship care arrangements and Indigenous children in the child intervention system). Through these kinds of implicit evocations, Serenity’s particular death was a shaping presence in the Panel’s discussions.

The question of the *public interest* and the public’s unquestionable right to information—even information that may not be relevant to the specific questions at hand—reflects a reality in which the mechanisms of transparency *serve purposes other than ensuring justice for children and families*. This necessitates questioning what work *is being done* by these mechanisms, whether they are inquiries, inquests, or panels? The invocation of ‘public interest’ in accessing details regarding the deaths of Indigenous children suggests that the public has—or is believed to have—a *right* to see the entirety of the ‘scandal’ unfolding and that, on some level, the taxpayer-citizen is invited to see the ‘problem’ as a problem of state care for a pathologized group, rather than a problem of ongoing settler colonialism.

Manitoba

Throughout the pages of the Phoenix Sinclair inquiry, broad references to the management of un/healthy bodies, notably FASD prevention and management, are raised

repeatedly, especially as they relate to the recommendations of the Inquiry. Without questioning the validity of recommendations surrounding the management of FASD in the province, the ongoing references to FASD and FASD education and prevention are interesting as there is never a clear connection made between the death of Phoenix Sinclair and FASD.¹³⁷ While there are at times references to parental alcohol use (e.g., Hughes 2013, 148; 153; 259), the report frequently refers to Phoenix Sinclair as a “healthy” baby and a “healthy” toddler (Hughes 2013, 115; 236).

The Inquiry’s focus on Phoenix Sinclair as a “healthy” baby stands in contradiction to what Razack (2015) and McCallum and Perry (2018) find when examining the inquests and inquiries into the deaths of Indigenous adults in Canada—notably that settler society and its ensuing logic of elimination become justifiable “by viewing the Indigenous body as sick, dysfunctional, and self-destructive” (Razack 2015, 17). Razack further argues that the process of conducting inquests and inquiries further entrenches this belief in the already sick nature of Indigenous bodies (2015, 18). What, then, can be drawn from the repeated assertion within the inquiry that Phoenix Sinclair was healthy? The unspoken idea may be that, with all the resources committed to child intervention, Manitobans should have been able to see returns on their (taxpayer) investments for children like Phoenix Sinclair who might one day become productive, happy adults.¹³⁸ The inquiry document indicates a

¹³⁷ Kim Stanton has argued that a more expansive interpretation of an inquiry mandate can be part of a transformative outcome of the inquiry process (2022, 45). For Stanton, the example of Thomas Berger’s broad interpretation of the McKenzie Valley Pipeline Inquiry stands out as an example where an examination of “the larger picture and how [the elements of] such a project would directly and indirectly affect ways of life” (2022, 45). While I appreciate the argument, this broad interpretation in the Phoenix Sinclair Inquiry largely reproduced, rather than challenged or transformed, dominant narratives about the un/healthiness of Indigenous families.

¹³⁸ Here, I draw on Robyn Green’s (2016) argument that Canadian reconciliation, framed largely by what she calls an ‘investment discourse,’ “financialize[s] problematic histories and bodies to ensure prosperous outcomes for the nation-state and the Canadian-taxpayer” (5).

common acceptance of the knowledge that it was Phoenix Sinclair's parents who were guilty of killing her, and that the state's failure was only a failure to care *enough* to rescue her from her dysfunctional Indigenous family. The settler-colonial *state-as-rescuer* trope is thus reproduced through the suggestion that the child intervention bureaucracy did not care properly or appropriately, despite its best efforts.

Unlike the inquiries that Razack examines, the Phoenix Sinclair Inquiry repeatedly stresses Phoenix Sinclair's health as a baby. One case worker writes in the closure file that "Phoenix appears to be a typical five month old little girl. She is developmentally on track and is in good health" (Hughes 2013, 134). Although Phoenix Sinclair is positioned repeatedly as a "healthy" baby, Hughes also articulates that "she entered life in circumstances that were fraught with risk for her well-being" (2013, 115). The discourse of health works to single out and extract the 'healthy' individuals from the 'unhealthy' family unit—a practice that is grounded in the neoliberal aspiration of ensuring a population of healthy and productive citizens-of-the-future. Although her physical body is positioned as healthy and full of possibility, her life circumstances (i.e., being born to young Indigenous parents known to the child intervention system) are named by the inquiry as perhaps being too "fraught with risk" for her life to be salvageable.¹³⁹

Alberta

Although the debates in the Legislative Assembly of Alberta repeatedly demanded a specific inquiry that would focus exclusively on the death of Serenity, the Ministerial

¹³⁹ The notion of 'salvageable' life also calls to mind the practice of 'salvage ethnography' throughout the nineteenth and twentieth century. As noted in other critical accounts of inquiry processes (McCallum and Perry 2018; Razack 2015), the colonial stereotype of the 'dying' or 'disappearing' race is evoked throughout the reproduction of stories of Indigenous death. Razack argues that "coronial inquests and inquiries consistently produce the story of the Indian on the brink of death, repeating the narrative of the vanishing Indian" (2015, 4). Razack further argues that "state accountability [recedes] the more that details about physically and emotionally ravaged Indigenous people [come] to view" (2015, 4), producing or reiterating a kind of self-exculpation of the settler state.

Panel was ultimately restricted in its ability to examine individual cases or to name families or children in the report. This restriction remained a point of partisan contention throughout the lifespan of the Ministerial Panel. In spite of the repeated assertions that the deaths are of ‘public interest’ or ‘public concern’, there is little indication of *why* certain deaths fit this description and others do not. In the Child Advocate’s report on Serenity’s death, the writers indicate that investigations and reports can be authorized “if, in the opinion of the Advocate, the investigation is warranted or in the public interest” (Office of the Child and Youth Advocate Alberta 2016, 8).

The question of transparency thus comes up against the questions of privacy and confidentiality, especially as the inquiries involve children. To what extent can inquiries reveal intimate and personal details about Indigenous children and their families to a wide audience as part of instilling or restoring public confidence in governments and their systems?¹⁴⁰ This, in turn, begs the question of whom the ultimate benefactor of transparency is, and for whom transparency is potentially a form of harm. George Alvarez, Executive Director of Information Management with the Government of Alberta, spoke to the Ministerial Panel about the *Information Sharing Strategy* that is a part of the *Children First Act (2014)*. The summary of his presentation indicates that the *Strategy* “supports a change in culture across programs from you *can* share information to you *will* share information, [indicating] that governments are as accountable for what they do not share

¹⁴⁰ The debate within the Ministerial Panel focuses on the limitations embedded in the Panel’s Terms of Reference that do not allow the Panel to discuss the details of specific cases (and the details of Serenity’s death). This debate was discussed in the previous chapter but bears emphasis again here as a reminder that there is some level of affective currency attached to the intimate details of the lives of Indigenous children, in relation to an overarching settler belief in Indigenous dysfunction, that both legitimizes the settler state as the appropriate manager of Indigenous families, while ensuring this legitimation is framed in a broader conversation about ‘public confidence’ and ‘public interest’.

as they are for what they do share” (Ministerial Panel 2017 March 6, 2). This statement points to the proliferation of an information sharing culture among government programs that is more concerned with the risks of not sharing enough information, than the risks of potentially sharing too much.

Ontario

Unlike the language used in both the Alberta and Manitoba case studies, public interest and public concern seem to be less significant in Ontario. The first report examined in the case of Ontario was a singular report and was focused on one specific group home, the inquiry is largely institutional (focused on Johnson Children’s Services Inc.) and does not focus on the deaths of children at these group homes. The second report, which I refer to as ‘pre-emptive’ (in that it does not respond to a specific crisis of child death in state care), is similarly outside of settler public concern—at least insofar as it does not become a question of moral outrage in the same way that the reports do in the other provinces. In the absence of the figure of the Indigenous Public Child (an absence notable in all three Ontario reports, but manifested differently), there is no demand from the settler public, united in their benevolent care for vulnerable children, *to know what exactly happened and to whom*. The names of children and youth who died or who were at risk because of the services offered at the Johnson Children’s Services Inc. were not published anywhere in the investigative report.

The exception to the lack of information about specific children and youth is the 2018 report from the Office of the Chief Coroner. In this report, 12 youth are named (8 of whom were Indigenous), and the Panel provides brief “histories” about their experiences. In situating the importance of the Panel’s work, the report names “the public interest” as part of the process that “enable[s] the coroner to answer specific questions about a death,

determine whether or not an inquest is necessary, and to collect and analyze information about a death” (2018, np). However, even in the Coroner’s report, there are 12 youth discussed in a section titled: “records review: the twelve young people & their histories” (2018, np). The “histories” of these twelve young people are presented one after another, each about a page in length. The histories include details of trauma, such as mental illness, sexual violence, and family dysfunction, and often foreground details of attempted (and mostly unsuccessful) customary care placements, and comparatively shorter analyses of the young peoples’ time in residential care. For example, one youth named in the report was placed in “a formal customary care arrangement” with her grandmother, however there was “documented concern that her needs seemed to be beyond her grandmother’s ability to cope” (2018, np).

In turn, the 2016 report, as an exercise of bureaucratic self-scrutiny that precedes a contemporary and specific moral outrage produced by the crisis of child death, provides a cover for accusations of governmental dysfunction. Notably, even as the report highlights strikingly similar issues regarding the need for better access to information protocols, clearer information sharing between agencies and departments, and undertrained/overworked staff, the Panel begins its report by suggesting that the very existence of the Panel and the publication of this report is indicative of the Ontario Ministry of Children and Youth Services’ “commitment to seek excellence” (2016, 6). Unlike the other two provinces, then, the report makes the claim that the Ontario government is *doing something* before the moment of public scandal, and therefore narrates similar concerns in a way that emphasizes improvement and collaboration (for example, by emphasizing the

central principle of “collaborating and partnering with others in order to improve services” (2016, 44)), rather than bureaucratic mismanagement and dysfunction.

The softened language of critique, in which staff and government are portrayed as working towards a better child intervention system, can be seen in the very different treatment of the problematizations relating to access to information across a dispersed bureaucratic system. Unlike the Alberta and Manitoba examples, which either imply or directly name deliberate and organized practices of concealment, the 2016 report in Ontario suggests that “easier access to information about the full provincial network of service providers can help increase access to resources” (2016, 9).¹⁴¹ The report even highlights previous government efforts to address the lack of coherent information management by discussing a 2007 “province-wide public website,” intended to provide a “one-stop access to information” portal for residential care that “unfortunately... is not operational” (2016, 52). While somewhat unsurprising in the pre-emptive report that emphasizes the excellence of seeking solutions ‘before’ a crisis, the 2018 coroner’s report is similarly softer in its critique than the documents from Manitoba and Alberta. The Panel repeatedly acknowledges the ongoing efforts of the Ontario Government (for example, “the Panel noted that a workforce development strategy is going to be under development by the ministry, with implementation planned for 2025” (2018, np), but suggests that “the ongoing and planned work failed to adequately reflect a plan” to “take the lessons learned from the

¹⁴¹ The report names, in ways that are strikingly similar to critiques of devolution in Manitoba, that “there are over 600 residential services providers across the province but... no province-wide mechanism for potential users and placing agencies to get information about those services” (2016, 51). Even as the piecemeal nature of residential services is critiqued by the report, it does not become a similar target of rage or obvious problem in the way that devolution in Manitoba is discussed as bringing about crisis and dysfunction to the child intervention system. In other words, even as the disconnected nature of services is seen to be a problematization, it is not a problematization fuelled by moral outrage and concern that ‘political correctness’ has superseded the needs of individualized (and universalized) children.

deaths of these young people and utilize them to ensure timely, meaningful change” (2018, np). The absence of an emotionally-invested and benevolent settler public shifts the nature of the dispositif from one that is animated by moral outrage, to one that is animated exclusively by technical solution-making.

In matters of privacy and confidentiality, it is once again the abstract notion of the ‘public interest’ that comes to shape what is permissible and/or not permissible in the case of public reports. In all provinces, parties involved in writing reports and members of panels are to some extent self-aware of the difficulties of walking this line: in Ontario, the Advocate writes that the Office “carefully consider[ed] the impact of including sensitive information in a public report, and does so only when it is necessary to advance the overall objective of making recommendations to improve services for the children and youth” (2019, 8). In Alberta, Panel members discuss the need to “balance sharing relevant information to promote or support information delivery with preserving personal privacy, a pivotal concern for many Albertans” (Ministerial Panel 2017 March 6, 2). The “pivotal concern [of] many Albertans” with personal privacy becomes the point of reference for a debate that is very clearly discussing information relating to certain individuals and marginalized groups. In the case of Ontario, the pre-emptive 2016 report appears to have softened concerns about bureaucratic mismanagement of information by demonstrating the commitment to raise these concerns even before the point of crisis. Furthermore, the pre-emptive self-scrutiny appears to filter the ways that the lack of (settler) public trust emerges as a core problematization of the dispositif of the child death inquiry: rather than a morally outraged and emotionally invested settler public demanding repair for their broken trust,

the emphasis in Ontario reveals the process of continuous commitment to public trust through improvement regimes.

Accountability: Losing (and Regaining) the Trust of the Settler Public

The matter of constituting the Canadian ‘public’ and who *counts* as part of this category is evident in how ‘the public’ is shaped through their relationships of mis/trust with ‘the system.’¹⁴² The writers of the various reports concern themselves with the loss of (assumed-to-be-settler) public trust, while simultaneously reinforcing the claim that the families who lost children while receiving care from child intervention services placed their children at greater risk due to their own mistrust of ‘the government’ or ‘the system’ (e.g., Hughes 2013, 185; Ministerial Panel 2017 March 24, 2). This is especially true of Indigenous parents, who are frequently blamed—albeit not explicitly—for avoiding service providers because of intergenerational trauma through which they have become convinced that ‘the system’ is a perpetrator of violence or not to be trusted. The Ministerial Panel on Child Intervention in Alberta concludes that the involvement of child intervention services in a child death case can “further decrease trust for children’s services and other community services (i.e., health, police, service providers)” not only within the family, but for the community at large (2017 March 24, 2). It is acknowledged that this mistrust poses a significant dilemma in creating services that are read as legitimate by the family and surrounding community so as not to alienate community members before the services have been initiated.

¹⁴² The relationship between government-public-inquiry is an important one, as previously laid out in the introduction to this chapter. Notably, Stanton claims that inquiries “promote government accountability *to the citizenry*” (2022, 13; emphasis added). For Stanton, a substantial part of the public inquiry’s potential as a transformative tool lies specifically in its role of mediating state-public relationships.

In the cases of both Phoenix Sinclair in Manitoba and Serenity in Alberta, the connection between child deaths and public concern was articulated through the question of whether the public was losing trust in their government and bureaucratic systems. In other words, accountability exercises that purportedly revolve around the deaths of Indigenous children work *through* those deaths as the measure of state ability to protect potentially productive human capital as a test of legitimacy for the settler state with regards to the settler public. The question must be asked, then, what is specific to the Indigenous child, in the context of neoliberal settler colonialism, that enables settler states to operationalize the lives and deaths of these children as tests of state and/or governmental legitimacy?

Manitoba

The discourse of Indigenous mistrust in colonial systems as a central cause of harm to children is present in discourse surrounding the death of Phoenix Sinclair, where caregivers such as her father and her father's friends were reluctant to actively seek the involvement of child intervention services due to mistrust. A family friend "testified that he just wanted to keep Phoenix out of *the system*" (Hughes 2013, 185, emphasis added). The inquiry concludes that this caregiver likely relayed incorrect information about his living situation and family status to the social worker present "because he wanted to increase the chances that Phoenix would be placed with him" (2013, 185). This example, the Inquiry hears, is one of multiple points in Phoenix Sinclair's life where family, friend, and bystander decisions to not involve children's services are highlighted as being part of the problem (and therefore framed in the official narrative as somehow, inadvertently, contributing to Phoenix Sinclair's death).

On February 13th, 2004, social worker Lisa Mirochnick sent a letter to Rohan Stephenson and Kim Edwards, authorizing the private care agreement that they had requested, and signed off on (with the consent of Sinclair's father) the arrangement. The letter stated that Stephenson and Edwards were not to return Phoenix Sinclair to her father's custody without contacting the Child and Family Services agency. Stephenson testified that the letter said nothing about requiring the authorization of CFS to return Sinclair to her mother, Samantha Kematch's, care, and furthermore that either way, "he said this would not have mattered and he would not have contacted CFS in any event due to his distrust and what he saw as his marginalization" and the likelihood of systemic discrimination within government intervention (Hughes 2013, 210). Thus, family, friends and community members are positioned as being at least partially implicated in Phoenix Sinclair's death because of their own mistrust of these systems. Indigenous mistrust of government may not be a question of culpability, but it is certainly articulated as a technical problem that appropriate policy solutions *should be able to solve* as an object of concern for the settler state. It is thus objectified as an obstacle to effective service delivery—a purely apolitical, technocratic view of the disfunctions of the system—divorced from the social relations of historical and contemporary settler colonialism and capitalism.

Other examples are also mentioned throughout the Inquiry: in one testimony, a witness observed "Kematch, who was again pregnant, using crack and told her it was wrong to smoke crack while pregnant. She testified that she didn't call CFS about this because she did not want Kematch and McKay's baby to be taken away" (Hughes 2013, 306). Another witness confirmed that, after seeing Phoenix Sinclair with a noticeable injury on her head,

testified that he went inside and told Doe #3 about what he had seen, expecting that she would “call somebody or tell somebody about it.” [The witness] had had his own experiences with law enforcement and with child welfare that left him reluctant to make a report himself (Hughes 2013, 292).

These examples render visible the problematization of Indigenous mistrust in a system, even as the inquiry processes *doing* the problematization are part of a political attempt to address concerns about ‘the citizenry’ and its increasing doubts in the effectiveness of the system.

Ultimately, however, it is Steven and Samantha (Sinclair’s parents) whose mistrust of community services is demonstrated to have been the most constant problem for the provision of services. The inquiry, quoting notes from Phoenix Sinclair’s case file, reads:

Steven and Samantha have clearly indicated their mistrust and unwillingness to be involved with a child welfare agency however they have not demonstrated a capacity and commitment to ensure their child’s wellbeing enough for the agency not to be involved. Unfortunately, because of their past involvement as wards of a child welfare agency they are not receptive to services from the agency and they deny or minimize any issues presented in an effort to keep the agency away from them. They would do anything, or nothing, to keep the agency at bay. It is this worker’s opinion that it is this attitude and disregard for the agency that has probably resulted in this agency’s previous termination of services, and not a lack of child welfare issues (Hughes 2013, 314).

In response to the multiple witness accounts throughout the report that indicate a serious culture of mistrust of punitive systems like CFS and law enforcement,

the General Authority acknowledged that trust is a major issue but said there is no evidence to suggest that the reason people do not trust agencies is that they have the power to investigate and apprehend children (Hughes 2013, 367).

Formal responses therefore exist in direct contrast to statements like those of Rohan Stephenson, who deliberately express concern at involving CFS since “he just wanted to keep Phoenix out of the system” (Hughes 2013, 185). This kind of response evades a confrontation of the history of forced child apprehension of Indigenous children (through the residential school system and the sixties scoop) as a source of ongoing distrust of contemporary CFS offices and staff. Public trust—as a marker of a healthy liberal

democracy—only comes up in the cases where reconciliatory approaches to reform (such as kinship care or devolution) are specifically and clearly at play. Whereas the ‘general public’s’ loss of trust in authority merits large-scale amelioration, Indigenous families and communities are largely blamed for their “attitude[s]” (Hughes 2013, 314) of mistrust. The contours of two differently constituted publics are once again rendered visible: the settler public’s loss of confidence in the effectiveness and accountability of the government is something that requires repair, whereas Indigenous mistrust is articulated as a *contributing factor to the government’s inability to adequately perform its duties*.

This application and articulation of trust cannot be divorced from the movements towards neoliberalism in the last half of the twentieth century, and a—real or perceived—decline in public trust in bureaucracies and institutions of government (e.g., Ruscio 1996). The tenets of New Public Management and the supposed advantages of private-sector strategies are upheld by the argument that “the lack of [public] trust leads to, among other things, excessive micromanagement... in ways that run against the grain of sound management practices. Flexibility and discretion become severely constrained” (Ruscio 1996, 463). The cases analyzed here further complicate the state-public nexus as they reveal the settler public’s utilization of Indigenous loss as a battleground for settler mistrust (even as Indigenous mistrust is incorporated into the assemblage of problems). Indigenous anti-colonialism, insistent on a deep mistrust of the settler-colonial state, becomes filtered through the lens of NPM and the economic logics of trust as a financialized space and a question of user satisfaction with service provision.

In Manitoba, the bulk of the inquiries’ references to the concept of accountability is focused on holding workers and bureaucrats ‘accountable’. There is a greater emphasis

on ensuring that workers are more accountable for the documentation and delivery of service plans: for example, the *Options for Action* report includes details about family members' experiences with child intervention where "if the worker leaves, the plan is gone... when a worker leaves, no matter how good the plan is, it's gone" before stating the need to create a process that "would be much more transparent and would hold all parties accountable" (AMR Planning & Consulting 2016, 37; see also: Hughes 2013, 38). This emphasis reflects a more deliberate attempt to define accountability as a practice than the largely affective discourse of accountability evoked as a political strategy revealed in the legislative debates. Accountability, in the case of the Phoenix Sinclair Inquiry, is variously defined through practices such as "the quality of information" sharing mechanisms between workers, especially in periods of transition (Hughes 2013, 38), "annual composite reviews of the well-being of children who are receiving services from their agencies" (Hughes 2013, 41), and "mandatory [professional] registration" of social workers (Hughes 2013, 44). In other words, political accountability is diffused into an individualized, professional 'code of conduct'.

This dichotomy (wherein accountability is either an affective political strategy, or an individualizing 'Quality Assurance' (QA) mechanism) reveals the flexibility and maneuverability of how accountability discourses are mobilized to build and sustain a particular kind of governmental legitimacy. Audiences are reminded that Quality Assurance and compliance mechanisms are also fundamentally part of "instill[ing] public confidence in the workings of the child welfare system" (Hughes 2013, 41), a reminder that the state-citizen relationship has been reformulated through a sense of consumer

satisfaction.¹⁴³ Taken outside of its intended context, where QA is intended to provide ‘assurance’ to a customer in a transactional situation, QA becomes a discourse of efficiency and value-for-money. ‘Accountability’, as it appears throughout the documents of public inquiries and other such practices, functions to reassure the settler public that the state can be effective at managing Indigenous dysfunction, even if there are momentary instances of failure. The management of Indigenous dysfunction is the test of state and governmental efficiency. The very *least* that the state is expected to accomplish, in the eyes of a public imagined to be non-Indigenous, is the prevention of ‘scandals’ of settler-colonial oppression. The legitimate settler state manages Indigenous pathology, even in cases where the latter has been framed as a legacy of colonialism; the legitimate neoliberal state ensures that this management is efficient and depoliticized.

Alberta

The need to resolve a problem of un-accountability is the defining frame of Alberta’s inquiry process. Members of the Ministerial Panel belonging to opposition parties repeatedly assert that the specific purpose of the Panel, and its subsequent deliverables is “to hold government accountable to recommendations” for the improvement of Alberta’s child intervention system (2017 March 30, 3), to create “effective, efficient, streamlined reviews to build accountability and public trust” (2017 March 30, 3) and ensure “accountability, transparency with collaboration and meaningful, measurable change” (2017 March 6, 3). Quantification and measurement are key within these texts. Public

¹⁴³ As will be demonstrated in this chapter, a genealogy of the concept of ‘Quality Assurance’ reveals an intimate connection between its mechanisms, practices, and uses in both public and private sectors, and the notion of customer satisfaction.

confidence is seen to correspond to the extent to which problems can be tabulated and measured—in other words, made knowable through simplified, quantitative terms. Critical governmentality scholars have long argued the process of quantification is “an intrinsic part of the mechanisms for conferring legitimacy on political authority” (Rose 1991, 673).

David Demortain has further demonstrated that

Putting things in numbers, establishing quantitative objective, the continuous and imperative adjustment of behaviours to numbers, to meet these objectives— all of this has taken the place of a former mode of government and legitimacy, based on the negotiated and transparent application of the rule of law (2019, np).

State and government legitimacy, specifically tied to the ongoing performance of settler-colonial governance, is central to the mediation of political relationships embedded in the inquiry process. The need to build accountability is emphasized in the panel discussions, presented as being at least as much about building “public confidence” as it is about making “ongoing improvement[s] to the child intervention system” (Ministerial Panel 2017 March 6, 5). This duality is at the core of the work of the *dispositif* of child death inquiries: while child intervention is the *site* of this examination of government accountability, it is a vehicle for these kinds of assertions, rather than the actual existential purpose of the public inquiry process itself. The position of the child intervention system as a vehicle demonstrates the vexed position of the state in the governance of so-called ‘private’ family life, and the ways in which so-called private life can, under certain circumstances, become the battleground upon which public confidence is negotiated.

In Alberta, both the government (until 2019, a majority NDP government) and the bureaucracy are held responsible for the lapse of accountability at different moments. The Ministerial Panel draws attention to the concern that there is no apparent consistency in the bureaucracy of child death reviews in the province. A summary of the Panel’s meeting in

March highlights one particular concern about the child death review process: “that in the current state there is no one area responsible or accountable for the child death review process overall” (Ministerial Panel 2017 March 6, 4). Similarly, Panel members concluded that social “services for individuals and families are fragmented” (2017 March 6, 2), signaling that there is no coherent or singular bureaucracy that oversees the entirety of the death review process. This fragmentation is symptomatic of a neoliberal state in which, over the course of many decades, services have become increasingly parceled and delegated. Repeated references are made with regards to the growing concerns over the need to “keep public trust and confidence in [the] process” of improving the child intervention system (2017 March 30, 3). In weighing the decisions between the publicizing of information versus the protection of privacy and confidentiality, members of the Ministerial Panel acknowledged that the “public perceives that the government is withholding information” (2017 March 6, 4) and that therefore difficult decisions needed to be made about how much information could be released to the public to preserve public confidence in the system. Ultimately, the Ministerial Panel concludes that prioritizing public confidence is necessary and encourages “increas[ing] public confidence through annual reporting, and clear and consistent messaging at the time of the event to support public confidence in the review process” (2017 April 11, 3).

Accountability is once again weighed against the act of ‘politicizing’ the issue of child intervention, a concern first named in the context of the legislative debates. Opposition members of the Ministerial Panel seemingly feel that tension exists between the goals of non-partisanship and demands for accountability:

those of us on the opposition side need to reflect on our role related to the questions we ask in the legislature—do we need to politicize issues that need more thoughtful

debate? Of course, at the same time, we still need to keep the government accountable (Ministerial Panel 2017 Oct 25, 3).

This statement reveals a fundamental contradiction in the language used to discuss public inquiries: while these mechanisms are generally celebrated as non-partisan strategies for ensuring accountability in policy development, those involved understand the task of accountability to be in some way at odds with depoliticized, non-partisan debate. The legislative debates, in which the political nature of discussion was disavowed, in a sense prepares the ground on which arm's-length or non-partisan practices become sites of political and partisan contestation. In both cases, the political works against commonsense assumptions: this contradiction begs the question of what work public inquiries are doing, if they are something other than non-partisan accountability strategies.

Ontario

Concerns regarding oversight and accountability are treated differently in Ontario—not because they are absent, but because they are informed by the different discursive conditions present in Ontario (as well as those that are present in the other cases, but *absent* in Ontario). The discursive conditions thus shape the dispositif of the child death inquiry and help to explicate why the Ontario case study is so distinct from the other two. Specifically in relation to the question of accountability, there are two discursive conditions that I draw attention to: the first is the presence of the discursive condition of *continuous improvement* (allowed because the 2016 report does not respond to imminent crisis), and the second is the absence of the discursive condition of *public mis/trust*. These are two sides of the same coin: in the conditions of continuous improvement, public trust is unnamed but always present.

Because Young People Matter, unlike the other reports examined in this chapter, is intended to foster “the notion of continuous quality improvement rather than continuing to focus on minimum standards” (2016, 30). Thus, unlike reports like that of the Phoenix Sinclair Inquiry, which examined the basic lack of compliance with standards, the 2016 Ontario report implies that the minimum standards are being met. The goal, therefore, is not to meet basic standards, but to continue towards “ensuring excellence” in service provision (2016, 12). The report, which reaches similar conclusions as those from the other provinces, purports to be about ensuring “the presence of excellent, consistent, and meaningful” services for children and youth (2016, 40), which is a sharp contrast to the finding of the Phoenix Sinclair Inquiry that the “failings were the result of work carried out by social workers” (2013, 22) who ostensibly did not know and/or follow well-known provincial standards, or who “did not ask the right questions” (2013, 22) to be able to protect Phoenix Sinclair. Even in the coroner’s report, which invokes the temporality of too-lateness in its assertion that “timely, meaningful change” must follow “the lessons learned from the deaths of these young people” (2018, np), re-orientes recommendations within the framework of continuous improvement built into the 2016 report. Recommendations are referred to as “specific opportunities for improvement” instead of public and political demands for accountability (2018, np).

The Ontario Child Advocate’s report seems, at least at face value, to accept that this is a case of institutional mismanagement of one service provider, rather than the deep-seated failure of ‘big government’ or ‘big bureaucracies’ to manage the child intervention system. The differential treatment of “public interest” and the need to access different kinds of information reveals that the ‘public interest’ is itself a fluid and changeable category and

is never clearly articulated in the inquiry documents. When articulated to (and accepted by) the settler public through the figure of the Indigenous Public Child, the details of the lives and deaths of children like Phoenix Sinclair and Serenity become a form of currency that governments mobilize as part of an effort to revive public confidence—arguably, not only in the sphere of child intervention and child deaths—but more broadly as a source of political legitimacy.

Determining Responsibility: Public Inquiries as Articulations of Reforms and Solutions

In addition to rearticulating the problematizations from the legislative debates and narrowing the parameters of intervention, part of the performative task of the public inquiry is to define the range of possible solutions to the problems of governance. In so doing, inquiries not only reaffirm the state's role, but outline technical and ostensibly apolitical remedies to these problems. In the context of settler-colonial Canada, these technical remedies are both articulated as, and become, mechanisms through which settler colonialism reasserts its legitimacy. In this section, I outline four technocratic “solutions” presented in the case studies analyzed: managerialism and professionalization of workers, cultural sensitivity and competency, improved management of reconciliatory reforms, and Quality Assurance and quantification.

“Solution” A: Managerialism, Professionalization and Workplace Responsibility

The first solution proposed speaks broadly to the question of managerialism, professionalization, and individual worker responsibility, and is articulated through the language of adherence to existing compliance mechanisms. The fragmentation and compartmentalization of social work under processes of managerialism has resulted in a process of social service provision that is “reminiscent of Ford’s production line... [or] ‘conveyor belt care’ insofar as once tasks have been completed, individuals and families

are passed from” one worker to another (Harlow 2003, 35). Through this conveyer-belt process, compliance and accountability are reformulated as a process of efficient record keeping at an individual (and sometimes agency) level (Harlow et al. 2012, 541). These kinds of technical approaches not only depoliticize the nature of the work, but also evade broader structural issues such as underfunding, let alone the very settler-colonial nature of social work itself (Fortier and Wong 2018). The inquiry process might, then, be best understood as *part of* the managerial drive for more efficient and measurable performance—that is to say, one of the mechanisms through which this drive is sustained.

Powell and Scanlon (2015) have previously argued that representation of social workers in high profile cases of child abuse can often be seen in two distinct categories “(1) social workers as naïve, incompetent and easily fooled by abusers; or (2) social workers as authoritarian and prone to intervene unnecessarily into family life” (2015, 67). Because the processes examined in this chapter ultimately serve the purpose of re-legitimizing the state’s role as intervener and manager of families, they cannot promote a narrative in which social workers are “authoritarian and prone to intervene unnecessarily” as this would ultimately call into question the state’s role. As a result, most depictions of social workers fall into the first category: naïve, careless, and underprepared for the difficulties of their jobs. This representation is revealed through the multiple and repeated calls for social workers to be (re)trained, especially as these calls focus on areas of the job that one would expect to be second nature for social workers (e.g., substance use, suicide intervention, etc.).

Manitoba

In Manitoba, inquiry reports emphasize that Phoenix Sinclair was effectively ‘invisible’ except for social workers who were responsible for ensuring her wellbeing. The

reports dedicate substantial attention to the matter of worker. Various recommendations produced in different reports highlight the need to prioritize “the reduction of caseloads” (Schibler and Newton 2006, 12) through practices such as limiting caseloads for new staff to prioritize training¹⁴⁴ (Schibler and Newton 2006, 12); ensuring that a reduction in caseloads for individual workers is met with more comprehensive resource availability (Hughes 2013, 26); and maintaining funding for agencies adequate to support a “fast track[ed] reduction of the caseload ratio to 1:20 for all family services workers” in Manitoba (AMR Planning & Consulting 2015, vi). The need to prioritize reducing caseloads, first acknowledged in the Schmidt Inquiry in 2003, reappears as a recommendation in the Phoenix Sinclair Inquiry, and is reinforced in the AMR Planning & Consulting report *Options for Action* in 2015. For such a claim to be made repeatedly over the course of more than a decade indicates that the resources and funding necessary to maintain sustainable caseloads was either not implemented or not sustained (or both).

The second key theme in the management of the workforce in Manitoba is a consistent debate on the best ways to ensure staff compliance with existing regulations. This is particularly true in the case of the Phoenix Sinclair Inquiry. Compliance mechanisms become an object of scrutiny, whereby the emphasis on compliance mechanisms is a key aspect of the imposition of managerialism and NPM in contemporary social work practice, reflecting the increasing centrality of neoliberalism and private sector strategies to manage all aspects of public life. Throughout the Phoenix Sinclair Inquiry report, Commissioner Hughes makes multiple references to the fact that the mechanisms

¹⁴⁴ The recommendation that agencies reduce caseloads for new staff, cited in Schibler and Newton’s Child Death Review report on the death of Phoenix Sinclair, is a recommendation drawn directly from the Report by Provincial Judge on Inquest Respecting the Death of Sophia Lynn Schmidt, in 2003.

of Child and Family Services in Manitoba are sufficient, and that “the real issue in this case was one of compliance” and the lack of dedicated enforced compliance on the part of supervisors (Hughes 2013, 26). Furthermore,

deficiencies in the delivery of service to Phoenix did not result from a lack of understanding of policies, procedures and provincial standards, or from confusion about which standards applied. Rather, they resulted from a lack of compliance with existing policies and best practice (Hughes 2013, 26).

An insufficient workforce is one of the core deficiencies of the child intervention system in the case of Phoenix Sinclair as narrated by the public inquiry process. Hughes highlights that “supervisors, for the most part, did not adequately supervise the work of their social workers and did not enforce compliance with best practices” (Hughes 2013, 381). Such statements appear as contradictions to previous acknowledgments in the report that highlight more systemic issues of an overburdened and under-resourced workforce unable to sustain a basic level of services; in turn, they position individual workers and supervisors as negligent in performing basic duties.

Finally, the documents from Manitoba also point to a problem of human resources, undertrained staff, which should be remediable through improved job training for workers. Several different areas of staff training are emphasized throughout the report: 1) alcohol and drug use and FASD, 2) training on compliance measures, reporting systems, and other procedural tasks, and 3) cultural awareness and sensitivity training. For the purposes of this section, I emphasize the first two, as cultural sensitivity is its own proposed solution beyond staff training. In the Child Death Review of Phoenix Sinclair completed by Schibler and Newton in 2006, there is a strong emphasis on ensuring staff are appropriately trained in recognizing and working with children with FASD. As has been previously referenced, this emphasis is significant in two ways: first, that there was no substantiated link between

FASD and Phoenix Sinclair's death, and second, the inquiry documents themselves frequently emphasize Phoenix Sinclair's physical health. Despite these conditions, however, Schibler and Newton repeatedly emphasize the need for trained individuals to "help increase opportunities for diagnosis of children suspected of being FASD" (Schibler and Newton 2006, 12).

At best, workers are portrayed as naïve, overburdened, and undertrained. This positioning incites an attempt to recuperate social workers as well-intentioned and benevolent, but underpaid, undertrained, and overworked. This is sometimes articulated around concerns that compliance mechanisms are highly complex, specific, and change frequently, and, as a result, staff who are underpaid and overworked simply do not have the capacity to ensure compliance with all the technical elements of the job, or, even more fundamentally, workers "lacked an awareness of why families come into contact with the child welfare system and of the steps they needed to take to support those families" (Hughes 2013, 23). Social workers were caring, but ultimately unprepared for a modern-day job requiring knowledge of various technologies and software systems, for example when Commissioner Hughes notes that any information necessary to understand the risk of violence would have been "easily available in the agency's own files to any worker who took the time to look" (2013, 22). Even amid this bureaucratization of the problem—a problem, we are told, that could be solved through improved training—it is apparent that the workforce in question is saddled with an impossible task: that of resolving the fundamental contradiction of a benevolent but self-perpetuating colonial relationship.

Alberta

The documents produced by the Ministerial Panel in Alberta reveal an attempt to remedy the 'problem' of child deaths with an emphasis on better worker management and

more adequate training. Repeatedly, recommendations from the Alberta Ministerial Panel articulate that the government must “support a strong, stable workforce” (Ministerial Panel 2018 Jan 24, np), especially as the unmanageable caseloads borne by workers are cited as a cause of “high levels of burnout and staff turnover” (2017 Oct 25, 1). Concerns are raised throughout the meetings about whether workers are properly equipped to do their jobs. The fact that the role of caseworkers in contemporary social work practice is “paperwork heavy and [therefore] the worker’s attention isn’t [on] the child in need” (Ministerial Panel 2017 June 22, 4) is emphasized, and there is a consensus that “caseloads are too big” for workers to effectively manage, and that this is part of the reason that children sometimes ‘fall through the cracks’ of the system (2017 July 5, 3). Even the initial terms of reference for the panel focused specifically on interrogating and proposing recommendations for the process of reporting child deaths within governmental systems (Government of Alberta 2017d).

The Ministerial Panel also promotes the idea that to “reduce the stigma of mental health, staff need training in mental health, addictions and FASD” (2017 July 5, 1). In addition to retraining staff on issues of mental health, FASD treatment, substance use, and compliance measures, recommendations across the various inquiries and panels focus on the need for greater attention to be paid to cultural awareness training for social workers in child intervention practice.¹⁴⁵ The Ministerial Panel further emphasizes the “need for a recommendation to improve training and resources for Delegated First Nations Agencies” in Alberta (2017 Oct 25, 2). While it is likely accurate that greater resources are needed in

¹⁴⁵ Drawing on the genealogical history of Quality Assurance, I am operating with the assumption that there are intended ‘clients’ or ‘consumers’ for this increasingly culturally sensitive service delivery. I return to the matter of cultural sensitivity as a solution later in this chapter.

devolved agencies, there is a dichotomy between urban (often assumed to be white) social workers, who are seen to need training on cultural sensitivity, and Indigenous workers who are seen to need to complete training to do their jobs. This emphasis on retraining staff at First Nations agencies also fits into the broader discussions on how devolution processes and procedures, such as Delegated First Nations Agencies in Alberta, come to be seen as part of the dysfunction of child intervention in various provinces, as well as a solution to systemic issues of racism and settler colonialism. If what *benevolent, settler* social workers require is increased sensitivity to diversity, what *the management of Indigenous workers* requires is basic training on how to appropriately do their job.

Ontario

Professionalization and worker training is, rather than a ‘solution’ narrated by a post-crisis inquiry process, a practice of continuous improvement promised in the 2016 *Because Young People Matter* report. The information relayed in the 2016 report is strikingly similar to that unearthed in the inquiry processes in the other provinces. For example, the Panel expressed concern regarding “unlicensed programs [that] often have untrained live-in staff supported by one to two workers” (2016, 41). The recommendations similarly point to the implementation of various training and/or professionalization programs to better equip social workers in the residential care sector: notably, the Panel recommends that “a two-week new worker training program be developed for all front-line residential service positions... based on core competencies” like “ethical decision making” (2016, 16).

Because the 2016 report narrates professionalization as a process of continuous improvement—rather than a solution to a neatly defined problem revealed in a moment of crisis and dysfunction—workers are represented in ways that are less accusatory than those

in the other provinces. Workers are more likely to be considered as part of a collaborative improvement regime than a problem to be solved, evidenced by the Panel's clear priority of "ensuring a strong voice for... front-line workers within [the] residential services system" (2016, 19). Rather than undermining workers' claims to the challenges associated with their labour, the Panel acknowledges that they "heard from clinical staff and social workers in several consultations that decision-making about young people particularly in the context of placement decisions can involve additional pressures related to cost" (2016, 34-5) and that workers were therefore placed in difficult positions of navigating systems where they "see themselves as peripheral in the decision-making process" (2016, 35). Rather than being brought into the report as at-best naïve and undertrained, or at-worst, lazy and incompetent, workers are a sympathetic group in the 2016 Ontario report, in which their desire to help protect children has, at times, been hampered by convoluted systems.

Similarly, the 2018 coroner's report emphasizes professional development as one of the pathways towards continuous improvement—however, unlike the Alberta and Manitoba cases, the narrative is constructed in such a way as to stipulate that "it's not the staff; it's the system that's failing" (2018, np). Even as the report notes that "there are no minimal educational standards or pre-service qualifications for staff working in children's residences," there is an overarching consensus that "efforts should be made to make work less demanding for staff in children's' residences, so that there are lower burnout rates, less staff turnover, and there is more opportunity to be spent meaningfully engaged" with youth in residential placements (2018, np). Similarly, the workers consulted in the report indicated that "staff working in residential placements often lack formal qualifications and frequently work part-time in multiple places to make ends meet given the low rates of pay"

(2018, np). Comparatively, in Alberta and Manitoba, staff concerns about burnout, high workloads, and stressful environments were largely dismissed. Youth, staff, and experts appear to agree, in the case of the 2018 coroner's report, that "quality of care is influenced by staff and caregiver training, qualifications, education, compensation, and a supportive workplace," (2018, np) and that increased training and professionalization would help ameliorate these conditions.

The emphasis on workplace responsabilization is less obvious in the report of the Child and Youth Advocate. Witnesses who testified in the Ontario inquiry "raised serious concerns about the capacity of the staff to meet the needs of high-risk youth" (Office of the Provincial Advocate for Children and Youth 2019, 4). It is made clear in the report that this is not a question of a workforce broadly unprepared to do their jobs, but rather *some individuals, some of the time*. Many of the report's references to child protection workers emphasized that child protection workers raised concerns about conditions at Johnson Children's Services Inc. when pertinent: workers are noted as having "verified [when] youth had missed... very important appointment[s]" (2019, 18). At other points in the report, examples where child protection workers—either from the province or from Dilico,¹⁴⁶ an Indigenous designated agency—stepped in to fill in any gaps at Johnson Children's Services Inc. (such as going to the hospital "to pick up the youth") (2019, 18).

There is an ambivalence to whether staff at the group home were considered 'foster parents' or workers, further compounding the legibility of these individuals as part of a

¹⁴⁶ Media coverage from the Aboriginal Peoples' Television Network has highlighted conflicts regarding jurisdictional authority between two of the three Indigenous designated agencies named in the Child Advocate's Report—Dilico and Tikinagan. In addition to general conflicts regarding the question of "who has jurisdiction of children in care while in the Thunder Bay area," Dilico had initiated multiple investigations into Johnson Children's Services Inc. and "recommended [that] Tikinagan remove their kids from Johnson's homes in October 2016" (APTN 2018). Tammy Keeash was placed at Johnson Children's Services Inc. after Dilico had made this recommendation.

bureaucracy in need of reform. Throughout the report, the Advocate uses both the term “JCS Staff” and “‘foster parent’”¹⁴⁷—with ‘foster parent’ often being encased in scare quotes. The role of foster parents is outlined in accordance with *The Child, Youth, and Family Services Act (2017)* and the *Foster Care Licensing Manual (2017)*, as being distinct from other staff¹⁴⁸ at JCS. This distinction is particularly important given that “in Ontario, there are no minimum qualifications for foster parents required by law, regulation, or policy” (Office of the Provincial Advocate for Children and Youth 2019, 21). The Advocate’s report does point to the fact that “qualifications for front line staff working in the children’s services sector” are not much different, and often there are not specific qualifications to hold such a position (2019, 23). Here, the Advocate points to a similar issue noted in the other two case studies (namely, the skills and competence of the staff), but for several reasons, it does not take in the same way it takes in Alberta and Manitoba. Part of the explanation, as alluded to earlier, is the lack of public affect around a figure of the Indigenous Public Child. Similarly, the promise of service excellence and a commitment to continuous improvement through professionalization and training—a commitment made before the crisis of a child death—created a context wherein staff

¹⁴⁷ At one point, the investigative report discusses information obtained by a Children’s Aid Society in which “One of the ‘foster parents’ told child protection workers that she went home to her private residence each night to record the “notes” about youth in the home. In February 2017, the same ‘foster parent’ explained that she had another full-time job and only worked evenings at the foster home where she was considered to be the designated ‘foster parent’. The child protection worker noted that another staff person regularly worked days from Monday to Thursday, and two other staff worked the midnight shift. Another staff person working in the home advised child protection workers that, in addition to the ‘foster parent’, there were two JCS employees working regularly scheduled shifts in the home during the week. The Ministry returned to the JCS foster homes in Thunder Bay in May 2017, and notes from the unannounced inspections of two of the foster homes indicated that the ‘foster parent’ had a “family home elsewhere”. At the third JCS residence it was also documented that the ‘foster parent’ had “another home elsewhere”” (2019,40). This example illustrates the ambiguity between notions of staff and ‘foster parents’ that make it difficult to compare to the case studies from Manitoba and Alberta.

¹⁴⁸ “Other staff” refers to several categories of workers: relief staff, 1:1 staff, and supervisors/managers (Office of the Provincial Advocate for Child and Youth 2019, 13).

competence had already been flagged as an area for improvement. The apparent interchangeability of “worker” and “foster parent” in the report further complicates the process of professionalization.

The repeated emphasis on the struggles faced by the workforce in Alberta and Manitoba is symptomatic of the overarching and global trends of underfunding social services and the privatization of child intervention services (e.g., Finkel 2006; Kirton 2018; McBride and McNutt 2007). The reconciliatory reforms magnified in Manitoba and Alberta allows for the question of underfunding to be concealed (or at least minimized), while in Ontario, the privatization of group homes ensures the bureaucracy can maintain some distance from the criticism.¹⁴⁹

“Solution” B: Cultural Sensitivity/Competence

The second “solution” offered in the inquiry reports is a move towards cultural sensitivity and competence—both in terms of specific staff training that could be incorporated into the above discussion, but also more generalized cultural awareness for workers, bureaucrats, governments, and citizens presumed to be non-Indigenous. The language of cultural awareness and cultural competence is virtually always invoked in reference to Indigenous peoples. Supposed ‘cultural competency’ training is also largely focused on “historical trauma” (Ministerial Panel 2017 Feb 1, 3), rather than the so-called ‘problem’ of colonial relationships. This correlation is also true in other areas of inquiry recommendations, where codes such as “cultural relevance” or “cultural appropriateness” refer to questions of how to administer child intervention services to Indigenous peoples

¹⁴⁹ I am wary of simply reiterating the argument that returning to previous forms of the welfare state would be a sufficient response to the problematizations revealed in the inquiries. The welfare state, as a mode of governance, cannot be detached from its role in colonial formation—therefore, a ‘return’ to welfare state ideals would obviate the need to attend to resurgent Indigenous knowledges, approaches, and demands for decolonization.

without replicating (or being seen to replicate) historical instances of child apprehension. As a result, the massive contradictions of settler-colonial ‘care’ practices are put at the feet of individual social workers, under the assumption that increased cultural awareness and pumped-up skills can adequately account for unresolved questions of Indigenous self-determination and jurisdiction.

The dispositif of child death inquiries offers a problematization of child intervention that is outside of politics and outside of power relations. Child intervention is framed as a space of governmental bureaucracy 1) best administered through managerialism and 2) premised in benevolence and good intentions, where benevolence can be detached from the Canada as a settler-colonial state. The settler state attempts (but continues to fail) to eliminate Indigenous families and nations as land-based, sovereign peoples. The settler-colonial project *as a whole*, then, is never in question—even when the deaths of individual children are presented as scandalous reminders of some level of racial inequality and colonial ‘histories’.¹⁵⁰ The presentation of cultural competency as a solution thus meets the demand for both a technocratic and managerial solution to problems of staffing and bureaucracy, as well as a framework that reasserts settler benevolence and good intentions as sufficient to remedy wrongs seen as ‘historical’. Because of this formulation, questions of cultural competence are reiterated throughout the various documents, not only in relation to quantification and outcomes, but as a general principle through which child intervention systems can be ‘made right’.

¹⁵⁰ To make this argument, I draw on scholars like Gordon Pon (2009) and Izumi Sakamoto (2007). Pon contends that cultural competency frameworks as being engrained in “an ontology of forgetting.” Pon argues, “social work’s investment in cultural competency discourses may, in part, be symptomatic of social workers’ desire to believe that Canada is largely a fair and tolerant society” (2009, 66). Expanding on this argument, Pon asserts that “cultural competency constructs knowledge about cultural ‘others’ in a way that does not challenge social worker’s sense of innocence and benevolence” (2009, 66).

Manitoba and Alberta

In the Manitoba case study, the codes of cultural appropriateness and cultural sensitivity are used to describe implementing services that are perceived as being more suitable for Indigenous ‘service users’—for example, noting that many First Nations and northern

agencies are also under a great deal of pressure to provide services that are culturally sensitive and reflective of the experiences of First Nations communities. Agencies struggle in maintaining the balance between retaining culture and community while carrying out a mandate to protect vulnerable citizens (Schibler and Newton 2006, 98; see also: AMR Planning & Consulting 2015, vi; Hughes 2013, 89).

In Alberta (where the emphasis on cultural competency is most explicit)¹⁵¹, the Child Advocate makes multiple references to the need to ensure “culturally relevant, supportive services [were available] for kinship caregivers” (2016, 7; see also: 2016, 5; 2016, 6). Prompted by the technocratic solution-making of NPM (e.g., improved staff training) the assumption here, then, is that what the settler public *needs* is to know more (or at least to be seen to be in training to learn more) about Indigenous cultures, and what Indigenous peoples are *demanding* is simply increased sensitivity on the part of state agents, acquired through improved training. The Ministerial Panel’s final recommendations to the provincial government include the allocation of “\$500,000 to implement the Indigenous Cultural Understanding Framework to help Children’s Services staff develop additional cultural understanding skills to become more effective when working with multicultural and diverse” children and families (2018, 10). In this iteration, not only “culture” but

¹⁵¹ It is most visible in Alberta due to the proximity of the Ministerial Panel’s creation (2017) and the publication of the Final Report of the Truth and Reconciliation Commission of Canada (2015), which led to an increased emphasis on cultural sensitivity—specifically *from* settlers *to* Indigenous peoples—in Canadian society.

“multiculturalism” and “diversity” have become codes through which Indigenous-settler relations are mediated.

Ontario

The 2016 report once again contributes to a political context wherein a commitment to continuous improvement precludes the need to define clear solutions, and so the ‘solution’ of cultural sensitivity is alluded to as a generally important cultural value that the Ministry and its staff has committed to implementing. Nonetheless, the general recommendations remain largely the same: Indigenous services were seen to need support in “increasing standards for staff qualifications” and providing “targeted funding to support capacity building and recruit qualified staff” (2016, 75). Non-Indigenous staff and service providers were seen to need support in addressing “*perceived* racism [and] the lack of cultural and historical awareness” (2016, 74, emphasis added). The “need to enhance the cultural competence of all residential services in relation to the diverse identities” (2016, 12) at a very general level underscores the report. At times, this cultural competence refers to Indigenous cultural needs, but is also used more broadly in relation to a diversity that references “Black youth... Lesbian, Gay, Bi-Sexual, Transgender, Queer, or 2-spirited (LGBTQ2S)” identities (2016, 12). Cultural sensitivity, in Ontario, functions as a code for ‘diversity’ and/or ‘multiculturalism’ in the same way that it functions as a code for reconciliation in Manitoba and Alberta.

What is unique in the Ontario case study is the revelation in the 2016 report that Ontario “has no easily accessible and reliable information” to disaggregated data related to Indigenous children and youth in residential services (2016, 52). Even as the report indicates that “Young Aboriginal people across Canada and in Ontario are entering residential care at alarming rates” (2016, 72), the Panel also notes that “the Ministry

generally does not report on trends with respect to Aboriginal youth involved in the child welfare sector” (2016, 72). As a result, the one recommendation included in the report that is specifically directed towards “Aboriginal care” is the recommendation for more systematic “tracking [of] placement rates” of Indigenous children and youth (2016, 89). Here, we come to a key difference between the Alberta/Manitoba case studies and the case study of Ontario: in addition to the absence of a highly publicized and individualized death around which the benevolent settler public rallies, the discursive reality in Ontario is one in which the question of responsibility for Indigenous children—at least in 2016—had not reached the level of mainstream settler discourse that it had in the other two provinces. In turn, the lack of precise data impacted the ability of the benevolent settler public to intervene through a politicization that emphasizes their benevolence as emotional investment.

The Child Advocate’s report draws directly on language of multiculturalism, as is evident in the report’s assurance one metric through which foster parents and staff are assessed is their capacity to be “sensitive to and supportive of cultural differences” (2019, 22). In other words, the solution of cultural competency does not appear to offer much of a ‘solution’ to the problems articulated in the Ontario case study, particularly because of the ways in which the lack of obvious connections to reconciliatory reforms ensured that cultural competency and/or sensitivity were broadly underscored as Canadian values, but not connected to the specific case being investigated.

“Solution” C: Improved Settler State Management of Reconciliatory Reforms

Closely related to the discussions of cultural sensitivity and competency is the return to discussions of reconciliatory reforms (i.e.: kinship care and devolution) that emerged in the legislative debates. In both Alberta and Manitoba, the references to

Indigenous-run child intervention services and the need for ‘reconciliation’ in intervention is central. Importantly, reconciliatory reforms that are not the solution offered by the inquiry documents. Instead, the solution is expressed as an intensification of the other technical solutions at the site of reconciliatory reforms, whether that is devolution in Manitoba, or kinship care in Alberta.

Manitoba

It is perhaps unsurprising that the Manitoba inquiry documents discuss the inefficiencies and deficiencies of devolution in the province as part of a network of interconnected deficiencies that lead to the death of Phoenix Sinclair. There are repeated references to the “historic transition in the delivery of child welfare services” that is subsequently defined as the devolution of services to First Nations (Schibler and Newton 2006, 20). In the case of Schibler and Newton’s (2006) report, it was clearly stated that part of the mandate of the review was to determine “if these changes [the devolution of services] negatively impacted on the lives and deaths of children known to the child welfare system” (20). However, it does not appear that the review ever reaches a clear answer to this question—which is especially interesting because it is able to assert confidently that “no child in Manitoba died as a direct result of a breakdown” of provincial services (Schibler and Newton 2006, 6). There are a few references as to the “growing pains” (Schibler and Newton 2006, 85) of the devolution process and references to what might be considered deficiencies of the First Nations Authorities in Manitoba, and the report emphasizes that “children from both First Nations Authorities experienced more deaths through suicide than children from the General Authority” (Schibler and Newton 2006, 30). The authors do not spend time qualifying this piece of information, however, in the context of ongoing colonialism and its relationship to mental health and suicide.

Schibler and Newton's (2006) inquiry report also highlights that

Since 2004, up to 70% of children in the care of a child welfare agency have been transferred and are now supported by First Nations agencies. Changes of this magnitude have created new system models, an [sic] exciting new ways of working with families, but can result in some organizational challenges as new and existing systems move and reshape themselves to accommodate change (6).¹⁵²

This statement comes after the confident assertion that “no child in Manitoba died as a direct result of a breakdown in the provision of services in Manitoba” (Schibler and Newton 2006, 6). The suggestion is that even if the deaths were the result of a breakdown, it was a breakdown of devolution and mismanaged First Nations agencies, rather than the provincial government itself that could be held responsible explicitly. Repeated references to the “organizational challenges” of devolution appear throughout Schibler and Newton's (2006) report, as well as the final documents of the Inquiry into the Death of Phoenix Sinclair (e.g., Hughes 2015, 20).

Finally, the “growing pains” of devolution in Schibler and Newton's report (2006, 85) are contextualized with examples that highlight an overwhelmed workforce and a chaotic bureaucratic landscape. In interviews with staff, the authors find that workers “report that they are often confused about jurisdictional issues, the location and mandate of new agencies and the agency contact person” (85). This is not the only report wherein staff members critique the process of devolution: in the 2015 “Options for Action” report, AMR Consulting lists devolution and its ‘growing pains’ as one of nine key areas for ongoing action (AMR Consulting 2015, i). Following interviews with workers, AMR Consulting reports that “participants [are] worried that the decentralization of family

¹⁵² This statement also reveals the deeply entangled natures of NPM discourses about ‘efficiency’, ‘change’, and revitalizing the public service, and Indigenous resurgence and decolonization. The two become very difficult, if not impossible, to disentangle, resulting in the objects in question (inquiries, accountability, transparency) understood through multiply constituted discourses.

enhancement resources could result in less effective service delivery and no significant improvements for families” (2015, 26). The Phoenix Sinclair Inquiry emphasizes the scale of the transformation of devolution to demonstrate the severity of this upheaval for staff:

The process of devolution took place between November 2003 and May 2005. Winnipeg CFS was the last agency to initiate the transfer process, beginning on May 2, 2005 and completing the process October 24 that year. During that period, Winnipeg CFS moved some 2,500 files, along with human and capital resources, to the three First Nations Authorities. Approximately 58% of Winnipeg CFS staff were transferred in this process (Hughes 2013, 89).

Ultimately, the Phoenix Sinclair Inquiry report written by Commissioner Hughes reads as ambivalent about whether devolution was ultimately relevant to the questions posed by the inquiry. At one point in the report, after detailing the chaos of devolution, Commissioner Hughes writes that “it is not within [the Commission’s] mandate to look specifically at the issue of whether devolution has been fully realized” (Hughes 2013, 345). However, the report refers to the incomplete work of devolution (in which “the current system [of devolution] is not the ‘end game’ and does not... fully [satisfy] the ambitions of Aboriginal people for self-governance in child welfare matters” Hughes 2013, 345)¹⁵³—not necessarily as it contributed to the death of Phoenix Sinclair, but simply as a reminder of the context of chaos and dysfunction that surrounded her death.

While there is no explicit statement that devolution and child safety are diametrically opposed, devolution as an object or problem is divorced from the discussions of funding and resources, and as a result, the reports and investigations appear to reinforce the notion that devolution *itself*—that is, the restoration of Indigenous autonomy and jurisdiction—is indicative of innate pathology, defect, or lack of capacity. Although the

¹⁵³ This assertion is different than the references to devolution as a ‘botched’ process recorded in Manitoba Hansards in the previous chapter.

report does relatively little to consider processes of devolution, however, it ultimately includes the conclusion of the Assembly of Manitoba Chiefs (AMC) and the Southern Chiefs' Organization (SCO) as laid out in their response to the Inquiry:

There was nothing in the design of the AJI-CWI [Aboriginal Justice Inquiry-Child Welfare Initiative] that contributed to the tragedy of [Phoenix's] death, and responsibility for the failure to provide services to Phoenix and her family during the time that she was engaged with the child welfare system has been acknowledged by both Winnipeg CFS (as the agency that provided services to both Phoenix and her family) and the Department, who was solely responsible at that time to ensure that adequate services were provided. To the extent that preparations for the transition of child welfare files to First Nations agencies contributed to any failure to provide adequate services to Phoenix and her family, it must be noted that control over those processes were also entirely within the control and responsibility of Winnipeg CFS and the Department (Hughes 2013, 343-4).

At the same time as the report includes (without really taking up or engaging with) the response of the AMC and the SCO, Hughes writes that he supports “the remaining steps to be taken on that path, remembering, as always, that *any changes to the child welfare system the safety and well-being of children must remain the paramount consideration*” (Hughes 2013, 345, emphasis added). Hughes' conclusion about devolution—that it could potentially detract from “the safety and well-being of children” is an important one.

Alberta

The Ministerial Panel focuses on the deficiencies of the kinship care model. This focus must be considered alongside the restrictions placed on the Ministerial Panel's discussion of specific cases, through the incorporation of details that would have been legible publicly as references to Serenity's death in kinship care. The Ministerial Panel repeatedly highlights the lack of compliance mechanisms embedded within the kinship care system, notably the fact that the kinship care model largely relies of processes on self-reporting (according to “the perception of the applicant”) regarding concerns with children in kinship care arrangements (Office of the Child Advocate Alberta 2016, 5), and the lack

of required training for kinship caregivers, who “often receive less training and fewer services” than others, for example foster parents (Office of the Child Advocate Alberta 2016, 6), both of which are directly cited as contributing factors in the death of Serenity. In particular, the Child Advocate highlights that Serenity’s “caregivers were made aware of the kinship care orientation training that was available [but that] there was no requirement that they attend, nor did they” attend the training (2016, 6). Once again, the report responsabilizes kinship caregivers, even as it points to the proportionally smaller pool of training and services made available.

The final recommendations of the Ministerial Panel in Alberta are especially revealing of the combined logics of reconciliatory reforms and managerialism through quantified metrics. One recommendation highlights the need to support Indigenous peoples in “meaningful participation in developing culturally relevant policy and legislation,” and proceeds to state that this recommendation is subject to “measurable progress [and]... evidence of meaningful partnerships” (2018, 1-2). A second recommendation that focuses on developing “practices for family assessment, case planning, and child placement [that] are culturally relevant” proposes that progress on this goal can be measured through evidence of “policies and practices [that] reflect an Indigenous worldview” (2018, 3).¹⁵⁴ In the process of outlining recommendations that address the need for cultural relevance and reconciliation, the Panel also reasserts the need for quantified metrics of ‘Quality Assurance’—one of the other ‘solutions’ presented in the various inquiries.

¹⁵⁴ A final example of this combined logic of reconciliatory reform and improved managerialism is the Ministerial Panel’s recommendation to “require contracted agencies to provide services that respect and reflect the culture, language, and spirituality of the people they serve” (2018, 3-4). In turn, the Panel proposes that “measurable progress” will be identified when “contractors consistently provide services that respect and reflect” cultural diversity.

Ontario

Indigenous-run services, although referenced in the inquiry report published by the Child Advocate, are treated as a matter of background information, rather than a determining element in the death of Tammy Keeash. Therefore, what is significant in the Ontario case study is less the fact that there was some delegation of authority to Indigenous-managed agencies, and more that privately-run group homes, like Johnson Children's Services Inc. are contracted out by the provincial government¹⁵⁵ to provide social services like child intervention. The contracting out of services to such private service-providers not only allows the provincial government to distance itself from the scandal of child deaths, but it also provides a buffer from the insinuation that Tammy Keeash's death might have something to do with governments not caring *enough* or *properly* for Indigenous peoples. In combination with the lack of disaggregated (quantitative) data through which these claims might be more precisely vocalized, the distance between the government and the providers of care reveals some of the ways that the *dispositif* present in the Ontario case study departs from the narrative produced in the other two provinces. The agency in question in the death of Tammy Keeash, Johnson Children's "[had] a licence [sic] from the province to provide foster care services to children" (Office of the Provincial Advocate for Children and Youth 2019, 3). The contracted agencies are technically responsible to the government, "yet there are no objective standards in legislation, regulation, or Ministry policy, that determine what constitutes a "treatment foster home" and the Ministry does not assess the quality of the "treatment" that is paid for by placing agencies and delivered

¹⁵⁵ While the specific group home had a government license to operate, the agency who specifically approved the placement was an Indigenous agency. This diffused process reveals both 1) the complex relationships that exist in the neoliberal, fragmented governance of child intervention, and 2) that *some relationship*, however tenuous, and whether it is explicitly cited as a source of concern, to devolved Indigenous services is made in all three cases.

to children in residential care” (Office of the Provincial Advocate for Children and Youth 2019, 3).

What is even more pertinent, however, is the fact that many of the ‘failures’ that the Child Advocate finds contributing to the death of Tammy Keeash are related to practices that were recommended by the 2016 Panel and had been committed to as part of the Ministry’s ethos of continuous improvement in the earlier report. For example, the Child Advocate questions the nature of licensing requirements that allowed JCS to provide the services that it did. The *Because Young People Matter* report not only raised the concern that “current license categories do not encompass all/emerging care models” (2016, 7) and recommended more systemic information management “related to the license status of the provider, including status, terms and conditions, [and] inspection report[s]” (2016, 15). It is curious in some ways, then, that the death of Tammy Keeash did not receive greater public scrutiny, given the fact that the government had already begun the process of naming and providing solutions to these ‘problems’ before these problems led to her death, and might equally have been ‘held to account’ by a public outraged that the Ministry had not effectively resolved the issues it was previously made aware of.

At the same time, the 2016 report provides a necessary distance from the question of Indigenous-managed services: “due to the composition, time frames, and mandate of the Panel, exploration of issues related to Aboriginal children and youth in out-of-home care was necessarily limited,” and thus the Panel recommended “a separate partnership process” (2016, 12) with Indigenous agencies to explore these ‘issues’ at greater length at some point in the future. Therefore, *if* the Ontario government was responsible for improved management of Indigenous agencies across the province, the *very first* part of this process

was to address the “limited reporting and analysis” of data concerning Indigenous youth in residential care (2016, 11).

The 2018 coroner’s report adds two layers to the demands for cultural sensitivity as a managerial process: the first is a recommendation that “Indigenous young people should be taught about the history of residential schools, colonization, and patriarchy” (2018, np). This recommendation appears to imply that it is not necessarily staff who need cultural sensitivity or awareness training, but the Indigenous youth themselves (and that, at the same time, Indigenous young people are somehow unaware of colonization). The second is the Panel’s finding that “there is a need for culturally appropriate oversight” mechanisms, developed by “Indigenous communities that [take] into consideration structural barriers (e.g., lack of funding and resources, inadequate housing and infrastructures)” (2018, np). This finding is advanced after the Panel concluded that “young people in customary care are not subject to” the same kind of data collection and information review processes, and that this is “seen as a missed opportunity to monitor quality for Indigenous youth specifically” (2018, np). Given the ways that devolution in Manitoba and kinship care in Alberta are particularly brought under the surveillance of benevolent settler publics and their ostensibly benevolent oversight mechanisms, the argument for culturally sensitive oversight and increased oversight over customary care—even oversight that is developed in collaboration with Indigenous communities—requires pause. The need for pause is exposed through the section of the report which includes some (limited) feedback from youth regarding the Panel’s recommendations, not least of which is a concern on the part of youth that “evaluations of service delivery would not mean

anything because [the youth] felt it was unlikely to change anything as a result” (2018, np).¹⁵⁶

Although the Child Advocate’s report largely focuses on instances of agency non-compliance on behalf of JCS, there are also ample reminders about the Ontario government’s lack of clear regulation and poor attempts at enforcing compliance and accountability with licensed agencies. In other words, while JCS was a privately contracted licensee, the Ontario Government and its bureaucracy were certainly not absent in this picture—although they are positioned outside the frame of reference. The Ontario Child Advocate notes that Ontario regulation itself is sparse and not always well-defined, potentially contributing to poor record keeping at JCS. The Advocate notes: “A JCS senior management representative told Investigators that under the existing foster care licensing standards, there was no requirement for JCS to keep daily logs. Indeed, the Foster Care

¹⁵⁶ Notably, in addition to the young peoples’ rejection of managerial models that emphasized “evaluations of service delivery” as inadequate, the feedback from youth that was incorporated demonstrates both the agency of youth (both Indigenous and non-Indigenous) in rejecting neoliberal trends of continuous improvement, and of naming explicitly politicized recommendations—as well as the curated inclusion of this agency on the part of the Panel. For example, the youth “asserted that non-Indigenous and Indigenous people should work together” including the request that “non-Indigenous government employees should visit reserves, before making policies and programs that affect people living there” (2018, np), as well as advocating “that the United Nations Declaration on the Rights of Indigenous Peoples should be honoured and implemented in Ontario, and these rights should be taught to Indigenous young people early in life (2018, np). However, even as the perspectives of young people are incorporated into the report, they are not incorporated as part of the official recommendations, and, at times, even run counter to the official recommendations. For example, young people were concerned that a new role of “Navigator,” recommended by the Panel to help young people navigate intersecting systems, would ultimately result in “fewer workers available to do Society work,” leaving the same precarious conditions highlighted in the report unaddressed (2018, np). Other recommendations made by youth, for example the redistribution of tax benefits (“young people felt that the child tax benefit should stay with the child instead of it being provided to Societies. They saw this as a violation of their rights” (2018, np)) are included in the report, but remain entirely unacknowledged in the report. The example of the tax benefit redistribution is included under a sub-section titled “Enhanced Quality and Availability of Placements,” and after it is listed, there is no response as to how this might be incorporated into the report’s recommendations. The rest of the section focuses on family connections, placement transfers, and licensing requirements. An unattributed quotation, likely from a youth, reads: “a lot of these recommendations seem like basic human rights” (2018, np).

Licensing Manual makes no mention of daily logs” (Office of the Provincial Advocate for Children and Youth 2019, 29). Similarly, the report also points to the fact that

Although foster care agency operators are required to provide training to foster parents and staff that “meets the needs” of the children and youth in their care, there are no provincial standards that establish the level of experience, education or training that a person must have in order to work in a foster care agency—much less a “treatment foster home” (4).

Noting the overall lack of clear legislation and regulation that exists in Ontario, the report even goes as far as to determine that

there are no objective standards in legislation, regulation, or Ministry policy, that determine what constitutes a “treatment foster home” and the Ministry does not assess the quality of the “treatment” that is paid for by placing agencies and delivered to children in residential care (3).

These comments, which articulate some very serious concerns about the nature of child intervention practice in Ontario, including how different agencies are branded, licensed, and staffed, and indeed whether certain agencies *are* what they say they are, did not ultimately lead to broader conversations about how the state of child intervention reflects on the government’s overall culpability nor its obligation to the public regarding practices of accountability or transparency.

“Solution” D: New Public Management, Quantification, and Quality Assurance

The solutions offered in the inquiry documents culminate in expressions of support for the processes and practices of New Public Management (NPM), and especially Quality Assurance (QA). From its origins in private sector administration, the language of QA has made significant inroads into public life, most notably in education and health policy.¹⁵⁷

¹⁵⁷ What Anderson calls “the quality revolution” refers to a movement through which ‘quality’ takes on central importance in the workings of private and public sector life, and comes to stand in for the functionality, efficiency, and cost-effectiveness of a given organization, business, or sector: Ruth Barcan notes that “quality’s mysterious acquisition of an upper-case ‘Q’ marks...its shift from adjective to noun—from attribute to commodity” (Barcan 1996, 134 cited in Gina Anderson 2006). Barcan alludes to the rise of the Total Quality Management (TQM) School of thought. TQM, like other aspects of the mentality is

The extensive literature that speaks to this usage of the discourse is significant in framing my research here, as it demonstrates the slippage of previously private sector language into social policy and public life. Through all its iterations, however, critics must grapple with a question about its slipperiness, identified by Shore and Roberts, who note that “what is absent from this system [of Quality Assurance] is any clear definition of what constitutes ‘quality’ or ‘excellence’” (Shore and Roberts 1995, 6). As a result, ‘quality’ and subsequently ‘Quality Assurance’ becomes a flexible signifier that refers to the value for money expected or promised a transactional relationship between the state and citizens-as-stakeholders.

Quality Assurance is thus a system of production efficiency designed to enhance consumer experience by prioritizing customer satisfaction. One would not be remiss, however, in asking who the ‘customer’ of child intervention is, and how their satisfaction can be attained. Drawing on the inquiry documents, I demonstrate that the *customer* in this context, is *the settler public* (collective) or *the taxpayer-citizen* (individual) as the primary stakeholder of these inquiries into the Quality Assurance of child intervention. The usage of the discourse of Quality Assurance here is revealing of a transformation in state-citizen relationships marked by the meeting of neoliberalism and settler colonialism.

Quality Assurance frameworks allocates ‘quality’ as a form of currency to institutions, organizations, and businesses that operate within set parameters (e.g., Barcan 1996). Even supporters of the adaptation of TQM strategies for public administration have argued that

Total quality management requires adaptation for use in the public sector because it is very much a product of statistical quality control and industrial engineering,

colloquially refer to as NPM “is entwined with the legend of Japan’s phoenix-like resurrection from the ashes of World War II” (Bonstingl 1992, 4).

and almost all its early applications were for assembly-line work and other routine processes (Swiss 1992, 356).

The imposition of a strategy out of the framework of “assembly-line work” and other factory processes in the private sector, and into a field so steeped in moral discourses as child protection, merits pause. Taken in the context of settler-colonial governance and management, the importation of QA into the field of child intervention demonstrates that there is something distinctly *neoliberal* about the dispositif of the child death inquiry in neoliberal settler colonialism.

Some practitioners have argued for the implementation of Quality Assurance processes into child intervention practice: O’Brien and Watson (2002) drafted a guide for the adaptation of QA into child intervention services in Ireland, advocating for “regular and reliable sources of information that help them evaluate agency performance, make ongoing decisions, and provide an accurate picture for agency staff and external stakeholders” (6). O’Brien and Watson further argue that the integration of QA systems represents a “move beyond compliance monitoring” (2002, 1), indicating a crystallization of the logics of managerialism discussed earlier in this chapter. Building on the work of child intervention practitioners, scholars have also demonstrated an interest in the integration of QA mechanisms in child intervention; some have even gone so far as suggesting that Quality Assurance can become an almost liberatory process if it acquires “a new definition that is grounded in philosophical values of anti-oppressive practice,” a term that Koster et al. refer to as “principled Quality Assurance” (2016, 91). Koster et al. argue that Quality Assurance can be categorized as principled if it meets three criteria: 1) it prioritizes the voices of the children, youth, and families involved, 2) an anti-oppressive lens is used to examine the “quality approaches,” and 3) the Quality Assurance mechanisms

should uphold the importance of “positive worker-service user relationships” (2016, 91). Critically, however, what Koster et al.’s work effectively demonstrates is that Quality Assurance itself is a process of *self*-examination: the criteria for that examination can be (or at least, can be seen to be) really progressive, while still operating through the underlying assumptions of the Quality Assurance paradigm. Prepackaging a ready-to-go “anti-oppressive lens” indicates the goal of producing a replicable scheme for improvement, where improvement is interpreted as progressiveness. In this framework, neoliberal management and organizational improvement work to eliminate ‘racial tensions’ or ‘difficult histories’ through the incorporation and routinization of structural critique as positive improvement. This pattern of organizational-improvement as social justice is particularly visible in the 2018 coroner’s report in Ontario, where the tensions between incorporating and flattening the agency of youth showcases the limitations of improvement regimes for transforming structural conditions.

Ultimately, despite the complexities discussed throughout this chapter, the reports all, in some way, reach the conclusion that recommendations ought to emphasize indicators and outcomes to measure progress. An emphasis on indicators and outcomes is fundamentally connected to the practice of constituting policy as an administrative and apolitical terrain that can be managed through the effective mobilization of quantitative knowledge. If, as Strakosch argues, implementing quantitative systems of knowledge management is a practice of disavowing the fundamentally political nature of settler-colonial power relations¹⁵⁸ (Strakosch 2019, 15), then the flattening of settler colonialism

¹⁵⁸ Specifically, Strakosch contends that “domestic policy, despite its focus on administration and technical ‘best practice’, is the key space where the... state encounters with [Indigenous] politics and seeks to resolve colonial conflict in its favour” (2019, 115).

into a matter of managerialism and Quality Assurance functions through a mainstream discourse on policy as a sphere of rational decision-making, rather than of politics and power. Quality Assurance not only provides the discourse of service provision and consumer satisfaction, however. It also comes prepared with a series of implementation tools, like evaluation metrics, benchmarking, replicable schemes for continuous improvement, and compliance monitoring that reformulate the question of *justice* into the question of *justness*.

Manitoba and Alberta

In both the Manitoba and Alberta case studies, funding is discussed in broad strokes, in which reports generally recommend increased funding for various aspects of the child intervention system, like staff training (for example, in the tentatively worded conclusion that “there may be a need for a recommendation to improve training and resources for Delegated First Nations Agencies”) (Ministerial Panel 2017 Oct 25, 2); more resources for kinship care, with the intention of “build[ing] community capacity” (Ministerial Panel 2017 Nov 8, 2); “the implementation of community specific priorities” (Ministerial Panel 2018, 1); and the hiring of FASD specialists in child intervention (Schibler and Newton 2006, 7). These broad priorities are outlined throughout the discussions to highlight the various aspects of the child intervention system that require budgetary consideration. In the Manitoba case study, there are no specific discussions of government budget allocations for child intervention reforms, aside from these general considerations of how money might be spent if it were to be allocated,¹⁵⁹ in contrast, the Ministerial Panel in Alberta made multiple references to the NDP’s budget allocations to

¹⁵⁹ There are, however, several references to various funding protocol arrangements between the provincial and federal governments for the provision of services to First Nations.

child intervention, including the additional \$4.3 million “in new funding [that] has been allocated in *Budget 2018*” (Ministerial Panel 2018, 9). More concrete references to governmental budgets make sense in this context, as the Ministerial Panel is, unlike a Commission of Inquiry, an extension of government, rather than an independent body. Ultimately, the discourse of Quality Assurance is used to flatten the conversations about accountability and transparency, calling into question how political accountability is reframed as a question of managerial responsibility. The Phoenix Sinclair Inquiry recommends the delivery of annual reports on child intervention, “aimed at Quality Assurance, accountability, and compliance” (Hughes 2013, 41). In Alberta, Quality Assurance is framed as an obligation to the public in which processes of “internal Quality Assurance and transparency” are fundamentally connected (Ministerial Panel 2017 April 20, 4).

The use of the discourse of Quality Assurance also often implies a relationship to quantitative tracking at some level, most often evoked using the language of ‘benchmarks’ (e.g., Garstka et al. 2012, 37). This framing is present throughout the documents and reports analyzed here, with an emphasis on quantitative tracking of various elements of child intervention ‘quality’, such as “the standards to measure minimum practice expectations” in Alberta that are “measured through a rigorous process” (that remains undefined in the Panel’s public-facing documents) (Ministerial Panel 2017 June 12, 1). In Manitoba, Commissioner Hughes recommends that the Government of Manitoba implement a “reliable and up-to-date information management system” that “will also allow the Authorities to compile statistical information, which can be used to measure outcomes for children and families” (Hughes 2013, 389). The kinds of information gathered and the

outcomes that will be measured are unclear, but there is confidence that this kind of quantification will inevitably produce favourable results for all ‘stakeholders’ in the provincial child intervention system. These explicit practices of quantification, as managerial metrics, and objective measurements of progress, offer insight into what is distinctly *neoliberal* about contemporary settler colonialism.

The Ministerial Panel argues that “measurable progress will require evidence of effective cultural understanding training for all staff and managers within Children’s Services, as well as targeted efforts to increase the number of Indigenous staff within the ministry” (Ministerial Panel 2018, 4-5). In general, the diversity of the workforce is of key interest in the question of indicators for child intervention policy: further to increasing the number of Indigenous staff, the Ministerial Panel deliberated how various departments and agencies could best “work together to establish targets and measures for a diverse workforce that reflects the culture of the children, youth and families served” (Ministerial Panel 2018, 4-5). It is interesting that a Ministerial Panel, whose mandate was to improve on child death reporting protocol in Alberta’s child intervention system, came to the determination that quantitative metrics of cultural awareness training and an increase in Indigenous staff were two of the core needs. This drive indicates, in a sense, that the system needs to get better; to be improved; and to be made more professional. If Indigenous staff can become incorporated into a regime of ‘continuous improvement’ that is quantifiable and measurable, the dismantling of settler colonialism and its associated technologies, practices, and forms of power, would no longer ‘count’ due to its grandiose and perhaps unfathomable nature.

Ontario

The 2016 report in Ontario establishes a clear prioritization of quantification and indicators in the context of child intervention in Ontario. The report even goes as far as suggesting that “a key role for the Ministry [of Child and Youth Services] could be the development of standards of care, quality indicators, and outcomes” (2016, 30), and recommending the creation of a “Quality Inspectorate” that would be responsible for licensing and inspections with regards to these indicators and outcomes (2016, 13). Some concerns are expressed about the inability of quantified indicators to fully capture the nuance and complexity of residential services for children and youth (expressed, for example, in the statement that “the applicability of universal indicators across sectors may be limited... [however] the Panel believes that some foundational indicators can be articulated” (2016, 8).

Given the specific context of Ontario, where indicators regarding Indigenous children in residential care had not been rigorously maintained in the years preceding the report, the Panel strongly recommends that “the proportion of Aboriginal people placed in Aboriginal care should be tracked” (2016, 89). Brought into conversation with the other two case studies, where data scrutiny of Indigenous-run services, and the associated “new paternalism” of neoliberal managerialism (Howard-Wagner et al 2018) are brought into the governmental and public discourses in ways that specifically pathologize and surveil Indigenous peoples, it is necessary to be cautious of inquiries like this one that may—at the outset—appear to provide progressive or perhaps even reconciliatory recommendations. The assumption that simply *collecting the right data* might facilitate reconciliation in settler-colonial Canada exemplifies the ways that *justice* as a political project is reformulated into managerial *justness*.

This transition from justice to justness is once again visible in the 2018 coroner's report. As noted previously, the report makes what might be best described as a tentative inclusion of the voices of impacted young people. The demands for *justice*, articulated by Indigenous and non-Indigenous youth with lived experiences in residential care services (for example, demands for the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples in Ontario, or a clear emphasis that “services should be available in the Indigenous languages spoken by the people they serve” (2018, np) are reformulated in the Panel's recommendations to “expedite the development of a human resources strategy for the residential placement sector to address recruitment, retention, and skills of caregivers” (2018, np)). Similarly, the Panel's response to youth asking “I was traumatized in the system—who is accountable for that?” is to stipulate that “accountability from oversight bodies” (in this case, specifically society care reviews are being discussed) are “an opportunity to monitor quality” (2018, np). What we see in these examples is the process of filtering political demands for justice (in particular, those demands made by Indigenous peoples themselves) into demands for justness—otherwise understood as ‘quality’.

The reorientation towards managerial justness is also exemplified by the inclusion of repeated references to processes of cost-benefit analyses throughout the coroner's report. Concerns emanate, for example, around the fact that “the cost to support young people... is not recorded in any one consolidated place” and that there needs to be a process for “recording this information [that] would allow for a cost analysis to compare the current model with a wholistic, community-based wrap around service model” (2018, np). Various administrative suggestions are made throughout the report—some that correspond with

clearly articulated ‘problems’ and some that do not—but there is a particularly palpable concern regarding the need to “reduce the overall cost and administrative burden” of any kind of system redesign, particularly through the “development and implementation of a standardized and consistent screening tool” to determine youth who fall under the category of ‘high-risk’, and through the use of standardized “tools [that] could be administered by trained people in the community, and would not have to be administered by Society employees or others with professional skill sets” (2018, np). Once again, there are repeated inclusions of uncontextualized quotations, presumably from youth, that refuse the kind of reformulation from justice to justness: “you can’t just give someone a cheque and expect them to raise a child—it’s more complicated than that” (2018, np).

The 2019 investigation into Johnson Children’s Services Inc. revealed that there were at best limited attempts to implement the recommendations of the 2016 report. The Child Advocate flags that “the Ministry does not assess the quality of the services provided” in residential care (2019, 4), and indeed “is not *required* to assess the quality” of services (2019, 41, emphasis added) even after the Panel recommended that this be one of the core roles of the Ministry in the residential services sector. The Child Advocate’s report thus, once again, repeats the recommendations for increased government oversight. Even with the urgency of the death of a youth brought to bear on the repeated recommendations, without the benevolent settler public’s acceptance of Tammy Keeash (not quite ‘child’ enough, and not quite ‘innocent’ enough to be accepted by an emotionally invested public) as the figure of the Indigenous Public Child, the scandal in Ontario does not produce the same moral outrage as the other two provinces. Compounded by the lack of a public, helpless figure for whom a benevolent settler public can take responsibility and

perform moral outrage, appears to be the incompatibility of demands from the youth themselves, as expressed in the 2018 coroner's report. Not only are the youth not helpless or in need of a benevolent settler rescuer, but many of their concerns appear to directly refuse the incorporation of managerialism as a solution. Said differently, the figure of the Indigenous Public Child provides a vehicle through which benevolent settlers, imagined in their roles as taxpayer-citizens, can demand fiscal and managerial accountability from settler governments. The youth referenced in the coroner's report, like Tammy Keeash, do not allow for this kind of co-optation, and thus must be excluded from the *dispositif*. The strategic inclusion of politicized youth perspectives in the coroner's report requires careful curation in order to *appear as though* they are part of the same demands for increased efficiency, oversight, and transparency even as they often carry demands that indeed run contrary to the recommendations of the Panel.

The Dispositif of Child Death Inquiries and the Politics of Reconciliation: Assembling the Fields

It is worth a pause here to question the relationship between the inquiry processes and documents analyzed in this chapter, and the broader project of 'reconciliation' in the Canadian public landscape. Particularly in the Alberta documents, there are repeated references to both the Truth and Reconciliation Commission, as well as the general process of 'reconciliation' within many of the documents analyzed for this chapter. In Alberta, the work of the Ministerial Panel begins with the core principle that "reconciliation [is] an overarching driver" of the Panel's work (2017 Dec 13, 2). The Ministerial Panel subsequently states that Alberta's child intervention system is in a period of transition, from being categorized as a "bastion of colonization/assimilation" to a "champion of reconciliation" (2017 July 11, 2). The announcement of a shift in this direction is likely

unsurprising, given the fact that the first five Calls to Action issued by the Truth and Reconciliation specifically pertain to the administration of child intervention services across Canada¹⁶⁰ (Truth and Reconciliation Commission 2015, 1).

The inquiries and other processes examined in this chapter are positioned in and of themselves as a response to the Calls to Action, and the fact that colonialism, intergenerational trauma, racism, and reconciliation are discussed at all is articulated as the learning outcome¹⁶¹ of the inquiries (especially in the case of Alberta). Considering the

¹⁶⁰ The specific Calls to Action pertaining to child welfare administration and policy read as follows:

“1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:

- i. Monitoring and assessing neglect investigations.
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
 - i. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
 - iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
 - iv. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
 3. We call upon all levels of government to fully implement Jordan’s Principle.
 4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
 - i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
 - ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
 - iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
 - iv. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.” (Truth and Reconciliation Commission 2015, 1).

¹⁶¹ Kim Stanton’s recent (2022) work on the potential of public inquiries highlights the 1977 Berger Inquiry as an especially effective learning process that “clearly address[ed] the non-Indigenous public,” a decision that she argues is “crucial to any progress made by a mechanism to address historical injustice” (55). Drawing specifically on the role of public education in the resolution of these historical injustices, Stanton argues that the effectiveness of the Berger Inquiry was that it “created a historical record, that educated the wider public, that promoted social accountability for the issues and outcomes, and finally that fostered a new dialogue between Indigenous and non-Indigenous people in Canada” (2022, 55).

extensive relationship outlined between these public inquiries, the history of settler colonialism in Canada, the conversation within the inquiries about anti-Indigenous racism and cultural appropriateness, as well as the overarching discourse of reconciliation that frames Indigenous-Canada relations in the present moment generally, and as the work of these public inquiries and panels more specifically, it is important to explore the connections between public inquiries, reconciliation, and redress. Indigenous activists have continued to push the Canadian government on its frequent recourse to reviews and inquiries, rather than substantive policy change or redistributive practices (e.g., Picard and Teegee 2020 June 17). Indigenous critiques of the kinds of inquiry processes used in these cases (although the critique is by no means unanimous) reveals, in part, the contestation over *who public inquiries are for*. The question of who public inquiries are for is perhaps most visible in the 2018 coroner's report in Ontario, where Indigenous youth make clear demands for the implementation of policies like Jordan's Principle and the implementation of the United Declaration on the Rights of Indigenous Peoples that are then, somehow, reformulated as demands for more culturally sensitive oversight bodies.

The documents from Alberta make explicit references to the Truth and Reconciliation Commission, or to the 94 Calls to Action (with the Ministerial Panel even going as far as setting the goal of making the Alberta Government a "champion of reconciliation" (2017 July 11, 2)), likely a result of the timing of the Panel (2017-2019) in relation to the Final Report of the TRC (2015). The documents from Manitoba reference similar political ideas without the same kind of explicit use of the language of reconciliation that we find in the Ministerial Panel and its documents. Considering the inquiries themselves as a form of transitional justice (in the context of the national project

of reconciliation) (e.g., Amir 2014), it is worth questioning whether such inquiries, when directed specifically as examinations of the deaths of Indigenous children, are tasked with not only taking on the promise of reconciliation, but also parceling it into smaller and more digestible pieces (a single child death, as opposed to a large-scale form of structural violence) for the settler public.

The curated inclusion of Indigenous perspectives throughout the reports, inquiry processes, and meetings also merits analysis. One of the critiques of inquiries and inquests, raised by Razack, is that they do very little to address systemic causes of violence and death, namely racism and colonialism. Razack illustrates how the inquiry into the death of Frank Paul “tried its best not to confront the meaning of Indigeneity” (2015, 22). In contrast with this argument, the documents analyzed here indicate perhaps a shift in approach or a different form of inquiry in which Indigeneity, racism and colonialism are named actively throughout the documents as part of the issue, and all the documents recognize, at varying levels, the relevance of racism and colonialism in constructing child intervention regimes as they exist today, expressed, for example, by the Ministerial Panel noting that child intervention has historically been viewed as a “bastion of colonization/assimilation” with “racist biases driving the system” (2017 July 11 , 2; see also: Ministerial Panel 2018, 5; Hughes 2013, 28).

The documents related to the inquiry into the death of Phoenix Sinclair in Manitoba tell an oft-repeated story of the inability of Indigenous parents (especially Indigenous mothers) to properly care for their children, a story so central to the settler-colonial project in Canada that it has been used to justify the residential school system, the day school system, the sixties scoop, and ongoing child intervention into Indigenous families. The

“white settler superiority” in this case is the ability to care for children. Even as the settler state fails in this instance (which is why the inquiry was required in the first place) it is because, in its benevolence, the state sought to allow Phoenix Sinclair to remain at home with her Indigenous mother, even as it posed a risk to her safety and well-being.

Razack contends that inquiries and inquests into Indigenous deaths in custody “do the work of colonial governance by establishing a central colonial truth: the most that colonial society can ever be guilty of is not knowing how to care” (2015, 22-3). As a result, “inquiries are tailor-made for redemptive gestures, establishing settlers as caring in the moment when the opposite is true” (2015, 22-3). Indeed, at each stage of the Phoenix Sinclair Inquiry, even when admitting that poor judgment calls were made on the part of various employees, there is an ongoing recuperation of the good intentions of these individuals. In the first child death report written by Schibler and Newton in 2006, the authors write:

As you contemplate the findings and recommendations arising from this review, please do so within the context of our belief that the majority of child welfare workers make their decisions with the best of intentions. As this report demonstrates, best intentions on the part of even the most skillful worker will not be sufficient if not supported by both the families and the children involved and the community at-large (Schibler and Newton 2006, 4).

In addition to ensuring the audience is reminded of the “best of intentions” from “even the most skillful worker,” readers are prompted to consider the ways that these efforts are ultimately undone by families, children, and community members who are not able to be appropriately supportive. In Commissioner Hughes’ report, a similar sentiment is developed: “I believe that the social workers who testified at this Inquiry wanted to do their best for the children and families they served, and that they wanted to protect children, but their actions and resulting failures so often did not reflect those good intentions” (Hughes

2013, 23). The discourse of good intentions, benevolence, and protection is of course well-rooted in settler-colonial society and is therefore neither novel nor out of context in these kinds of inquiries.¹⁶² Furthermore, the affective and moral assemblages that contribute to public understandings of harm to a child set the stage for an even more determined attempt to restore benevolent intentions to settler state intervention.¹⁶³

The discourse that various colonial policies, such as residential schools, were benevolent in nature—if ultimately unfortunate—continues to circulate.¹⁶⁴ The previous federal Conservative Party leader, Erin O’Toole, declared in December 2020 that residential schools were “meant to try and provide education” to Indigenous children and were fundamentally a policy designed to provide support to Indigenous peoples (cited in Boutilier 2020). While O’Toole has since recanted these comments, the example

¹⁶² Following Australian Prime Minister Kevin Rudd’s 2008 apology to Indigenous Australians, former Prime Minister Howard questioned the need for such an apology on the part of ‘ordinary Australians’. Swain and Hillel write: “Howards’ ‘ordinary Australians’, fearful of the financial impact of reparation, were a receptive audience for right-wing commentators anxious to prove that no Aboriginal child was stolen, but rather, like non-Indigenous children, were removed in their best interests from situations of neglect or abuse. The policy, they argued, was benevolent, not genocidal. Similar voices were heard in Canada, suggesting that the apology cast as entirely bad a policy which had had mixed motivations and equally mixed results” (Swain and Hillel 2010, 2).

¹⁶³ In addition to the sentiment of morality, the increasing political relevance of children, including the introduction of Children’s Rights at the United Nations in 1989, has meant that legal obligations enter the conversation in new ways. Commissioner Hughes highlights that “a witness [at the Inquiry] emphasized that by virtue of the Convention, our moral obligation as a nation to protect children now is also a legal obligation” (2013, 30). Such an assertion, namely that legal obligations now exist between the government, society, and Indigenous children, is particularly telling given the fact that legal obligations, as per various treaties between Indigenous nations and the Crown, certainly predated the advent of children’s rights as an accepted international institution. The second substantial difference between previous iterations of colonial child rescue and the contemporary inquiries examined in this chapter is contemporary child intervention is framed, through this legalistic approach, as an administrative and policy strategy, rather than as a religious crusade. Of course, the sentiments of morality and benevolence remain prevalent, however they are reframed as legal requirements to be dealt with through appropriate policy mechanisms. This reframing is perhaps unsurprising, considering the developments over the course of the nineteenth and twentieth centuries in terms of child welfare, what has been called “the discovery of the child” (*Highways and Hedges* 1906, cited in Swain and Hillel 2010, 35).

¹⁶⁴ Swain and Hillel astutely observe that in the Australian context, “child rescue discourse, transplanted from the context in which it was developed yet still imbued with the imperial and racialised assumptions of its origins, rendered this barbarism benevolent, provid[ed] justification for a policy which is still having a negative impact in Indigenous communities (Swain and Hillel 2010, 151).

nonetheless demonstrates how pervasive this belief is in Canadian society—reiterated directly in Manitoba in July 2021, when then-Premier, Brian Pallister, suggested that “the colonization of Canada was done with good intentions” (Lambert 2021) and when the provincial Minister of Reconciliation and Northern Affairs indicated that “those who ran residential schools “believed they were doing the right thing”” (Petz 2021).

The documents analyzed for this chapter also demonstrate Indigenous resistance to the ongoing sentiments of benevolence and saviorism that permeate child rescue discourses, offering a crucial antithesis to the benevolent settler public’s moral outrage. In meetings held by the Ministerial Panel in Alberta, several Indigenous leaders, activists, and community members offered presentations and discussions for Albertan officials. Dr. Laboucane-Benson and Tyler White (the CEO of Siksika Health) “indicated that many programs are devised in a way that is comparable to a “man on a white horse” coming to “save” Indigenous communities,” representations that Dr. Laboucane-Benson and White highlight as “problematic and ineffective” (Ministerial Panel 2017 June 22, 2). Indigenous experts, called into the meetings to provide expertise that is amenable to the good intentions of the settler government, use the space to call attention to the harms of settler benevolence as a guide for policy. Much like the concerns expressed by youth in Ontario, however, these curated inclusions are incompatible with the movement of the *dispositif*, and reveal both the absorption of critique by neoliberal settler-colonial discourse, and the fundamental inability of the *dispositif* to *reconcile* its recommendations with these demands.

Policy is imperative as not only a function of already-secured settler-colonial rule but is also itself used to reproduce the supposed legitimacy of settler-colonial governments through the performance of policy renewal and policy improvement through the work of

public inquiries. If, “within a policy frame, the state is exercising a legitimate authority over and fulfilling an obligation to care for its citizens” (Strakosch 2019, 122), the very practice of contemplating, devising, critiquing, and implementing policy through the public inquiry process is a performance of the settler-colonial state’s capacity to govern on this territory—in the case of the child death inquiry, this process is facilitated in the move from scandal, debate, inquiry, and finally policy-making. In turn, the settler-colonial state, enshrining its own legitimacy to implement policy, also mobilizes a “discretion to include or exclude Indigenous voices” (Strakosch 2019, 122) as it sees fit, through curated inclusion. The mobilization of this discretion at will is also indicative of a particular kind of legitimization or naturalization of settler-colonial power.

The acknowledgment of, and apologies for, the harms of settler colonialism and its processes of racialization is a core part of contemporary settler benevolence, wherein the settler-colonial state once again reasserts its own relevance by highlighting previous wrongdoings and how it will provide policy redress for these harms. After all, “the one thing that a caring bureaucracy cannot do is leave Indigenous people alone” (Strakosch 2019, 124). Therefore, the inquiries must make it clear that they are not only aware of the histories of racism and colonialism, but that they are consistently engaging in a process of self-improvement to eliminate the residual effects of these histories. The naming of colonialism and racism also enables the settler-colonial state to recuperate its sense of accountability and trustworthiness. The Canadian state, in its attempts to preserve the legitimacy of settler-colonial administration, must—at least on some level and to some extent—acknowledge the existence of settler colonialism. The careful filtering of acknowledgment therefore becomes more important and more useful than outright denial:

taking that filtering seriously and examining in the fine grain what these filters and discourses animate and legitimate, then, enables a more nuanced understanding of the kinds of transformations that they bring about.

Conclusions

In the Phoenix Sinclair Inquiry, Commissioner Hughes acknowledges that “political leaders will say that...we live in a democracy, we respond to what we hear from the public. We need the public putting more pressure, demand, emphasis on the importance of the early years” (Hughes 2013, 495). The Commission therefore tasks the (settler) public with the responsibility of demanding change from political leaders, rather than presuming that the government will enact change without pressure from individual citizens. Legal scholar and practitioner, Kim Stanton, contends that this formulation is one of the areas in which the transformative potential of public inquiries is revealed: “although the inquiry is accountable to the government, it is ultimately accountable to the public and must speak to the public in its report to the government” (2022, 13). However, as I have demonstrated throughout this chapter, that inquiries speak ‘accountably’ to the ‘public’ does not in and of itself make them transformative or even progressive: instead, *speaking to* the public re-asserts a form of settler possession and settler legitimacy.

The political relationship between taxpayer-citizens (assumed to be settlers) and democratically elected leaders is therefore perpetually mediated through the centrality of private sector language and processes. Grounded in the private sector and the advancement of New Public Management into the public sector, the discourse of Quality Assurance takes on a renewed meaning and importance in the dispositive of the child death inquiry. In the Alberta case study, Quality Assurance is used to reference a better system of child death reporting that would “increase public confidence” (Ministerial Panel 2017 April 20, 4),

while in Manitoba, a Quality Assurance review was proposed to “determine why the decisions are made to transfer families” between different agencies (AMR Planning & Consulting 2015, 15). The connections between the language of Quality Assurance and its origins in private sector management are important to highlight, especially as this language moves not only into the political sphere but becomes a language of social ‘justness.’ How is it that a concept used to articulate matters of customer satisfaction can also come to stand in for justice claims regarding the lives and deaths of (especially Indigenous) children? This question animates the next, and final, empirical chapter of this work.

While the deaths of Phoenix Sinclair in Manitoba and Serenity in Alberta were constructed as scandals of governmental accountability and responsibility, the death of Tammy Keeash is not even referenced in the report from the Child Advocate scrutinizing the administration of JCS. Instead, that report focusses upon details regarding the budgets and management of a contracted foster home and repositions transparency and accountability as questions of fiscal responsibility. Shoshana Pollack and Amy Rossiter have argued that “the neoliberal context re-orientes the notion of public good by representing individual good as a civic responsibility” (2010, 155). The neoliberal public good, reoriented as ‘civic responsibility, insists that the best way for individual citizens to contribute is to not cost taxpayers additional expenses: if an individual citizen is healthy and productive, the ‘public’ benefits by not having to fund social improvement *except when absolutely necessary*. In this framework, where the public good is reoriented as concerns over cost and the responsible management of public funds, it makes sense that the Ontario Child Advocate’s report focused so insistently on breaking down the wide array of diverse fiscal and budgetary relationships, in which investments are made by different parties to

fund budget lines. Without the emotional cover of the Indigenous Public Child, all that is left is a careful auditing of the financial transactions embedded in the relationship between the taxpayer-citizen and the liberal-democratic government. Is the move away from discussions of the public interest in the Ontario case study emblematic of a neoliberal transformation of public inquiries into institutional child deaths, where the public interest is no longer a core discourse or purpose of the work of these inquiries? Or is it an exceptional case in which the inquiry functions primarily through neoliberal techniques of depoliticization? As more and more inquiries and inquests of this sort are demanded across Canada, following this trajectory will be an important element of academic scrutiny.

Public interest, defined by the terms of debate in legislative assemblies, is pushed through the mechanisms of the inquiry process in a way that narrates to the public a narrowly defined and clearly articulated set of ‘problems’ (the lack of accountability and transparency) and the necessary ‘solutions’ (professionalization, cultural sensitivity, increased managerialism, and Quality Assurance metrics). Inquiries function as a mechanism of accountability particularly oriented towards the ‘taxpayer-citizen’ (individually) and the settler public (collectively). This relationship of the settler public to the settler-colonial state—premised in notions of public trust, accountability, and transparency—is foregrounded throughout these processes. At the same time, private sector Quality Assurance mechanisms and compliance regimes that depoliticize accountability processes are increasingly mainstreamed into governance practices, once again adjusting, and reformulating the political relationships of settler-colonial governance. It is these private-sector discourses and technologies—namely, Quality Assurance, compliance, quantification, and ‘continuous improvement’—where I pick up

the movement of the dispositif in the following chapter. Focusing on legislative and policy ‘outcomes’ that emerge in the wake of these inquiries, I examine the ways in which the ‘truths’ of child deaths, as ‘uncovered’ by these processes, are articulated into various changes in policy and practice, and what this means in the increasingly depoliticized, technocratic state of contemporary neoliberal governance.

Chapter Five: “A Culture of Continuous Improvement”: Responding to Child Death Inquiries and the Management of Public Concern

Introduction

This chapter examines policy and legislative changes, as well as other related documents (such as media coverage, press releases, government websites and public awareness documents) to understand the aftermath of accountability and transparency mechanisms. The thrust of this chapter is an interrogation of how rituals of self-scrutiny are situated within the managerialism of a “culture of continuous improvement.” I ask: *how do governments and government bodies and agencies articulate these processes of constant self-improvement within the context of legislation and policy? Is, and if so how is, this process of constant self-improvement connected back to the broader discourses examined in previous chapters about managing settler colonialism—especially when these discourses purport to be about other things (accountability, transparency, and ‘achieving justice’)?* Finally, I examine how the policy and legislative documents that are produced in the aftermath of inquiries and other transparency processes attach themselves to the ‘truth’ that is produced in inquiries.

As the final analytical chapter of the dissertation, this chapter adds two final contributions to the arguments:

- 1) Drawing on the temporality of “too-lateness” in the construction and mediation of scandal, I illustrate the move from too-lateness towards a temporality of abundant time (in which continuous improvement can be an incremental practice rather than a pointed response).
- 2) By expanding on the ways different political subjects are called to act in the policy outcomes, I demonstrate the re-articulation of the subjectivities outlined

in earlier chapters, emphasizing two overlapping frameworks of understanding settler publics, shaped by:

- a. The therapeutic task of individualizing settler benevolence, where agents of the state (e.g., civil servants, bureaucrats, and social workers) are tasked with *doing* the work of individual, professional self-improvement as reconciliation.
- b. The maintenance of the role of the taxpayer-citizen in Quality Assurance processes (wherein the taxpayer-citizen also becomes the citizen-auditor and makes demands for specific kinds of ‘improvement’).

In completing the analysis of the dispositif, I demonstrate that the ‘outcomes’ and ‘measurable changes’ that ostensibly correspond to the recommendations of inquiries are reflective of neoliberal adaptations of settler-colonial governance. While I argue that settler-colonial governance is both flexible and adaptable, I do not advance a fatalistic argument that pre-supposes that settler colonialism is indestructible. Although it is beyond the scope of this research to examine the ways that activists, advocates, and researchers have contested and combatted the neoliberal adaptations laid out in this chapter, it is nonetheless necessary to acknowledge that the process of neoliberalization I analyze is met with both criticism and resistance.

Chapter Sources and Methods

I examine a diverse set of public documents, ranging from legislative changes, policy documents, media releases, and internal incident reporting from all three provinces. A total of eleven core documents were selected based on the criterion connected to the inquiry processes discussed in the last chapter. In the case of Manitoba, I analyze six

documents belonging to different genres: press releases, legislative changes, and internal policy updates. In Alberta, Bill 18 (*The Child Protection and Accountability Act*) was articulated very clearly, and promoted amongst the public, as a direct response to the Ministerial Panel and its recommendations. Subsequently, public information documents, such as the fact sheet, firmly establish the correlation for the citizen audience. The Government of Alberta even released a document articulating how *The Child Protection and Accountability Act* specifically corresponded with the recommendations from the Ministerial Panel.¹⁶⁵ However, not all the policy and legislative documents correspond as neatly with recommendations from the inquiry process. In Ontario, it has become extremely difficult to assess the direct impacts of the Child Advocate's report on Johnsons' Children's Services Inc., because the Office of the Child Advocate was defunded shortly after the report was released. The Ontario Government's 2020 Residential Quality Standards Framework, as well as the plan to overhaul child intervention services can be seen as part of the network of interconnected political changes that have occurred under the Progressive Conservative Government, not least of which was the defunding of the Child Advocate's Office under the auspices of accountability and transparency. These documents are thus read in tandem with the 2016 *Because Young People Matter* report, and the 2018 coroner's report, and I therefore use this case study to draw attention to the pivotal role of the figure of the Indigenous Public Child in the two other provinces.

Drawing on a critical policy studies approach, I examine a series of different genres of documents (such as legislation, internal policy, governmental frameworks, and press releases). I find that responses to inquiries exist in a wide array of forms, come from

¹⁶⁵ The document, titled *The Child Protection and Accountability Act: Impact on Recommendations from the Ministerial Panel on Child Intervention* is also analyzed as a primary source in this chapter.

different actors, and articulate the widespread relevance of inquiry processes demonstrative of a dispositif that generates distinct forms of political relations. The outcomes of public inquiries are found not only in direct legislative changes, but also various sites of internal and external contestation over the ‘outcomes’ of inquiry processes. As Orsini and Smith write, “although states nonetheless remain important units of analyses, politics and policy occur at a number of different scales, across different spatial horizons” (Orsini and Smith 2007, 2). There are, of course, other forms of responses that could have been examined in this chapter, including ethnographic engagements with social workers and other practitioners whose work on the ground may have been altered due to the findings of the inquiries. While important, an analysis of practitioner perspectives would not immediately respond to the concerns raised in this chapter regarding the production of legislation and policy and the role of this process in the dispositif of the child death inquiry. My core questions for this chapter seek to disentangle the forms of truth produced in the inquiry process and the kinds of *governmental* ‘outcomes’ that are presented as responses to this truth. Whether or not these outcomes are practiced at all (and whether their practice is seen to be effective) is beyond the scope of my questions in this project.

Documents from Manitoba

- 1) Bill 18: *Taking Care of Our Children* (2018)
- 2) Bill 68: *Critical Incident Reporting* (2014)
- 3) Assembly of Manitoba Chiefs News Release (in response to *Bill 18: Taking Care of Our Children*) (2018)
- 4) Province of Manitoba News Release: Changes Will Lead to Development of Culturally Specific Models of Customary Care (2018)¹⁶⁶
- 5) Manitoba: Child Protection Branch Critical Incident Reporting (2014)
- 6) Manitoba: Critical Incident Reporting Regulation (2014)

According to the “So Much Left to Do: Status Report on the 62 Recommendations from the Phoenix Sinclair Inquiry” report, published by the Manitoba Office of the

¹⁶⁶ This is the Manitoba Government’s Press Release regarding Bill 18 (2018)

Children's Advocate in 2016, only 18% of the recommendations had been fully addressed two years after the inquiry released its final report (Office of the Children's Advocate 2016). Interestingly, the status report on the recommendations includes nothing on customary care (*Bill 18*) or critical incident reporting (*Bill 68*) in its discussions, yet it is clear from the presentation of both Bills that they have been designed and packaged as solutions to shortcomings identified by the inquiry process. This inconsistency reveals the lack of a clear trajectory from what inquiries recommend, to what becomes legislation or policy, which creates uncertainty regarding how the various pieces fit together. In the Manitoba government's press release regarding the proposal of *Bill 68: The Child and Family Services Amendment Act-Critical Incident Reporting*, Family Services Minister Kerri Irvin-Ross states that "today's proposed legislative amendments would be part of the actions taken by government to strengthen protections for children following the release of the report of the inquiry into the murder of Phoenix Sinclair" (Province of Manitoba 2014). This statement illustrates that for the Manitoba Government, it was a political necessity to draw a connection between the realities that the inquiry revealed, and two new pieces of legislation that were not *explicitly* included in the recommendations from the process itself.

There is no consistent and linear progression between child death, scandal-making, political debates, inquiries, and legislative changes. The narrative of "continuous improvement" allows governments and agencies to construct progress narratives even when the 'progress' being demonstrated is grounded in an (at best) tenuous connection between the crises of child intervention systems and policies, and the attaching of catch-all solutions, such as transparency and accountability, to child intervention in an attempt to make these systems and policies less susceptible to future crises. Thus, the narrative of

‘continuous improvement’ means that the precise recommendations of inquiries never actually need to be met, so long as governments, agencies, workers, and advocates are *seen* to be making incremental steps towards general self-improvement. Continuous improvement is, in other words, the way to perform transparency and accountability in contemporary settler-colonial Canada. As will be articulated in this chapter, continuous improvement is another technology imported from the private sector with the intention of ‘transforming’ bureaucracies. Part of the work of this chapter is to trace some of the fault lines that appear when this private-sector mechanism moves into the management of bureaucracies tasked with the protection of vulnerable children and the completion of a reconciled relationship between settlers and Indigenous peoples.

Documents from Alberta:

- 1) Bill 18 Alberta: *The Child Protection and Accountability Act* (2017)
- 2) The Child Protection and Accountability Act: Impact on recommendations from the Ministerial Panel on Child Intervention (2017)
- 3) Bill 18 Alberta: Fact Sheet (2017)

The documents selected for the Alberta case study are the most clearly connected to the Ministerial Panel process. The *Child Protection and Accountability Act* (also known as *Bill 18*) received Royal Assent on June 7th, 2017, under the NDP government. The legislation was drafted to respond to the recommendations of the Ministerial Panel on Child Intervention and was tabled a mere six weeks after the recommendations from the Ministerial Panel were submitted. In addition to the actual piece of legislation, the Alberta Government released a “Fact Sheet” as well as an impact assessment of how the legislation specifically addresses recommendations raised by the Ministerial Panel.¹⁶⁷ Significantly,

¹⁶⁷ I use these additional documents to further develop my argument that this process of scandal, inquiry, and improvement is part of maintaining relationships of legitimacy and accountability between the settler state and concerned settler publics. In other words, I ask how governments *use* these kinds of public relations exercises to *prove* to settler publics that they are doing what has been asked of them—especially when the legislation itself does not clearly *prove* this to the taxpayer-citizen.

Alberta is the one province where producing ‘accountability’ remains central in inquiry outcomes.

Paula Simons, one of the prominent journalistic actors discussed in my media analysis, reprises her critique of the provincial government following the release of this legislation. Her key critique is once again the failure on the part of the Government of Alberta to adequately demonstrate ‘accountability’ to its citizens through the legislation: and so, the cyclical debates around what constitutes this normative and supposedly apolitical question of accountability are also reprised. I am not as much interested in the question of whether the legislation addresses the concerns about accountability that have been articulated throughout the process, but rather, how the legislation (and public-facing documents surrounding it) are represented as being resolutions to these questions, and how these ostensible resolutions are narrated and contested by various actors.

Documents from Ontario:

- 1) Ontario’s Quality Standards Framework: A Resource Guide to Improve the Quality of Care for Children and Young Persons in Licensed Residential Settings (2020)
- 2) Overview of Ontario’s Plan to Redesign the Child Welfare System (2020)

In Ontario, the Office of the Provincial Advocate for Children and Youth was defunded and closed as part of *The Act to Restore Trust, Accountability, and Transparency*¹⁶⁸ in 2018, after the Advocate published the report on their findings from the investigation into JCS, and before the Quality Standards Framework was released in 2020.

¹⁶⁸ There is a striking quality of Orwellian doublespeak regarding the Doug Ford government’s passing of the *Restoring Trust, Accountability, and Transparency Act*. In addition to other controversial processes (e.g., postponing the *Pay Transparency Act*, abolishing the Office of the French Language Commissioner, and revoking rent control for rental units built after 2018), the legislation makes Ontario the largest province without a stand-alone Child Advocate’s Office, and one of only three provinces and territories without a stand-alone Child Advocate’s Office (the other two being the Northwest Territories, and Nova Scotia, where the position is also folded into the Office of the Ombudsperson). This context shapes the ways that ‘outcomes’ to child advocate reports can be considered.

There is no apparent continuity between the Advocate's report¹⁶⁹ examined in the previous chapter and the subsequent Quality Standards Framework, except for broad connections between care homes. However, both documents analyzed in the Ontario case study correspond with what was identified in the previous chapter as a slightly different iteration of the *dispositif*, in which the individualized Indigenous Public Child is absent. There is considerable overlap between the other two reports from the previous chapter (*Because Young People Matter* (2016) and *Safe With Intervention* (2018)) and the outcomes traced here. In addition to the Quality Standards Framework, I examine the Ontario Government's "Plan to Overhaul the Child Welfare System," a broad framework also released in 2020¹⁷⁰ to indicate the province's plans for reinventing a system which it labelled as dysfunctional, harkening back to earlier threads of discourse traced in the legislative debates.

In many ways, the absence of public outrage and concern regarding the Child Advocate's investigation reveals what is so precise about the *dispositif* of the child death inquiry as it unfolds in the other two provinces. While the 2020 Quality Standards Framework does not reference the Child Advocate's Office (or any of the Office's investigations), it does make direct reference to the Residential Services Review Panel and the publication of their findings in the 2016 report., as well as the 2018 coroner's report. Indeed, the 2016 report indicates that the Quality Standards Framework is part of a broader attempt to implement the "33 recommendations... including governance, quality of care, data and information, and human resources" (2020, 93) put forward by the Panel's report

¹⁶⁹ Office of the Provincial Advocate for Children and Youth, "Investigation Report: Johnson Children's Services Inc. (Thunder Bay)".

¹⁷⁰ In examining the legislation passed in 2020-2021 in Ontario and tracing the debates in the provincial *Hansard*, there is no obvious legislative changes in this 'overhaul'. This is likely, at least in part, due to the Covid-19 pandemic and the re-formulation of government priorities around managing the pandemic.

in 2016, in addition to the recommendations made by other bodies.¹⁷¹ As was demonstrated in the previous chapter, the Ontario case study also offers a softer critique (and then implementation) of recommendations, suggesting that “the Panel found that there are many individuals in licensed residential services that are dedicated to the ideals of high-quality residential care” (2020, 93), but that support was needed to improve the overall quality of service provision.

The closure of the Office of the Advocate for Children and Youth, justified simultaneously through the language of accountability and transparency, and the language of cost-saving, is demonstrative of one possible action used to perform governmental accountability and transparency for the taxpayer-citizen. Unlike the other two provincial case studies, where clear attempts are made to connect policy and legislation to the inquiries, in Ontario there is a sense of auto-origination and auto-regulation to these ‘plans’ and ‘frameworks’—while they correspond with Panel recommendations, the Panel itself was established by the Ministry as performances of its own commitments to excellence. There is no longer a dedicated body through which government implementation of inquiry recommendations can be traced, and therefore it is the Ontario Government itself, rather than an independent third-party agency, that is responsible for measuring its own self-improvement. In considering the Ontario case study, then, I specifically ask *how does the emphasis on Quality Assurance and quality standards, complicated by the closure of the*

¹⁷¹ The 2020 Quality Standards Framework Appendix “A” includes “an overview of past reports and recommendations” (2020, 93). This appendix lists the Residential Services Review Panel (2016), the Residential Services Youth Panel (2016), and the Office of the Chief Coroner’s (OCC) Expert Panel (2018) report “Safe with Intervention: The Report of the Expert Panel on the Deaths of Children and Youth in Residential Placements. The 2018 report is addressed in the previous chapter.

Office, demonstrate a shift in the performative processes of transparency and accountability?

Playing the 'Field': Policy Outcomes, New Public Management, and Technicalizing the Political

I am especially concerned with how the field of neoliberal policymaking, as laid out in this section, sheds light on the complexity of political relations within the context of contemporary settler colonialism. Building on the work of critical policy scholars, such as Orsini and Smith, I interrogate how “new templates and the policies attached to them construct a range of ways of connecting citizens to the state and of purportedly bringing citizens into the policy-making process” (2007, 2-3). The policy outcomes analyzed demonstrate how the triangulation of the Indigenous Public Child, the benevolent settler public, and the ir/responsible state is re-oriented towards self-improvement strategies that are often oriented towards the individual worker, community member, or “ally.” Furthermore, the policy outcomes demonstrate a reformulation of citizen-state relations as investor relations, through the reconfiguration of the taxpayer-citizen towards the citizen-auditor. The threads that I draw out here for the purposes of this chapter are risk-management, efficiency and ‘Lean Management’, policy benchmarking (also referred to as indicators, outcomes, and quantification), and Quality Assurance.

Responses to inquiries are framed against the increasing centrality of ‘evidence-based policy’, which purports to be able to construct public policy in a way that

is based on research that has undergone some form of Quality Assurance or scrutiny. This distinguishes it from public policy based on more conventional policy development processes where intuitive appeal, tradition, politics, or the extension of existing practice may set the policy agenda” (O’Dwyer 2004, i).

In other words, evidence-based policy is supposedly value-neutral, objective, rational, and apolitical. Just as the responses to public inquiries and other forms of investigations are

continuously pulled away from appearing to be ‘too political’, the policy and legislative responses to these inquiries are intentionally grounded in the evidence-based criterion as a means through which their partisan nature, or indeed, their capacity to uphold structural conditions, are disavowed. However, critiques of evidence-based policy are quick to highlight the connections between this supposed neutrality and neoliberal forms of management. Brian Head demonstrates how common-sense understandings of evidence-based policy are rooted in New Public Management’s emphasis on “efficiency, effectiveness, and ‘what works’” (Head 2013, 398). Elsewhere, Head contends that evidence-based policy is the latest iteration of “the modern emphasis on rational problem solving, with its focus on accurate diagnosis and knowledge of causal linkages” (Head 2008, 2). Thus, not only is evidence-based policy not, as its supporters contend, free of political commitments, but its political commitments emerge from its roots in private sector management and the neoliberal values of cost-benefit analyses, risk mitigation, and efficiency.

The political context in which these policy changes emerge is one of an *ethos of constant self-improvement*, or, as the Ontario Quality Standards Framework calls it, “a culture of continuous improvement” (Ministry of Children, Community, and Social Services 2020, 10). Notions of what constitutes governmental ‘continuous improvement’ are highly normative discourses and appear by-design to elicit automatic buy-in and repel critique. The assumption of normativity entangled in values and practices of self-improvement requires nuanced reflection. Much like the discourses of accountability and transparency, the notion of continuous improvement is a mutable signifier that, in its work, shapes engagement with policy and legislation—engagement, designed to both depoliticize

the purported crisis, and ensure ongoing settler-colonial legitimacy through a continuous movement towards a *more caring and more self-reflexive* settler state. Neoliberal processes attempt to replace the role of publics with that of the individual (e.g., Bourdieu 1998), and the benevolent settler subject, reformulated through neoliberal techniques, is asked to be a self-regulating and self-improving subject. The path to reconciliation is thus reoriented towards individual acts of reflection about settler colonialism, racism, and intersectionality.

Continuous improvement, as a policy framework, derives specifically from the neoliberal management theory landscape. As Justin Leifso has demonstrated, the “culture of continuous improvement” is a private-sector management strategy, most clearly associated with the Lean management system (2020, 2).¹⁷² Leifso notes that “in a testament to the success of Lean’s introduction into the many facets of North American enterprise, business, and government, ‘continuous improvement’ is now pervasive in many organizations” (2020, 59). The importation of Lean strategies occurs as part of the set of reforms which have come to be defined as New Public Management (NPM), referring to the neoliberalization of public sector bureaucracies to make them more efficient, and more effective at simultaneously reducing ‘waste’ and “do[ing] more with less” (Leifso 2020, 91). While several NPM strategies and techniques exist, one strategy is especially relevant here: the introduction of “explicit standards and measures of performance” (Leifso 2020, 27). A range of technologies falls under this category: the proposed implementation of

¹⁷² Lean management originates in mid-twentieth century industrial practices in Japan, associated most evidently with Toyota manufacturing in the post-war period (e.g., Leifso 2020, 2). As Lean became a more totalizing approach both in private and public sectors, it made its entry into Canadian bureaucracy in the 1990s and early 2000s, as governments sought to reduce public-sector waste. As Leifso argues, “bureaucracies, with their capacity to conduct their work sabotaged by previous neoliberal reforms [e.g., austerity budgets, privatization, and service cuts] and widely understood to *still* be wasteful despite those previous reforms, are ripe fruit for the Lean Industry” (2020, 91).

SMART¹⁷³ goal-making analyzed in this chapter¹⁷⁴ but also corporate and bureaucratic ‘benchmarking’ (articulated when the Alberta recommendations state that any ministry receiving recommendations following a child death review must have “an articulated and measurable mechanism to share information” (Government of Alberta 2017b, 2), or when the Ontario Quality Standards Framework references Health Quality Ontario’s “Quality Standards Process and Methods Guide” as a tool for “developing quality standards and indicators [that] provides helpful suggestions to maximize [policy] implementation efforts” (Ministry of Family, Children, and Social Services 2020, 6)). Both examples illustrate how the ostensibly clear and value-neutral categories of “measurable,” “quality standards,” and “maximization” are included as place-holders for the deliberate naming of a policy or legislative practice. Ultimately, the distinctive and fundamental quality of a neoliberal policy framework is the underpinning belief that “every action—crime, marriage, higher education, and so on—can be charted” (Read 2009, 31) through organizational logics of inputs, outputs, and other forms of quantitative indicators.

The identification and circulation of ‘best practices’ is another strategy rooted in NPM logics, one that reformulates political aspirations and policy objectives as “‘outputs’ in accordance with manufacturing-based standards of production that come to be defined as ‘best practices’” in policy (Chun 2016, 558). The Ontario Quality Standards Framework references “evidence of high-quality residential care” as demonstrated by increased staff

¹⁷³ In Alberta, Bill 18 not only recommends the use of SMART (Specific, Measurable, Achievable, Relevant, Time-Bound) goals but mentions—however does not define—that “the proposed legislation would include regulation-making authority to develop criteria for ensuring SMART recommendations” (2017b, 2). This example illustrates that even as SMART goals are positioned as an efficient form of governance, they nonetheless require the creation of alternative governance and regulation structures that will first define what will count as SMART within this framework.

¹⁷⁴ Bill 18 in Alberta even outlines the requirements for the creation of an “Advisory Audit Committee” whose role “would be established to ensure [that the] recommendations are clear and actionable” (Government of Alberta 2017a, 1).

training on placement processes and residential licensing assessments (2020, 22). The Framework specifically offers “promising and best practices for what high-quality care in licensed residential settings looks like” (2020, 2). Furthermore, the inclusion of corporate ‘auditing’ processes is also reflective of this technicalized policy landscape. In Alberta, the Recommendations from the Ministerial Panel include an audit, performed by Children’s Services, of “how all the participants in the child death review process communicate and share information” (2018, 4), implying that with enough careful monitoring, it will become apparent where, exactly, information gets ‘lost’. Members of the Audit Committee can further “compel department members to respond to questions and present information” (2017b, 1) in the audit process. The examples listed in this section demonstrate the ways that certain signifiers are taken up in policy discourse without being defined in the policy context within which they are mobilized. The goal of making techniques of governance replicable part of refining control, eliminating the unpredictability of difference,¹⁷⁵ and managing the ‘exchangeability’ of policy practice in an ostensibly apolitical and technocratic mode of governance.

The Ontario Quality Standards Framework states that a central goal of the document is to offer “a starting point for discussions between individuals, including children and young persons, and within organizations to support a culture of continuous improvement” (2020, 10). Although it is the Ontario Quality Standards Framework that most explicitly calls upon the language of continuous self-improvement,¹⁷⁶ the ethos

¹⁷⁵ The goal of policy replicability can be seen in the Ontario Quality Standards Framework’s importation (on pg. 6) of strategies from Health Quality Ontario’s “Quality Standards Process and Methods Guide” as appropriate mechanisms for outlining best practices and quality standards in child and youth residential services.

¹⁷⁶ See also the connections between complaint mechanisms and “the purposes of continuous improvement” as laid out on page 38 of the Quality Standards Framework.

described above resonates throughout the various reports, policies, and documents. In Alberta, the comprehensive briefer on how the implementation of *Bill 18* responds to specific recommendations from the Ministerial Panel, the document explains that the Bill responds to the Panel's recommendations by better equipping the various departments and agencies to articulate 'SMART' recommendations (Government of Alberta 2017a). The assertion that part of responding to the recommendations is ensuring that there are more efficient and streamlined recommendations in the future also reaffirms this ethos of continual self-improvement, insofar as the goal for right now can be as small as simply improving our future capacity to make recommendations¹⁷⁷, and then proceeding from that point.

The self-referential and future-oriented nature of this ethos of continuous improvement speaks to the central argument I make in this chapter: a particular form of neoliberal subjectivity is incited and reinforced through regimes of self-governance and self-monitoring.¹⁷⁸ I demonstrate that this particular kind of subjectivity is framed by what scholars have referred to as 'the therapeutic,' a mode of operation prominent in neoliberal life as exemplified by the deployment of psychological knowledge and techniques (e.g., Cloud 1997; Foster 2018), that take on additional meaning in the context of settler

¹⁷⁷ There is, here, a particular sense of the need to improve the ability to make recommendations *as a recommendation* for policymakers and the civil service. In other words, under the framework of continuous improvement, legitimate action can take even the form of simply reducing waste in the process of improving how to recommend improvements.

¹⁷⁸ Here, I draw on Bourdieu's notion of dispositions and the framework of Structure-Disposition-Practice (SDP), which is explained in brief by Roy Nash as "how social structures give rise to dispositions that enable the competent performance of social practices" (2003, 44). Within the framework of continuous self-improvement, the subjectivity or dispositions produced are structured within "the practical knowledge of the social world that is presupposed by 'reasonable' behaviour within it, implements, as it were automatically, historical schemes of perception and appreciation that function below the level of consciousness and discourse" (2003, 47). In other words, what constitutes 'reasonable' or 'effective' standards governs the continuous process of improvement in perpetuity *as if* these standards are produced ahistorically, while also being very much a product of political, social, and cultural histories and realities.

colonialism. Finally, the ethos of continual self-improvement is firmly cemented in a temporality of always-more-time, a temporality that Elizabeth Povinelli (2010) argues, underpins the settler-colonial project by reinforcing the legitimacy of continuous(ly improving) intervention on the part of settler-colonial administration. I draw on Povinelli's theorization of settler-colonial temporality to trace the production of this phenomenon in the dispositif of child death inquiries. I conclude that in twenty-first century Canada, where governance is simultaneously structured by processes of neoliberalization and ongoing settler-colonial management, the dispositif of the child death inquiry is one of the means through which this temporal (and moral) orientation is generated and reproduced.

The Self-Improving Benevolent Settler: Settler Colonialism, Reconciliation, and the Therapeutic

The policy outcomes analyzed reveal how settler benevolence is articulated within the policy documents as a largely independent learning process for well-intentioned settler individuals. In this section, I draw on academics (e.g., Read 2009; Scharff 2016) who have written about the neoliberal subjectivity of the 'entrepreneurial subject' and demonstrate that the policy outcomes from inquiries not only speak to, but make demands of, the entrepreneurial subject—often, but not exclusively—defined as bureaucratic workers—as the agent of policy. Recent scholarship has taken into consideration the "psychic life" of this historically specific form, arguing that neoliberal subjectivities are embodied by individuals trained to see themselves as businesses (Scharff 2016, 108). Critiques of this kind of subjectivity similarly point to how "social critique is turned to self critique" and therefore demands for political transformation are flattened into individualized processes of self-improvement (Scharff 2016, 108). In general, the critical scholarship on this kind of psychic life or subjectivity focuses on case studies regarding individuals as self-

governing. I therefore draw attention to the intertwined and interdependent processes of *organizational and individual* self-reflexivity in my analysis. I ask: *what occurs to governmental and bureaucratic organizations when they are constructed according to neoliberal mechanisms of individual self-governance, and therefore are neither organizations in the collective nor political sense, but also cannot be monitored in the same way as individuals?* Here, a kind of simulacra effect takes hold: neoliberal governance first encourages individuals to self-manage as businesses (in terms of incorporating private-sector values like risk mitigation, cost-benefit analysis, and eliminating waste), and organizations are managed in such a way as to reproduce the self-examining and self-improving individual (and thus are seen to be appropriately self-reflexive and continuously improving in the performance of benevolence). As a result, the kind of operational accountability demanded becomes distorted and unclear—a disparate assembly of markers come to count as evidence of accountability, and these range from individual behaviours to organizational outputs.

The kind of neoliberal subjectivity referenced by the term “the entrepreneurial subject” is not only about the self-regulating individual, but also the self-regulating organization, agency, and body. The legislative changes and associated policy documents in Alberta double-down on emphasizing the importance of organizational and ministerial audits (2017b, 4), while also working to legitimize the closure of the Council for Quality Assurance in the attempt to avoid ‘duplicative services’. Continuous improvement regimes are revealed to demand the individual rituals and dispositions of a self-examining subject enacted systematically throughout the bureaucracy. As a result, many of the documents also focus on individual accountability on the part of caseworkers and other staff members.

The psychic life of neoliberalism, in particular (though not exclusively) in the context of settler colonialism, can be further nuanced through a conversation with Dian Million's theorization of "the therapeutic" (2014). Million has used the therapeutic to illustrate the contemporary modality of settler-colonial governance of Indigenous peoples in Canada, where trauma, and the healing of trauma, have become the defining frame for the relationships between the Canadian state and Indigenous peoples. The therapeutic frame¹⁷⁹ intersects with neoliberal subjectivity, especially the NPM ethos and techniques of "continuous improvement" and reshapes the nature of political relationships in neoliberal and settler-colonial Canada. The documents analyzed here reveal that there is a structuring relationship that exists between the trauma frame and the execution of neoliberal NPM techniques of governance, demonstrating the connections drawn between emotion, affect, trauma, subjectivity, on the one hand, and structural realities like capitalism, neoliberalism, and settler colonialism, on the other.

I am not, like Million, addressing individual recovery within Indigenous communities, nor, like Leanne Simpson (2017) or Glen Coulthard (2014), am I examining the reconstruction of Indigenous subjectivities in the context of resurgence and

¹⁷⁹ As Dana Cloud has argued, a therapeutic subjectivity can be understood as "a political strategy of contemporary capitalism," in which questions that would have otherwise been considered within the realm of the 'political' are reframed through questions of individual management and healing (Cloud 1997, xiii). Other theorists, such as Foster, have argued that the centrality of the therapeutic frame has resulted in a population that feels "unburdened by the demands of moral conscience and communal obligations," and is instead devoted "to monitoring and improving the quality of inner life" (Foster 2016, 85). In the case of settler benevolence, Foster's arguments about the unburdening of moral demands are complicated, but not disproven. The individual benevolent settler citizen, not easily disentangled from the settler moralities of previous iterations of settler-colonial governance, is tasked with finding ways to self-reflect and self-improve *as an individual*. Foster and Cloud are, here, referring to the therapeutic as an increasingly visible emphasis on self-help and self-management, where "inner life" (which might otherwise be understood as mental health, psychological wellbeing, or individual healing) achieves centrality in everyday life. Furthermore, the arguments presented by Foster and Cloud reveal the transformation of our conceptualizations of 'the public' within the therapeutic framework.

decolonization.¹⁸⁰ Instead, the discussion of subjectivities and psychic lives in this chapter focuses on the production of settler publics and settler subjectivities: both as 1) taxpayer-citizens (assembled, as a collectivity, as the settler public) who are demanding modes of ‘improvement’, and 2) the individual civil service, bureaucrats, social workers, and other agents of settler benevolence who are enjoined to *do* the work of self-improvement *on behalf of* the state.

Through an emphasis on the psychic life of individuals and the assurance of incremental, continuous improvement, the responses to inquiries demonstrate a pattern wherein the political elements of scandal and inquiry are ultimately sanitized, and the horizon becomes administrative technicalities and a general aim towards personal growth. Several examples can be used to demonstrate the relevance of this claim: references to racism and racial oppression in Ontario’s Quality Standards Framework are reduced to the task of “authentically listening to the identified needs of [racialized] children, young persons, and families” (2020, 14). Individual cultural sensitivity is offered as a desirable solution to ongoing matters of racism and racial oppression within the child intervention system, and within Canada more broadly: Alberta promises to “make Alberta’s child death review process more culturally sensitive” by having “culturally relevant experts participate in each review” (without stipulating what this means, whose culture a benevolent settler public will be ‘more sensitive’ to, or how this will occur in tandem with increased processes of quantification) (Alberta 2017a). In Ontario, minimum quality standards of residential

¹⁸⁰To reiterate an earlier distinction, while regimes of therapeutic self-improvement might, as Million contends, be a mechanism through which Indigenous individuals and communities are enjoined to ‘heal’ or self-improve, I examine them here in the contexts of bureaucracies, civil servants, and social work professionals as self-scrutinizing agents.

care include ensuring that “the care and services that children receive must, in all cases, be culturally relevant and reflect the principles of diversity, inclusion and accessibility” (2020, 55). In other words, the moral element of the scandal is retained, but converted into the project of self-improvement for individual professionals, and, by means of them, of the bureaucracy; furthermore, this recoding and re-situation of morality allows for the remainder of the scandal to become a question of technicalities.

This phenomenon is especially visible in the Ontario Quality Standards Framework, which reads in its discourse as closer to a self-help text than a government policy document. Periodically throughout the document, practitioners, and other individuals (children, adult supporters, agency staff, for example), are invited to think about their personal relation with the quality standards outlined. Questions for “adult allies” include scenario-based thinking, exemplified in questions such as “who can you speak to if you have a concern about the safety or inclusiveness of a residential setting?” (2020, 53), or self-reflective and affective questions for practitioners: “how can you shift your [care] lens to a strength-based, relational one?” (2020, 65). Through these types of self-reflective questions, and indeed through short, anecdotal ‘examples’ that staff and others are provided with, the Quality Standards Framework operates more as a reflexive guidebook than a governmental standards policy. The questions frame accountability as a process or practice that is largely produced by individuals through a kind of pressure to commit themselves to constant self-examination.

Pierre Bourdieu famously noted that neoliberalism as a societal project was “a programme of the methodological destruction of the collective” (1998, 95-96). More recently, scholars have extended Bourdieu’s critique of the deep-seeded individualization

of the neoliberal economic, social, and political model by considering how it operates through a governance of subjectivities and, importantly for my argument here, through an intensification of internalized self-improvement regimes. Salman Turken et al. (2016) have argued that “neoliberalism demands a constant reworking of the self through ‘lifelong learning’; a continual self-improvement to fit the demands of an advanced liberal market” (34). This phenomenon is particularly acute in the Ontario Quality Standards Framework, in which individual staff and other community members are provided questions for reflection, and other mechanisms for independent lifelong learning and self-improvement, while the promised overhaul of the corresponding legislation never seems to arrive.

Drawing on contemporary case studies, Million argues that “healing from trauma begins to be narrated as a prerequisite for self-determination. If... Indigenous [peoples] don’t heal, they may not be able to self-govern; in any case, they would need to heal to be self-sufficient” (2014, 105). Although Million, building on the work of Maria Yellow Rose Brave Heart and Lemyra DeBruyn on historical trauma,¹⁸¹ adds complexity to this position by demonstrating that trauma isn’t always inherently individual, the concerns about the divide between the therapeutic and the political remain pertinent to consider. The drive towards therapeutic healing, which is a precursor to self-sufficiency and self-determination, means that Indigenous sovereignty and self-determination always looms somewhere in the future. In the case studies I analyze, I am most concerned with what the

¹⁸¹ Million, while critical of the take-up of trauma as an overarching framework for understanding the political relationships of the 21st century, does not dismiss the significance of Brave Heart and DeBruyn’s theorization of historical trauma or “historical unresolved grief” (1998, 60). Million notes that Brave Heart and DeBruyn’s (1998) articulation of the connections between Holocaust literature and Indigenous experiences of colonial violence through residential schools, displacement, and more, “transformed the social-work field” (2014, 92). Like Million, I am not disavowing the realities of historical trauma, but rather questioning the ways that these discourses, taken on as part of the *dispositif* of child welfare crisis, are operationalized by the settler state and its publics, and to what end.

importation of a therapeutic frame requires within bureaucracies, and how this frame operates in such a way as to disavow the possibility of discussing Indigenous sovereignty *in the present*. This promised future develops into a temporality where there is *always more time*, and therefore there is no need to emphasize large-scale political transformation if, instead, the settler state and its public can maintain its focus on continual and incremental improvement.

The temporality of settler colonialism, Macoun and Strakosch contend, is one in which “the eventual legitimacy and stability of the settler-colonial project is always-already assumed” (Macoun and Strakosch 2012, 53). Progress is made with the underlying assumption that directs ‘improvement’ towards a completion of settler-colonial sovereignty. Agendas of devolution, which exist in contradictory positions as both 1) offering additional avenues for Indigenous autonomy over service provision, and 2) reducing to the level of the individual what, in many cases, would be better understood as political obligations under treaty agreements, as devolved program administration practices¹⁸² (e.g., Merrick 2019 on health policy delegation; Starblanket 2019 on criminal justice reform). Gina Starblanket (2019) argues that contemporary reforms to fundamentally settler-colonial institutions¹⁸³ function to “treat its [settler colonialism’s]

¹⁸² In this case, the devolution of child welfare services is, at least in part, one example of the kind of reform Starblanket describes. In the case of criminal justice reform, attempts at making Canadian, settler-colonial institutions ‘more progressive’ or more ‘relevant’ to Indigenous peoples “have yet to experience any significant reconfigurations of power...[and] none [have] altered the reality of Indigenous legal and political subordination in a substantial way” (Starblanket 2019,14). In its moves to ‘continuously improve’ relations with Indigenous peoples, “the settler colonial structure has demonstrated an incredible capacity to reinvent and stabilize itself in the face of Indigenous peoples’ assertions of... humanity, rights, and agency” (15).

¹⁸³ The 2019 *Act Respecting First Nations, Inuit and Métis Children, Youth, and Families* (Bill C-92) may have the capacity to more holistically challenge this ‘piecemeal’ approach, although it is relatively untested from a legal standpoint. The *Act* offers two potential avenues for First Nations to enact jurisdiction over child welfare services, the first “is for an Indigenous group or community to adopt a law on child and family services and to send a notice to the Minister of Indigenous Services and the government of each province or territory in which the Indigenous group or community is located informing them that they are exercising their jurisdiction. In that case, the Indigenous law will not prevail over conflicting federal, provincial and territorial

contemporary symptoms through piecemeal initiatives” (15). Arguably, the kinds of devolution examined in these case studies reflect mechanisms of settler-colonial permanence through delegation, something that Starblanket demonstrates as being clearly in violation of treaty relationships: “the continuity of Indigenous law and governance *should not be interpreted* as a right to self-government in a delegated, subordinate, and contingent form” (2019, 19, emphasis added). Of course, while none of the documents analyzed for this chapter make this suggestion explicit, this underlying assumption—that is, that settler-colonial institutions, subject to progressive reforms, can and will function in perpetuity—remains central. In the Ontario Quality Standards Framework, the Ontario government emphasizes that

an important aspect of...reconciliation includes strengthening licensed residential services as part of modernizing the child welfare system throughout Canada and in Ontario, in which First Nations, Inuit and Métis children and young persons are significantly overrepresented (Ministry of Children, Community, and Social Services 2020, 15).

Reconciliation, instead of being understood to be a national project with the goal of renegotiating the relationships between Indigenous peoples and settlers, is thus reconceptualized as a series of administrative tasks, such as adjusting licensing

laws on child and family services” (Indigenous Services Canada 2020, 9). As outlined in the ‘Technical Package’, an alternative option is for an “Indigenous group or community, once they have a law, to send a request to the Minister of Indigenous Services and the government of each province and territory in which the Indigenous group or community is located to enter into a tripartite coordination agreement related to the exercise of their jurisdiction” (Indigenous Services Canada 2020, 9). Ostensibly, this clause would enable Indigenous laws, formulated under the *Act* and in accordance with its legal stipulations, to “have the force of federal law and would prevail over conflicting federal, provincial and territorial laws in the event of a conflict or inconsistency” (Indigenous Services Canada 2020, 9). At the same time, however, the *Act* “is not intended to oust the jurisdiction of [Canadian] courts” and therefore cases “would continue to be heard according to the current practice” (Indigenous Services Canada 2020, 11). In July 2021, Cowessess First Nation, in what is currently known as Saskatchewan, signed the first jurisdictional agreement with the Government of Canada under the *Act*. As Cowessess and other First Nations continue to reach and implement these agreements, it will become clearer how, exactly, jurisdiction and sovereignty are operating in the context of this law.

arrangements for residential services.¹⁸⁴ Additionally, the process of ‘modernization’, a process that is already imbued with connotations of development, progress, and modernity means adjusting existing settler-colonial forms of intervention, rather than implementing some other kind of system. This process helps to demonstrate in action part of Strakosch’s (2016) argument that “from a settler colonial perspective, any interaction with Indigenous societies should take place within settler political frameworks because these are already assumed to be universal” (Strakosch 2016, 24). Canadian child intervention is therefore assumed to be universal, and, with some minor adjustments to accommodate cultural difference, is deemed to be the most appropriate system for *all Canadians*. The implementation of *Bill C-92* may come with substantial changes for this framework, and it is possible that new modes of governance will emerge with regards to these changes.

As demonstrated by the various legislative and policy changes across the provinces, this universality can make minor tweaks to adjust for cultural difference. This phenomenon is especially visible in the emphasis on customary care legislation in Manitoba,¹⁸⁵ where the provincial ministry retains its overall structure and administrative role, but customary care is ‘prioritized’ within and for Indigenous communities:

in the provision of services to Indigenous children and families, these guiding principles are founded on the recognition of Indigenous children's fundamental need to maintain their cultural identity and connections to their Indigenous communities and the necessity of ensuring, wherever possible, the customary involvement of Indigenous communities in caring for their children (Legislative

¹⁸⁴ In the Ontario Quality Standards document analyzed in this chapter, “residential services” is used as an umbrella term to encompass a number of different programs operating under the *Child, Youth, and Family Services Act*, including “children in need of protection; young persons in conflict with the law; children with special needs such as developmental disabilities, FASD, ASD, and/or medical complexities; children with mental health needs; [and] respite services to support families.” Residential services include those “owned and operated” by the Ministry of Children, Community, and Social Services, as well as services licensed by the province (Government of Ontario 2020, 19).

¹⁸⁵ In the Manitoba *Child and Family Services Amendment Act* (“*Taking Care of Our Children*”) or Bill-18, customary care refers to “care provided to an Indigenous child in a way that recognizes and reflects the unique customs of the child’s Indigenous community” (Government of Manitoba 2018b, 3).

Assembly of Manitoba 2018, 3).

Customary care, while appealing to culture and cultural continuity as a potential solution to the supposed crisis of Indigenous child intervention, maintains the hierarchical and authoritative position of government-mandated agencies by ensuring that customary caregivers report to these agencies—for example, in Manitoba’s 2018 *Child and Family Services Amendment Act*, the stipulation that a “customary caregiver... has a duty to report a critical incident... to the agency that is party to the customary care agreement” (Legislative Assembly of Manitoba 2018, 4).¹⁸⁶ While cultural services can be administered with some respect to cultural difference, the functional apparatus of family intervention and management retains its settler-colonial structure.¹⁸⁷ The appeal to culture as a proposed ‘solution’ to colonialism is not new, and the politics of cultural recognition have been critiqued by several scholars, most notably Glen Coulthard (2014), but also Elizabeth Povinelli (2002) and others. As Strakosch summarizes, “cultural difference is separated from political difference; while the former can sometimes be engaged the latter is denied” (Strakosch 2016, 24). In the case of customary care, cultural difference is engaged with in a way that does not restructure the overall governance system.

This chapter therefore reveals a striking move away from the temporality of too-lateness described in other moments of the dispositif. As media coverage of child deaths circulated, and political representatives took them on in legislative debates, the repeated

¹⁸⁶ Once again, the federal Bill C-92 ostensibly renegotiates this legislative hierarchy, however it has yet to be tested legally.

¹⁸⁷ Critical heritage scholars have noted the intersections between cultural sensitivity, cultural safety, and neoliberal governance: “becoming a heritage subject entails being subjected to the political technologies of the state and the managerialist gaze” of networks of governmental actors (Coombe and Weiss 2015, 46). Importantly, Coombe and Weiss note that “communities may also shape these demands to new ends,” (2015, 46) reminding us that a purely structural vision of the neoliberal politics of heritage leaves little space for the critical usage of technologies associated with neoliberalism for transformative ends.

assertion was that action was happening simply *too late* for children like Phoenix Sinclair and Serenity. In response, the temporality of a culture of continuous improvement promises that there is always *more time* and that therefore not all action needs to take place at once.

If small, technical changes and a movement towards continual self-improvement can take place in perpetuity, there is no need to make drastic changes all at once. The promise of perpetual and incremental self-improvement in and of itself enables the ongoing functioning of settler colonialism as usual. Scholars of neoliberal technologies of governance, Rottenburg and Engle Merry, have similarly argued that

A crucial difference between large-scale state interventions typically understood to be the hallmark of modernity and newer neoliberal experiments to design evidence-based melioristic interventions is the way they conceive of time. Heroic interventions of modernity, based on the narrative of progress, describe the future as something that can be known and shaped in such a way that it will be an improvement on the present. For most current neoliberal interventions, however, the future is unknown and risky. Accordingly, interventions can only envisage the next step beyond what they have done, rather than a long trajectory of improvement (Rottenburg and Engle Merry 2015, 9).¹⁸⁸

This pattern of construing the future as risk, and improvement as only possible in small increments, is clearly visible in governmental responses to inquiries. Ontario's Quality

¹⁸⁸ The gradual implementation of continuous improvement exists in juxtaposition to what Rottenburg and Merry term the "heroic interventions of modernity" (2015, 9). In contrast to these incremental improvement regimes, the Canadian government has, historically, attempted to implement sweeping reforms that would undercut previous modes of governance. The 1969 White Paper (*Statement of the Government of Canada on Indian Policy*) offers a powerful contrast to such regimes. The White Paper's goal, ostensibly, was to "portend significant improvement to government-Indigenous relations in Canada" (MacLellan 2018, 924) through the application of liberal multiculturalism and universal rights. The 1969 White Paper offered two substantial proposals: the first, to abolish the *Indian Act* and the associated Department of Indian Affairs and Northern Development, and the second, to ensure the privatization of Indigenous territories through conversion of all lands to fee-simple (Government of Canada 1969, 6). The introduction to the White Paper itself sets out the ostensibly noble intentions of the Canadian government—notably, to empower Indigenous peoples, as individual Canadian citizens, to finally reap the benefits of modernity. Speaking, often, in grandiose moral language, the policy purports that such drastic and instantaneous change is necessary to enable "the full, free, and non-discriminatory participation of the Indian [sic] people in Canadian society" (Government of Canada 1969, 5). The White Paper, while notoriously a failure on the part of the Canadian Government, and a demonstration of the collective power of Indigenous peoples and their political organizing, provides a necessary foil for the more contemporary iterations of 'continuous improvement' in the context of settler-colonial policy regimes.

Standards Framework includes a section devoted to outlining the commitment to have “ministry licensing inspectors” assess compliance within licensed settings, but also “ensure that residential licensees are aware of this standards framework” (2020, 9), and stipulations about what kinds of information and documentation licensed service providers could provide to placing agencies in order to streamline the placement process (see: Ministry of Child, Family and Social Services 2020, 23). The underlying assumptions of this claim require 1) an understanding of the problem as technical and administrative, and 2) as universal and not relevant to the question of settler colonialism. In Alberta, Quality Assurance and transparency are premised in the need to “mitigate safety, address performance and make changes in service delivery” (2017b, 4). Policies and practices are updated to address small technical changes— changes that include updates to licensing regulations for residential care providers in Ontario¹⁸⁹ or increasingly streamlined channels of information sharing¹⁹⁰—while the broader social, political, and cultural changes remain too risky in a future that is unknown. These ‘long trajectories of improvement’ are the only kinds of change imaginable in the context of sustained austerity, and the continuous defunding of various governmental programs, services, and offices—including those examined here. As a result, gradual and perpetual interventions, encompassed through a broad range of regulatory compliance mechanisms, is the only foreseeable intervention.

¹⁸⁹ Note the quality standard stipulation that “when, and if, a child or young person is placed into a licensed residential setting that uses restraints, they should be supported to understand if and when physical or mechanical restraints could legally be used” (2020, 52) that assumes that the potential harm of using restraints can be mitigated by explaining the legal parameters of using restraints to the child or youth.

¹⁹⁰ As outlined in the section of Bill 18 detailing the role of the Advisory Audit Committee (2017a).

Continuous Improvement through Quality Assurance: The New Accountability Framework

It is only in Alberta, where the Fact Sheet on *Bill 18* begins “if passed, *Bill 18* would increase accountability” (2017a), that accountability and transparency remain central to the legislation and policy outcomes in an overt and explicitly named way.¹⁹¹ Of course, it is debatable as to whether the proposed responses address concerns around accountability and transparency, however I am less interested in assessing the strengths of the policy outcomes, and more interested in uncovering various ways that accountability and transparency are articulated as policy goals, moral values, and more in the context of shifting debates. Certainly, there are some mentions of accountability and transparency in the other provincial case studies, but they are both less direct, as well as less formative as part of the provincial responses. So, the question must be asked: *why does accountability, in its multiple forms and meanings, continue to resonate in the Alberta case study in a way that it doesn't in the other provincial examples?*

Here, there is a relationship between the unique political contexts of Alberta and the discourse of public accountability that shapes the centrality of accountability in Alberta's responses to inquiries. As I have argued elsewhere, the political history of Alberta (which includes very few changes in government in the province's history and a forty-year Progressive Conservative government that endured until 2015) has shaped Alberta's unique relationship with governmental accountability and transparency (Leibel 2021). This unique circumstance is compounded by a history of substantial wealth in the province (that,

¹⁹¹ Accountability in Alberta's Bill 18 is largely formulated around various performance indicators and mechanisms of monitoring these indicators: Bill 18 highlights “improved timeline[s] in death reviews” to ensure that “the OCYA [Office of the Child and Youth Advocate] would report [any] delay to a committee of the Legislature” (Alberta Government 2017b). Elsewhere, “information-sharing protocol[s]” enacted between “law enforcement agencies, the Government of Alberta, and the OCYA” are put into place to “reduce gaps and delays” (Alberta Government 2017b).

following the decline of the extractive fossil fuel industry is no longer a given): Kevin Taft argues that “in the midst of so much prosperity, citizens find it hard to hold their government to account. Whatever the problem or blunder, the government has the surplus cash to paper it over” (2007, 15). Finally, the settler colonial and liberal-individualist ethos, and even the libertarian political culture, of Alberta wherein ‘big government’ is construed as a threat to individual autonomy, and therefore must always be able to answer to its public (which is very clearly defined as a settler public and engaged with on the individual level of the taxpayer-citizen). Accountability is, in this context, a transactional relationship between government and the taxpayer-citizen.

The discourses of accountability take different forms and shift direction over time. This shapeshifting is also evident in how the Alberta *Child Protection and Accountability Act* frames the process of accountability. As was demonstrated in the first two chapters, the media, and other political actors in Alberta were most keen to demand that the (at the time) NDP government be accountable for the deaths of children and the lack of transparency regarding child protection and intervention in the province. However, the *Child Protection and Accountability Act*, submitted and passed by the NDP government in 2017, following the Ministerial Panel’s recommendations, reframes accountability as the responsibility of the Office of the Child Advocate, an accountability that is owed *by* the Office, *to* the Alberta Government (and then, subsequently, the settler public in Alberta). In *The Child Protection and Accountability Act*, the legislation positions the Child Advocate as the party who must be responsible to the legislature. In order “to ensure accountability for timeliness, the OCYA will provide an update, every six months, to the appropriate legislative committee as to the status of all active reviews” (Legislative Assembly of Alberta 2017,

3). So, rather than an Office of the Child Advocate that keeps the provincial government and its agencies accountable, the Child Advocate is instead accountable for ensuring consistent, timely, and effective reporting of child deaths.¹⁹² The *Act*'s phrasing suggests that what is being counted, measured, and timed is the Child Advocate's reporting on its reviews, rather than the content of the reviews themselves or the actions taken in light of these reviews. In other words, the mechanisms of accountability become contorted from their earlier meanings, and, as a result, it is no longer apparent who is accountable to whom—and for what purpose. What matters is that the settler public understands that *someone* is being held accountable for *something*. Notwithstanding the additional context that shapes this debate, it is extremely odd that an independent office of the legislature (the Office of the Child Advocate) is being asked to be accountable to the government, when the existence of such an office is, ostensibly, to hold the government accountable to the public.

There is only one direct reference to accountability in the documents from Ontario. In the “plan” for Ontario’s overhaul of its child intervention system, one of the five pillars¹⁹³ listed is “system accountability and transparency” (Ontario Government 2020). Within the pillar itself, the notion of accountability is folded into a category that is more

¹⁹² The exact wording enshrined in legislation indicates that “(4) The Advocate must report to the Speaker of the Legislative Assembly every 6 months in accordance with the regulations

(a) as to the number of completed reviews, and

(b) the number of incomplete reviews and the reasons that those reviews have not been completed within one year as required by subsection (3)(a).” Furthermore, “The Advocate must report annually to the Speaker of the Legislative Assembly on the work of the Office of the Child and Youth Advocate, including each report under section 15.4 of a completed review under section 9.1.” These stipulations, incorporated into the law, seem to reverse a more common understanding of the role of independent legislative officers, like the Child Advocate, whose role is to hold the legislative assembly accountable.

¹⁹³ The other ‘pillars’ of this “redesign” of child welfare services include: 1) Child, Youth, Family, and Community Wellbeing, 2) Quality of Care, 3) Strengthening Youth Supports, and 4) Improving Stability and Permanency.

accurately described by “efficiency and financial sustainability” (Ontario Government 2020). The ‘pillar’ highlights alternate funding models—details not provided—that would purportedly ensure that “children’s aid societies can balance their budgets” (Ontario Government 2020). The only mention of accountability within this pillar is that the new framework aspires towards “developing a new accountability framework focused on outcomes” (Ontario Government 2020).¹⁹⁴ Accountability is most clearly articulated as an instrument of measuring progress towards goals and enacting the promise of ‘deliverables’: accountability, it seems, is tied to the desire to eliminate the unpredictable, the contextual, and the relational through technologies of replicability. Peck and Theodore (2015) demonstrate that globalized and neoliberalized policy-making worlds are concerned with the development of “mobile” policies—that is, policies that can be routinely moved, reformulated, and reiterated in a variety of places and within a variety of diverse contexts (xvii). What is therefore offered as *good* or *effective* policy-making is the ability to *disseminate* policy practices in a standardizing, replicable way: ‘good’ policies are “reified, usually in terms of specific design features, and they are seen to travel, more or less intact, across generally inert institutional landscapes populated by knowing and relatively rational actors” (Peck and Theodore 2015, xxiii). The development of one particularly ‘effective’ or ‘successful’ policy, then, is seen to be a ‘silver bullet’ in the effective reformulation of governance practices more broadly.

In the previous chapter, I posited that Quality Assurance might be understood as a neoliberalized framework of social justice, wherein demands for justice can be recalibrated as demands for ‘justness’ through processes such as increased auditing (e.g. Government

¹⁹⁴ What this new accountability framework will look like, or what kinds of principles or practices it entails is largely outside of the scope of the government’s discussion of its overhaul.

of Alberta 2017b) and ongoing “compliance reviews” (Ministry of Children, Community, and Social Services 2020, 17), the demand for quantifiable ‘goals’ (e.g. Alberta’s SMART goals system), the creation of ‘best practices’ and a drive towards ‘innovation’ (e.g. Ministry of Children, Community, and Social Services 2020, 8), or standardized “complaint mechanisms” that include appropriate timelines for resolution (e.g. Ministry of Children, Community, and Social Services 2020, 38). In turn, Quality Assurance is limited in its capacity to articulate justice claims because it is fundamentally entangled in its roots in the private sector: rather than articulating social justice claims that are premised in political relationality, Quality Assurance is firmly entrenched in its goal of ensuring customer satisfaction.¹⁹⁵ Willmott’s work on taxpayer subjectivity (2017) once again becomes particularly useful in articulating the reconstitution of this kind of relationality: the taxpayer-citizen “is *performed* into existence” (256, emphasis in original). Willmott stipulates that “the arrival of the taxpayer” emerges from “a complex assemblage of moral consciousness, notions of citizenship, [and more] ... wedded together by a liberal ethos of government” (Willmott 2017, 256). The individual voter, understood predominantly through their role as taxpayer, is reimagined as a combination of the concerns of a taxpayer and the concerns of an auditor.¹⁹⁶ This new role of citizen-auditor is not divorced or

¹⁹⁵ Willmott’s theoretical framework of *taxpayer governmentality* is helpful in disassembling the ways that new kinds of state-subject relationships are reconstituted under neoliberalism. Although he is not particularly dealing with the question of Quality Assurance, QA, as a discourse and practice, can be seen as one of the technologies through which taxpayer governmentality operates. Willmott argues that taxpayer governmentality “should not be regarded as a method for spurring antipathy towards taxation or *prima facie* distrust of government. This is far too simple. As a form of governmentality, it is about empowering people to reason with particular kinds of evidence, being trained to see particular kinds of data as important, reading into state programmes with a skeptical and vigilant eye, responsabilizing people to act as calculatory watchdogs of government who see justice and truth when certain public domains or populations are exposed to the market” (2017, 259).

¹⁹⁶ Willmott’s theoretical framework of taxpayer governmentality contends that the subjectivity articulated in this particular mediation of state-subject relations is not historically new, nor inherently neoliberal (2017, 270). The rearticulation of this relationship through Quality Assurance mechanisms and customer satisfaction reveals a *particularly* neoliberalized iteration of this subjectivity. At the same time, I agree with Willmott’s

divested from its complex assemblages, including social and moral norms and practices of liberal governance. The citizen-auditor emerges as a complex configuration of these various parts: some of which are contradictory, partial, or borrowed from elsewhere. This precludes critical application of Quality Assurance as a social justice mechanism. Given the emphasis on the temporal ‘end of politics’ at the confluence of neoliberalism and settler colonialism, I posit that the transformation of accountability into ‘Quality Assurance’ is one of the most visible attempts to ‘end’ politics in contemporary Canada, revealed through an examination of the dispositif of the child death inquiry.

Quality Assurance is positioned as the central accountability framework, as well as a framework that supposedly addresses concerns for justice—or at least justness. This correlation between accountability and Quality Assurance was explicitly named in the 2018 *Safe with Intervention* report in Ontario (discussed in the previous chapter), where the recommendations emphasized the simultaneous goals of “strengthen[ing] accountability and opportunities for continuous improvement... through measurement, evaluation, and public reporting” (2018, np). In the policy outcomes, Quality Assurance is presented as the common-sense mechanism for accountability in both the Alberta and Ontario case studies—but is curiously absent from the Manitoba context. In both Alberta and Ontario, Quality Assurance is repeatedly referenced as not only a possibility, but the most pivotal response to addressing any gaps and concerns within the child intervention system—and perhaps the most important concern, as articulated in previous chapters, is the sense of public mistrust. The ties that connect Quality Assurance mechanisms to the settler public are re-affirmed in the outcome documents: in demonstrating how *Bill 18* will address the

overarching assessment that “this subject is durable, productive, intermittent, and fundamentally a mercenary concept” (2017, 270).

specific recommendations of the Ministerial Panel, the Government of Alberta explicitly defines “standard Quality Assurance procedures [and] internal reviews” as part of “strengthen[ing] service delivery and increas[ing] public confidence” in the government (2017b, 4). In Alberta’s *Bill 18*, the new legislation lays out the parameters through which other pieces of legislation (such as the *Child and Family Enhancement Act*) can be amended “to redefine scope as an internal Quality Assurance function and remove notification and authority of the Council for Quality Assurance (CQA) to review child deaths or call for an Expert Panel review of the same” (Government of Alberta 2017a, 3). Here is a particularly interesting example in which Quality Assurance is repositioned as a primarily internal function of Children’s Services. The Ministerial Panel proceeds to suggest that “Children’s Services is further enhancing internal Quality Assurance programs and policies” (Government of Alberta 2017a, 3) and that external sources of QA review, like the Council for Quality Assurance, have become obsolete.

Thus, even as Quality Assurance is being positioned as the new and most effective mechanism for accountability, the recommendations of the Ministerial Panel and the changes to legislation in Alberta claw back the responsibilities and powers of the Council for Quality Assurance in conducting quality audits. This contradiction begs the question: where are these audit processes taking place now, if not in the specific branch of the ministry designed to provide internal Quality Assurance? The principle of an *independent* or *external* body, responsible for review and auditing, is removed and replaced with processes of self-measurement. Quality Assurance is therefore repositioned as a department ethos rather than a robust system of checks that is external to the Ministry itself. In suggesting that Quality Assurance becomes an internalized process of self-

improvement, the recommendations of the Ministerial Panel include re-examining legislation and redefining the scope and process of Quality Assurance mechanisms in relation to child deaths.¹⁹⁷ In other words, self-examination becomes the process through which Quality Assurance is measured and attained, emphasizing both the reflexivity of self-governing organizations and individuals, but also re-iterating that this restructuring ultimately promises *a higher quality* of service delivery.

Before it was disbanded following the most recent reviews and Ministerial Panel in Alberta, the Child and Family Services Council for Quality Assurance was a legislated body with some limited powers to make policy recommendations and coordinate the composition of expert review panels in the case of child deaths or serious injuries. The Council was “an arm’s-length multi-disciplinary body of external experts, intended to “provide Quality Assurance and continuous improvement advice and recommendations to the ministry [and]... facilitate transparency with the public” (Child and Family Services Council for Quality Assurance 2016, 4). The Council was formed in September 2011 as a response to the 2010 Alberta Child Intervention System Review and the 2011 External Panel Review, and in April 2012, the Council became “a legislated body as a result of amendments to the *Child, Youth, and Family Enhancement Act*” (Government of Alberta 2014, 1). Until the passing of the *Child Protection and Accountability Act* in 2018, the Council for Quality Assurance played an important role in the processes of child death reviews for fatalities that occurred while a child was in provincial care. In 2018, the Council

¹⁹⁷ Such as the recommendations of the Ministerial Panel include re-examining legislation such as the *Child, Youth, and Family Enhancement Act* “to redefine scope as an internal Quality Assurance function and remove [the] notification and authority of the Council for Quality Assurance (CQA) to review child deaths or call for an Expert Panel Review” (2017b, 1).

was formally disbanded under Children's Services Minister Danielle Larivee to "eliminate some of the duplicative work going on" (cited in CBC News 2018). It is also worth noting here that the Council for Quality Assurance was created as a prior response to child death scandals and, perhaps because of its inability to alleviate subsequent scandals of a similar nature, was quietly disbanded. The creation and disbanding of the Council (both enacted in relation to child death scandals) reveals that Quality Assurance has been seen, for some time, to be an appropriate response to political scandal. The recent turn in Alberta reveals, perhaps, that Quality Assurance mechanisms must be transformed into something quieter and more mundane to avoid becoming, themselves, a source of scandal. *Even with* the incorporation of NPM techniques like Lean and like Quality Assurance, the governance of child intervention is never seen to be as efficient as it *ought* to be.

In Ontario, Quality Assurance is used as a broad point of reference for the "culture of continuous improvement" that the Ontario Government promises. Unlike the Alberta Council for Quality Assurance, that was granted legislative authority (briefly) under the *Child, Youth, and Family Enhancement Act*, the Ontario Quality Standards Framework "is a resource only and does not have the force and effect of the law" (Ministry of Children, Community, and Social Services 2020, 2). The Quality Standards Framework does "not prescribe specific actions that individuals must take to meet a standard. Instead, quality standards describe the conditions that should be present in a caring environment to support the provision of high-quality care" (Ministry of Children, Community, and Social Services 2020, 5). On the Ministry's website, the resource guide is described as a "toolkit," suggesting that it is ultimately there to enable practitioners, caregivers, and community members to have the 'tools' they need to facilitate the quality standards themselves.

Interestingly, in one of the consultation drafts of the document circulated, there is a clear stipulation that the Quality Standards Framework will be used to develop regulations that would “hold residential licensees and placing agencies legally accountable for the quality of care they provide” (Ministry of Children, Community, and Social Services 2019, 6). Quality Assurance is, in the Ontario case, filtered through an even narrower (and arguably more mundane) practice: it is no longer a departmental initiative, but a personal practice of self-reflection and *possibly, occasionally* a question of individual compliance with regulation.

The Quality Standards Framework,¹⁹⁸ as a guide, rather than as a piece of legislation, is designed in such a way that its audiences are directed, as they are reading, to

reflect on whether these conditions are present in the lives of the children and young persons in their own lives. If they are not present, primary audiences should ask themselves “how can I change my behaviour, or the behaviour of those around me, to ensure that high quality residential care is being provided?” (2020, 10).

The purpose of this document is not to impose a particular set of standards, nor is it to designate the requirements for residential care. Instead, the Quality Standards Framework is laid out as an individualizing project in which the “primary audience” (agency and residential care staff, children in care, adult allies) can reflect on their individual behaviours and the behaviours of those around them to self-regulate and therefore compartmentalize Quality Assurance and accountability.¹⁹⁹ Notably, the Quality Standards Framework in

¹⁹⁸ The drafting, circulation, and promotion of the Quality Standards Framework was both intentional and comprehensive. The Ontario Association of Child and Youth Care, an organization “dedicated to the professionalization of Child and Youth Care” appears to have been heavily involved in drafting and consulting on the final document. In addition to their 2019 draft consultation with the Ministry, the OACYC circulated member surveys. The Ontario College of Social Workers and Social Service Workers was similarly instrumental in the drafting and dissemination of this document. However, as a non-member of these organizations, I am only able to access the limited, public-facing documentation of these discussions.

¹⁹⁹ In the Ministry’s September 14th, 2020 ‘message’ to the public regarding recent changes in child welfare legislation, the Ministry “strongly [recommends] that all individuals involved in the provision of residential

Ontario speaks directly to practitioners and staff at various offices and agencies. The Framework imitates the tone of both an educational textbook and a self-help guidebook by fleshing out each ‘quality standard’ with a series of personalized questions, like “How do you meaningfully engage with the child or young person to solicit their thoughts and feelings about their placement?” (2020, 26). Instead of being a discussion around policy and practice, there is a deliberate move towards a pedagogy of self-examination and ethos of continuous improvement enshrined through personal and individualized reflexivity. Certainly, it is not inherently a negative thing for staff, caregivers, and other practitioners to consider, and yet it is a strange turn in the trajectories of the inquiries examined. The implementation of self-examination practices as *the most comprehensive* way to reform a system plagued by scandal is characterized by the limitations of any such policy solution: self-reflection *may*, in *some* situations, be able to solve *some* problems, but is unlikely to provide resolution for others. As a policy solution (to a political and subsequently depoliticized problem), self-reflection reifies a particular kind of social responsibility, that is, individualized, technicalized, and standardized.

This kind of practitioner engagement also indicates the dissemination of neoliberal subjectivity amongst workers, alluded to earlier in this chapter. Workers (and to some extent community members) are asked to reflect on their individual practice, personal beliefs, and day-to-day experiences as a mechanism to ensure quality standards are met in the context of placing agencies and group homes. Not only does this practice relocate responsibility for Quality Assurance to individuals, but it (perhaps more importantly) insinuates that the so-called crises in care that the framework is responding to exist because

care for children and young persons review, reflect on, and implement the standards framework” (Government of Ontario 2020c).

of individual beliefs around issues like diversity and intersectionality, rather than systemic or structural issues. Shaped, in part, by a classic liberal political tradition, individual prejudice and individually held discriminatory beliefs are taken to be *the cause* of systemic dysfunction, in which individual self-improvement can effectively *resolve* the crisis.

There is an ongoing effort in the Quality Standards Framework to partially acknowledge and fold deep political complexities and injustice into a language of Quality Assurance. Questions, concerns, and issues like intersectionality, settler colonialism, racism, and ableism are brought into a document about defining quality standards: as the framework outlines, “certain populations of children receiving licensed residential services across Ontario have a diverse set of needs” (Ministry of Children, Community, and Social Services 2020, 14). Importantly, while concepts like intersectionality, settler-colonialism, and anti-oppressive frameworks have histories rooted in the critical resistance projects of marginalized peoples, the Quality Standards framework absorbs the language, even as the actual meaning of these concepts is flattened, and the critical potentiality of thinking through these lenses is evacuated from their implementation as vehicles for Quality Assurance. Furthermore, “culturally appropriate services” are grouped together with the provision of “high quality services for children and young persons across Ontario” (Ministry of Children, Community, and Social Services 2020, 20), suggesting that attempts to address questions of race and colonialism can be pre-emptively folded into a broader project of Quality Assurance.

Assembling the Fields of Inquiry, Consultation, and Policy: Producing and Responding to ‘Truth’ through Neoliberal Technologies of Improvement

As the emphasis on morality and emotion is seemingly evacuated in the ‘outcomes’ of inquiries, so too does the notion of ‘truth’ disappear from the language used to describe

the resolution of the dispositif. It is Alberta's consistent emphasis on SMART (Specific, Measurable, Achievable, Realistic, and Time Sensitive) Goals that most clearly demonstrates this policy trajectory. Mentions of SMART goals throughout the Alberta documents are references and recommendations for the provincial government to mandate the development of "criteria for ensuring SMART recommendations" (Government of Alberta 2017a, 5). In this example, the 'evidence-based' research being suggested is not about the explicit *content* of the policy concerns of the recommendations themselves, but on how to construct evidence-based, SMART research goals, removing the recommendations of the Ministerial Panel one step further from the political and emphasizing the technical aspects of policy creation. SMART goals are thus used as a frame for checking, regulating, and sustaining goal-formulations. Furthermore, the goal formulation itself is circular in that the *goal* is to create better, more effective SMART goals.

In her critique of contemporary evidence-based policy decisions related to Indigenous-settler state relations, Maddison (2012) makes the argument for increased consultation to develop more well-rounded sets of evidence. In the 'Age of Apology' and with the national project of Truth and Reconciliation at the forefront of Canadian politics, questions about Indigenous consultation and participation in policy development remain substantial.²⁰⁰ Notably, one of the pieces of legislation introduced in Manitoba (*Bill 18*:

²⁰⁰ There is a rich critical literature on the mobilization of 'consultation' in the context of resource development (e.g., Hoogeveen 2014; Stanley 2016; Pasternak 2020; Preston 2013; McCreary and Milligan 2018; Moore et al 2016). Notably, scholars and activists have been critical of the false equivalencies made between consultation practice, and free, prior, and informed consent (e.g., Moore et al. 2016) as stipulated by the United Nations Declaration on the Rights of Indigenous Peoples (e.g., Hoogeveen 2014, 126). Significantly, Hoogeveen argues that "in contrast to property rights, Indigenous title is by and large explained within the current settler colonial confines of the duty to consult and accommodate" (2014, 129). Stanley (2016), building on the critiques raised by the Idle No More movement, further demonstrates that changes to legislation, including the Indian Act and the Environmental Assessment Act "dramatically limit Indigenous

The Child and Family Services Amendment Act “Taking Care of Our Children”), came under fire from the Association of Manitoba Chiefs (AMC) for having been drafted and passed without meaningful consultation with First Nations and other Indigenous peoples and organizations. In a press release from March 10, 2018, the Assembly of Manitoba Chiefs “called on the Province to stop its divisive and disingenuous approach to First Nations Child and Family Services reform and meaningfully consult with Manitoba First Nations” (Assembly of Manitoba Chiefs 2018).

What is revealed in the case studies tracked through my research is two-fold: first, despite the highly specific context surrounding the passing of this legislation (including a highly visible public inquiry, the Truth and Reconciliation Commission’s final report and Calls to Actions, and the overarching political discourse of reconciliation in Canada), the settler state continues to fail to meaningfully consult with Indigenous peoples about policy decisions that impact them.²⁰¹ Second, even as accountability and transparency to ‘the public’ are positioned as core democratic values, ‘the public’ being referred to is a settler public. It is necessary that I acknowledge that other Indigenous organizations, such as the

peoples’ abilities to protect [Indigenous] rights through consultation processes with the Crown” (2426). Recently, both the Federal Court of Appeal and the Supreme Court of Canada upheld a decision in the *Coldwater First Nation v. Canada* ruling that “reconciliation and the duty to consult do not provide [First Nations] with a veto over projects such as [the Transmountain Pipeline Expansion” (Federal Court of Appeal 2020).

²⁰¹ In making this claim, I draw on Indigenous scholars, thinkers, and organizers who have previously critiqued Canada’s implementation of “the duty to consult,” Chelsea Vowel argues that the duty to consult, as a colonial practice, does not actually empower “Indigenous peoples [to] determine whether or not the Crown is behaving honourably” (2016). In arguing that the duty to consult has been weaponized by the settler-colonial state, Vowel demonstrates that “the honour of the Crown is sort of a self-imposed limit, [and therefore] it is not really an Aboriginal right” (2016). Mi’kmaw lawyer and scholar Pamela Palmater has argued that “constitutionally protected Aboriginal rights [are made] meaningless [through the Crown’s selective interpretation of sovereign consent]” (2018). Palmater asks, “what legal value is the federal government’s constitutional obligation to consult, accommodate and obtain the consent of First Nations before taking actions that would impact our rights and title, if “consent” is interpreted as the right to say yes but excludes the right to say no? It makes no logical sense to interpret the law in such a way, especially to a constitutionally protected right” (Palmater 2018).

Southern Chiefs Organization (SCO) and the Manitoba Keewatinowi Okimakanak (MKO) applauded the Manitoba government for their consultation efforts, responses which stand in stark contrast to the assertions made on the part of the AMC. It is nonetheless concerning that a large Indigenous organization in the province of Manitoba (the AMC)²⁰² was excluded from consultations regarding *Bill 18*, and that, more broadly, at their very best the consultation processes surrounding this legislation were selective in issuing invitations to the table.

The controversies surrounding what constitutes appropriate and meaningful consultation with First Nations and Indigenous peoples extend far beyond the scope of my argument here, however it is nonetheless crucial to acknowledge that this debate, in and of itself, can be understood through the framework identified earlier in this chapter regarding the ‘end’ of the political. Consultation, too, becomes something that must be administered rather than fruitfully engaged in, which results in some organizations being brought into the discussion and others being excluded. Consultation therefore becomes encapsulated into regimes of continuous improvement, in which Crown consultations, perceived to fail, are accompanied by the promise of *always-doing-better*.²⁰³ The settler government in Manitoba undertakes some attempts at consultation that may very well constitute

²⁰² In their response to the passing of the legislation, the AMC insinuates that “a resolution opposing the Province of Manitoba’s Child Welfare System Reform, which includes provincially legislating customary care and promoting permanent guardianship” passed by their Executive Council of Chiefs in December 2017 may have contributed to their exclusion from formal consultations (Assembly of Manitoba Chiefs 2018).

²⁰³ According to Strakosch, settler states “seeking to naturalise their existence as the sole legitimate authority over a particular area...mobilise different political strategies. These can include entering into highly sophisticated forms of political engagement with Indigenous peoples that recognize some kinds of land ownership, past colonial violence and Indigenous culture in exchange for an extinguishment of political difference and a legitimisation of the status quo” (Strakosch 2016, 18). For instance, the 2020 Coldwater Decision, agreed upon by both the Federal Court of Appeal and the Supreme Court of Canada declared that “Canada had remedied flaws in the consultation [that had been] earlier identified” and had “therefore engaged in adequate and meaningful consultation with Indigenous peoples,” (Federal Court of Appeal 2020) even as the First Nations directly implicated were arguing that the ‘flaws’ of consultation had not been addressed in the ostensibly *new and improved* consultation process.

mechanisms of public and/or political engagement that allow for some level of performative consultation without calling into question the decision-making structures of the settler state itself. However, the consultation process is not necessarily, as it appears, simply a meaningless or empty gesture, but rather a means through which Indigenous nations and organizations are pulled into the very processes of producing settler-colonial truth and retooling that truth through technocratic and administrative mechanisms.

New in the Ontario Quality Standards Framework is an increased attention to explicating the notion of intersectionality²⁰⁴ as it pertains to work in the child intervention sector. This recent integration is largely unsurprising, as the language of intersectionality has come into popular usage recently, and it is not unexpected that it would enter the political speech patterns of governments and government agencies. The Quality Standards Framework emphasizes “an anti-racism, anti-colonial, and anti-oppressive lens [which] includes... analysis of power imbalances based on race, ethnicity, gender, sexuality, and identity (including First Nations, Inuit, and Metis [sic] identity” (Ministry of Children, Community, and Social Services 2020, 14). In turn, the “intersectional lens” offered in the document encourages service providers to consider “the child’s identity and use an intersectional lens” (2020, 56) in tangible ways that are stipulated in a plan of care and evaluated in the future. The use of an “intersectional lens” is presented as a metric to provide “evidence of high-quality residential care” (2020, 56). The rhetoric used throughout the document insinuates that individual ‘empowerment’ is the most reasonable

²⁰⁴ In calling on workers and community members to implement “an intersectional lens” in their relationships, the Quality Standards Framework defines intersectionality as “as a way of thinking that considers the interconnected nature of social categories such as race, class and gender as they apply to a given individual or group. These overlapping identities create something unique and distinct but can also lead to disadvantage and discrimination” (Ministry of Children, Community, and Social Services 2020, 12).

response to power imbalances. While practitioners are asked to think about their intersectional position, they are also asked to reflect on how to best ensure children “have some control and empowerment” in their lives (Ministry of Children, Community, and Social Services 2020, 26). To this end, children and youth are asked to describe specific ways that they are “supported and empowered” in their lives in residential care (Ministry of Children, Community, and Social Services 2020, 75). These questions point to an understanding of empowerment that refers to the “strategic navigation of dehumanizing systems and institutions to achieve ‘progress’” (Clay 2019, 102). The framework thus draws on explicit references to race, racism, and intersectionality as part of its Quality Assurance, or accountability, mechanisms, while utilizing an empowerment framework²⁰⁵ to ostensibly undo the power imbalances that permeate the systems and structures it purports to scrutinize through such mechanisms.

The scrutiny of bureaucratic racism and colonialism also come up against larger political struggles, such as the statement of the Association of Manitoba Chiefs articulating the uneven consultation with various Indigenous nations, governments, and organizations across Manitoba. This contradiction offers a reminder of the neoliberalized, sanitized understandings of race, racism, and colonialism that have become mainstream. In this case, there is both an offering (from settler governments) regarding the nature of identity-based

²⁰⁵ There is a rich feminist and anti-racist literature critiquing frameworks of empowerment in the context of neoliberalism. Drawing on earlier arguments in this chapter, and on this feminist literature, I am cautious of the ways that empowerment discourses have not only been “recuperated from radical emancipation movements” for capitalistic and neoliberal purposes (Paltrinieri 2017, 469), but also the ways in which these discourses are articulated in the creation of particular subjectivities—subjectivities that self-monitor, self-examine, and commit to continuous self-improvement through empowerment (e.g., Paltrinieri 2017; Spence 2020). For a comprehensive analysis, see Kevin L. Clay’s arguments regarding Black empowerment and “Black Resilience Neoliberalism,” in which Clay demonstrates that mainstream empowerment discourses are most often used to “normalize and valorize the ways in which oppressed folks persist through suffering, thrive despite suffering, or act in some other way to ultimately accommodate or ensure structural racism” (2019, 105).

recognition practices, and a demand (from Indigenous peoples) for Indigenous sovereignty and jurisdiction to be respected. The offer and the demand are not addressing the same fundamental question. The critiques of the politics of recognition in settler-colonial states, those of Glen Coulthard²⁰⁶ and Elizabeth Povinelli, offer a persuasive and rich analytical framework for thinking through the complexities of these recognition-based approaches. Povinelli argues that “the generative power of liberal forms of recognition derives not merely from the performative difficulties of recognition but also from something that sociologists and philosophers have called moral sensibility” (2002, 4). Povinelli argues that these ‘moral sensibilities’ are used, in the context of liberal recognition, to form particular sets of publics or categories of communities, and that such sensibilities advance a “calibration of the difference between their [settlers’] and their [I]ndigenous neighbours’ notion of the moral and good life” (2002, 85). The “moral sensibilities” of the settler citizen thus 1) enable a sense of loyalty and obligation to *feeling the right* thing, and 2) ensure the privileging of certain legal and political frameworks that correspond with that moral sensibility—in other words, the legal and political frameworks of settler colonialism. Settler benevolence thus continues to permeate the enactment of policy and legislation, even as the specific forms of benevolence change in response to structural factors (such as neoliberalism). A requisite ethos of continuous self-improvement is thus the ideal response to both technical *and* moral failures within the context of neoliberalism.

²⁰⁶Coulthard (2014) argues that the “orientation to the reconciliation of Indigenous nationhood with state sovereignty [through recognition] is still *colonial* insofar as it remains structurally committed to the dispossession of Indigenous peoples of [Indigenous] lands and self-determining authority” (151, emphasis in original).

Conclusions

This chapter has examined the post-inquiry context in relation to the other fields of the dispositif and reveals there is not a clear trajectory where a scandal produces a political outcry, which produces an inquiry, which results in policy reform. Instead, there is an assemblage of policy and legislative changes, and internal practices move in different ways through a mobilization of core concerns. In a continuation of all three preceding chapters, publics are reassured in policy outcomes that the tragedies of child deaths within provincial intervention systems were not political issues, but instead, could be best understood as technical issues (importantly, though, technical issues that are first empowered as ‘moral’ issues) related to accountability in its newest form—Quality Assurance. Quality Assurance has, in turn, taken on a massive presence in the ways that governmental child intervention programs articulate their purpose, functions, and internal mechanisms.

The acknowledgement of Indigenous *identity* or *culture* in neoliberal Quality Assurance frameworks renders visible the limits of liberal recognition. Neoliberal Quality Assurance frameworks demand the recognition of culture and identity as an indicator of quality (high quality services can be provided to as many people as possible across various conditions of diversity). At the same time, however, ‘quality’ must always supersede diversity. If, as revealed in critiques of kinship care in Alberta and devolution in Manitoba, Indigenous identity or culture are construed as a threat to quality services, quality—assumed to be universal and objective—must always take priority. In turn, this universalized notion of quality is not separable from notions of settler benevolence and settler morality, in which “even if state workers [are assigned] to protect “more or less” customary practices..., they [have] to make critical cultural and moral judgments on the spot which might have much wider social ramifications” (Povinelli 2002, 133). This

practice of on-the-spot decision making is visible throughout the case studies, and especially in the death of Serenity in the context of Indigenous kinship care in Alberta—if kinship caregivers are seen to provide a *substandard* ‘quality’ of care, this common-sense belief amongst a benevolent settler public functions to reaffirm the need for the settler state to manage, moderate, and calculate what quality care looks like, and how it should be standardized—according to the ‘moral sensibilities’ of the settler state and its settler public.

Strakosch argues that what “even the most progressive settler state... asks for and offers in an imagined Indigenous-settler exchange is the final (re)founding of settler sovereignty” (2016, 17). What is significant about this argument for my work is that settler state performances of progressive politics—here particularly enshrined in the ongoing attempts to mainstream intersectionality and anti-oppression as standards of Quality Assurance—fundamentally works to reinscribe colonial relations of power and recognition. Furthermore, it extracts these deeply political concepts and realities from their original context and reapplies them to the depoliticized world of so-called ‘Quality Standards’. The public is promised, through evidence-based research, a consensus on what ‘high quality’ child intervention services can look like, and subsequently offered quantifiable, standardized tools through which these services can be applied in a universal way across difference. Failure to adhere to these depoliticized standards indicates a moral failure, because the quality standards are supposedly value-neutral and widely applicable across intersectional difference.

In turn, this depoliticization is construed through the interconnected and convergent temporalities of settler colonialism and neoliberalism. Settler-colonial forms of governance move from being situated within a temporality of *too-lateness* in the initial calls for

government action, towards a temporality of *always more time*, which is functionally both a neoliberal and a settler-colonial temporality. The temporality of *always more time* is shaped around the promise of new administrative cultures of “continuous improvement” and “SMART Goals” that permeate current governmental responses. As I have demonstrated throughout this chapter, Canadian governance of child intervention is currently situated at the intersection of settler colonialism and neoliberalism. On the one hand, settler-colonial temporalities are always striving for ‘the end of politics’, in which all matters can be understood as universal, apolitical, and technical. On the other hand, a neoliberal temporality of future-oriented action means that there is always *more time* to address any possible contentions. In other words, there is a future-oriented aspiration that the contestations within settler colonialism (e.g., Indigenous sovereignty) as a structure will end, and there will be a universal (settler) sovereignty that emerges on the other side—one that can ensure its own permanence through its orientation towards a continuously improving (settler) future.

Conclusions

Affective Economies, Emotional Entitlements, and Settler Grief for the Indigenous Public Child

In August 2021, Anishnaabekwe @gindaanis posted a Twitter thread asking a series of questions to self-declared settler Canadian allies as the ongoing recoveries of grave sites associated with residential schools received widespread attention:

I know a lot of non natives are feeling grief and sadness about the graves. But I wonder if that's the real emotion here and frankly I'm feeling like it's just more colonization, taking even [Indigenous] grief for yourselves. What exactly are you grieving? These weren't your children. These weren't your communities. So I want you to think very hard about what you are grieving, what your feelings are rooted in because that is what will drive your actions. Your actions are important because we really are in this together. Are your emotions tied up in those children and the parents? Is it empathy, or something else. I imagine that you are thinking about your children, imagining that this happened to you and I'm telling you that you are imagining yourself in the wrong part of the story. These aren't your children. They were never your children. Your children were safe in their beds and that's where they'll stay. You're in the story. But you're the teachers and librarians. The custodians. The neighbors. The people who bought produce from the Mohawk Institute. (@gindaanis August 11 2021).

Responses to the tweet indicated both support and resentment: while many Indigenous, racialized, and white settler commenters thanked the original poster for a thought-provoking series of questions, many settler commenters named their ability to share in Indigenous grief as “a fellow human” (@dougdele August 11 2021), serving as a reminder that Indigenous loss is deemed to be universally intelligible, and belonging in some way to settlers as much as to Indigenous peoples themselves. Other commenters state that their “sadness for lives lost has nothing to do with being a colonizer. It has to do with being a human being” (@JudithM52103345 August 11 2021). Not only are settler commenters concerned with distancing themselves from colonialism, but many of the comments also appear to suggest that colonization is entirely separate from the production of these emotions. As one Twitter user states: “It’s not more colonization, it’s human beings feeling

for other humans” (@AmberDragonfly August 11 2021). Other comments suggest that “you don't have to have personally witnessed or have been directly impacted to grieve deaths by genocide, you just have to care about life” (@MechanicsIsLife August 11 2021).

There were also responses to the thread that explicitly framed the affective grief or rage as being about accountability, transparency, and the relationship between citizens and the settler state. One commenter writes: “I am PISSED because I was fed a lie about what happened by the church and government. We should have all known this history before now” (@Magoodygy August 11 2021). Other commenters even explicitly name the taxpayer/government relationship as a source of their affective responses: “I grieve because my parents and grandparents were funding this atrocity and had basically no idea” (@TheJniac August 11 2021). In these statements, I have noted a clustering of affective responses: namely that, while there is certainly a response to the realization of colonial trauma, there are also responses that emphasize the position of settler citizens or “taxpayer-citizens,” and their relationship with their own governments.

My rationale in raising this series of tweets and responses is not to suggest that these emotions are fabricated or not; sincere or not. My analysis is not interested in whether settler grief is *sincere*. Drawing on earlier arguments regarding the usefulness of sincerity, I think in tandem with scholars of affect, like Lauren Berlant, who has so strikingly articulated that

in the liberal society that sanctions individuality as sovereign, we like our positive emotions to feel well intentioned and we like our good intentions to constitute the meaning of our acts. We do not like to hear that our good intentions can sometimes be said to be aggressive, although anyone versed in, say, the history of love or imperialism knows volumes about the ways in which genuinely good intentions have involved forms of ordinary terror (think about missionary education) and control (think about state military, carceral, and police practices). We do not like to

be held responsible for consequences we did not mean to enact” (Berlant 2004, 5-6).

There is a challenge, in the context of liberal, settler humanitarianism (Maxwell 2017) in accepting that even actions with supposedly ‘good intentions’, are situated within the recursive performance of settler sovereignty, and produce both intended and unintended consequences.

Commenters on the Twitter thread insinuated that because the issue was a question of “dead children,” it was very clearly a universal form of grief: “I don't have to be a native to be horrified at the deaths of children” (@Xploder12 August 15 2021). The social, cultural, and political impetus to understand “the figure of the vulnerable child [as] a recurrent and emotive signifier,” inevitably complicates, but does not reconcile the politically charged nature of settler compassion (Kennedy 2008, 177). I hope that the analysis throughout this dissertation has been successful in demonstrating that this grief and the other emotive and affective responses, discourses, and outcomes, that emerge in response to Indigenous child deaths in contemporary settler-colonial Canada enact many kinds of politics, including those that might appear incommensurable with one another.

Summary of Dissertation Findings and Key Arguments

I have chosen to highlight some of the online commentary produced in response to the uncovering of Indigenous children’s graves because it provides an ongoing and contested example of the ways that the questions, themes, and arguments raised throughout this dissertation continue to shape political relations in neoliberal and settler-colonial Canada. Embroiled in that Twitter thread are complex demonstrations of the ways that settler publics respond to Indigenous loss and demands for justice in the context of settler-colonial violence: notably, through affective demonstrations of the *capacity to care*, what

I have referred to as both *settler benevolence* and *the spectacle of settler compassion*. Across different discursive mechanisms, settler affective responses are assembled by contradictory logics that emphasize the universalizability of Indigenous grief, while simultaneously reiterating a particular relationship of anger with *liberal, democratic governments*, who ought to be accountable to their *settler-publics* (at the very least, if nothing else).

Chapter two argued that mainstream media coverage, addressed to an imagined settler audience, plays a crucial role in constituting the performative nature of public inquiries into Indigenous child deaths. I demonstrated how the media narratives were not only *representative* of, but *constitutive* of, different and interconnected publics with whom the neoliberal, settler-colonial state has different relationships and obligations. The state takes on the role of the *civilizer* or *rescuer* of the pathologized Indigenous family—ensuring ongoing state presence within Indigenous families. Settler publics *demand of this state* clearly articulated records of accountability and transparency, receipts that prove that settler investments—both economic and emotional—in the state have been used to productively manage the various shortcomings, failures, and problems that arise in neoliberal governance. I concluded that the hegemonic stories of scandal produced and circulated in the mainstream media simultaneously confirm the need for settler state intervention into the lives of Indigenous families (by reiterating paternalistic concerns about Indigenous incompetence or poor training and skills) and emphasize that the settler state has been dysfunctional in its approach to this intervention. As a result, the benevolent settler public holds its government to account and cements neoliberal fears of bloated and ineffective bureaucracies.

In the third chapter, I examined *Hansard* archives from legislative debates in the three provinces. Drawing on my analysis in the previous chapter, I argued that the theatre of political debate that occurs in the legislative assemblies can be understood as the space where (thus far contested) meanings of child deaths are filtered through a hegemonic discourse of what, exactly, is being debated. This chapter therefore demonstrated how the performance of both settler benevolence and political neutrality are combined in the legislative arena to structure the temporal nature of the neoliberal settler state. Chapter three also demonstrated what happens to the dispositif of the child death inquiry as it moves into a different site of discourse: specifically, the move into the provincial legislatures demonstrated how the political theatre of legislative assemblies shapes the parameters of the scandal around specific policies, programs, or bureaucratic units—in other words, further narrowing the expectation of governmental accountability into questions of bureaucratic responsibility.

In the fourth chapter, which turned to the published documents of inquiry processes, I showed how the complicated relations drawn out through the construction and circulation of scandal and through the act of defining the ‘stakes’ of political intervention in legislatures—compassion, benevolence, investment, and possession—are further structured through the performative acts of truth-telling, acts that can be seen in the public inquiry process and its various publications. I argued that as a mechanism of accountability and transparency, the public inquiry works performatively to define and narrate a series of assembled, contradictory, and correlated relationships that shape contemporary governance in Canada. What I referred to as the “affective economy” of settler benevolence emerges as a triangulation between the dysfunctional bureaucratic state, the pathologized

Indigenous family (ostensibly in need of intervention), and the settler public as individual taxpayer-citizens, and in turn this economy is used to identify who is accountable *to whom* and *for what*. Drawing on the role of property and possession in settler-colonial Canada, compounded by increasing mistrust in governments and their bureaucracies within neoliberalized understandings of the role of government, the ‘Indigenous Public Child’ is taken on by settler governments and settler publics as a battleground where the meaning of democracy (and its practices of accountability and transparency in relation to taxpayer-citizens) can be reformulated according to contemporary logics. It is in the process of the public inquiry itself, and its published documents, where the problems (defined in scope in the legislative debates) are pushed through the mechanisms of the inquiry process in a way that offers the settler public a clearly articulated set of ‘problems’ (the lack of accountability and transparency) and the necessary (and perhaps even obvious) ‘solutions’ of professionalization, cultural sensitivity, increased managerialism, and Quality Assurance metrics.

Finally, I analyzed the ‘outcomes’ of public inquiry practices, and argued that the supposed crisis of public trust in governments and bureaucracies is negotiated through the pervasive proliferation of New Public Management as policy common-sense. I have demonstrated that in the case of neoliberal settler colonialism, the “culture of continuous improvement” (a newer articulation of the civilizing logics of colonialism, and a supposedly philanthropic intervention into Indigenous life) shapes contemporary, depoliticized bureaucracies. In turn, these depoliticized bureaucracies, enshrined in a benevolent ethos of self-examination and continuous improvement, attempt to ensure the ongoing permanence of settler-colonial governance and sovereignty.

Ultimately, then, this dissertation tells a story about the ways in which settler colonialism, as a structure of governance, reinvents itself in the context of neoliberalism—and, importantly, emphasizes that this story is as much about *feelings* as it is about *economies*. At the centre of this story (or dispositif) is the Indigenous Public Child, a figure claimed as a possession of benevolent settler publics, and a figure for whom settler governments must be responsible (in the narrowly defined context of NPM responsibility defined by Quality Assurance and effective performance management). Taking this story one step further, I conclude that feelings and economies are not easily disentangled in the context of neoliberal settler colonialism. Settler investments are both fiscal and affective, and the object of my work has been to consider some of the ways in which these investments are assembled, contested, reformulated, and reaffirmed in various truth-telling practices associated with the governance of child intervention and the promise of accountability and transparency. It is an invitation for those of us who are settlers to consider our investments in the settler state, and question how we mobilize demands for accountability and transparency. In other words, I invite settlers to think with me about what it means to *make demands* of our governments, and how these demands—made often with the best of intentions—can do the work of perpetuating settler-colonial sovereignty through the technical and depoliticized *administration of things*.

Core Contributions

Neoliberal Subjectivity: The Taxpayer-Citizen and the 'Psychic Life' of Governmental Accountability

I have demonstrated how a triangulation of subjectivities is constituted and reconstituted in the trajectory of scandal-making, partisan debate, performative inquiry, and continuous policy improvement. The second chapter examined the ways that settler publics are produced in relation to media scandals, and how the dominant media's task of

addressing an imagined settler audience shapes the contours of distinct publics and their relationships with the settler-colonial state. In the third and fourth chapters, I examined the production of a particular subjectivity for the settler public—namely, the taxpayer-citizen in relation to partisan debates and performative truth-telling. Drawing on Kyle Willmott, I considered the ways that “assembling a taxpayer subjectivity or ethos means combining moving parts, adaptive strategies, and distinctive forms into an intelligible” relationship between subjects and structures of governance (2017, 258). In the fifth chapter, I expand on the constitution of settler publics and the manifestation of taxpayer-citizens by considering the ways in which this subjectivity is further entangled in processes of individualization, responsabilization, and self-scrutiny, and tasked with the new role of citizen-auditor.

The Temporality of Settler-Colonial Inquiries: From Too-Lateness to an Abundance of Time

The re-legitimation of settler-colonial sovereignty is made possible by bringing these subjectivities into the dispositif of the child death inquiry and identifying continuous self-improvement as not only the most reasonable, but also the most legitimate, means of renewing the settler state in the context of neoliberal policy reforms and the current iteration of post-TRC discourse of Canadian politics. I apply this framework to the dispositif of the child death inquiry in order to demonstrate how governance uses the explosive moment of moral scandal in order to shape the contours of governance (who is *doing the caring*, and *who is ostensibly being cared for*). Subsequently, failures of care are outlined, in depth, in inquiry processes that narrate what Povinelli refers to as the unfolding “crisis” and the promise of “the good day” (that never arrives) (2010, 30). Finally, a culture of continuous improvement, enshrined as the most reasonable and legitimate policy

practice, the “distended; delayed and deferred” (2010, 30) nature of this resolution, attempting to entrench the perpetual nature of the settler state and its technologies of intervention. There are two distinct streams of depoliticization that converge: the first is the neoliberal incorporation of private sector strategies that advance the notion that private sector management styles, such as New Public Management (NPM) are the most effective way to manage public services. The second stream of depoliticization reflects the task of settler-colonial governance as a practice of “fixing the [administrative] problem” (Strakosch 2016, 15). So, while the supposedly neutral and apolitical management of the situation may seem like a more recent strategy of neoliberal governance, it also comes up against a longer history in which the settler-colonial state has actively sought to resolve political tensions through administrative processes.

Both settler colonialism and neoliberalism aspire to “the end of politics” insofar as they don’t want to have political relationships, but rather administrative relationships of management. An apolitical future of administrative techniques is the desired outcome for both the political structure of settler colonialism, and the modes of governance espoused by neoliberalism.²⁰⁷ Throughout the legislative debates, opposing parties in the Alberta and Manitoba legislatures repeatedly accused one another of ‘politicizing’ the issues at hand. It is also true that the depoliticization of the various issues revealed in these case studies fits into a broader project in which both settler colonialism and neoliberalism seek to depoliticize relationships and debates (sometimes in the same way and for conjoined

²⁰⁷ Here, I am operationalizing a framework in which settler-colonialism itself is a political structure (i.e., it is *more* than a particular way of ‘doing’ statehood and sovereignty. On the other hand, neoliberalism and its associated technologies are instead a mode of governance or a way of doing things. Contemporary settler-colonialism, or neoliberal settler-colonialism, then, is the current way that the political apparatus of settler-colonialism *does things* in its current iteration.

purposes, and sometimes for different ways and for different purposes). This thread, persistent throughout the various sites of discourse I have examined, indicates the incompleteness of the task of depoliticization. The case studies indicate that, in spite of ongoing attempts to render questions of child intervention—especially intervention concerning Indigenous children—apolitical, this is an incomplete task.²⁰⁸ Despite ongoing efforts to neutralize and therefore naturalize settler-colonial interventions as apolitical and administrative, Indigenous peoples continue to assert their sovereignty and political status.

An ethos of constant self-improvement, as a response to the failed project of colonial completion, simultaneously promises the end of settler-colonial power relationships while guaranteeing the settler state an endless amount of time in which it can eventually reach its goal. In other words, as Strakosch argues, “there is no ending from within settler-colonial and liberal logics—this political formation is trapped in its own tragic and permanent incompleteness” (2016, 16). And so, a temporality in which the abundant—and perhaps even infinite—nature of time enables continuous incremental improvements enacts three important effects for the arguments laid out in this dissertation:

- 1) It enshrines settler-colonial permanence through the ongoing aspiration for, and drive, towards continuous self-improvement,
- 2) It adapts the civilizing logics of settler benevolence within the framework of neoliberal subjectivity and the therapeutic ethos, and,

²⁰⁸ This is most visible in the Association of Manitoba Chiefs’ press release in response to Bill 18 in Manitoba, where Arlen Dumas calls on “the Province to stop its divisive and disingenuous approach to First Nations Child and Family Services reform” (2018).

- 3) It reframes continuous self-improvement through neoliberal ideologies of governance that emphasize efficiency, accountability, transparency, and quality above other kinds of self-improvement, including claims to justice.

If the project of the settler-colonial state is to ‘end’ settler-colonial politics,²⁰⁹ the work of the dispositif of the child death inquiry is to advance this goal. The securitization of settler-colonial sovereignty and governance is the ultimate aspiration: “the goal of settler-colonial *politics* also lies beyond itself, in the desire to close down political relations between Indigenous and settler selves once and for all” (Strakosch 2016, 28-9). Neoliberal accountability and transparency frameworks, embroiled in a discourse and practice of Quality Assurance (framed by the eternal promise of continuous improvement), translate what might best be understood as claims to justice as questions of quality service provision.

Truth-Production, the Inquiry Process, and ‘Evidence-Based Policy’

The ‘truths’ produced throughout the dispositif undergo substantial transformation as they move between the construction of scandal, the performance of political debate, the pursuit of accountability and transparency mechanisms, and finally, the ‘solutions’ to the gaps that generated the initial scandal. Under the guise of so-called ‘evidence-based’ mechanisms and criteria, hierarchies of power that legitimize and delegitimize the ways in which certain “forms of knowledge are considered closest to the ‘truth’ in decision-making processes and policy argument” are concealed (Marston and Watts 2003, 145). Therefore, even the reliance on so-called ‘evidence’ in the context of policy making must be understood in the context of the political structures that shape it.

²⁰⁹ Insofar as settler-colonial politics only exist as long as Indigenous politics, governance, laws, and resistance exist.

Evidence-based policy, rather than being value-neutral and apolitical, can work towards the legitimization of particular forms of governance and political rationalities like neoliberalism—in this dispositif, through the reliance on modes of understanding progress through efficiency and replicability. Acknowledging this link, between epistemology and the rationality of governance in the context of this research, is important not least of which because it enables a greater understanding of how evidence-based policies, Quality Assurance regimes, and continuous improvement dispositions produce circularities that are not about the practices of child intervention themselves, but rather about legitimizing particular kinds of governance that exist both inside of child intervention practices, and outside of them in broader policy spheres and political realities. In other words, the process of scandal, inquiry, and policy resolution is a cyclical and self-perpetuating governance mechanism that legitimates neoliberal settler-colonial intervention through the language of cultural sensitivity, progress, and the promise of always-doing-better.

In her critique of evidence-based policy formulas in the context of Indigenous policy in Australia, Maddison suggests that one possibility for the more nuanced production of so-called evidence might be an increased commitment to public inquiries. The inquiry process, Maddison argues, “provides government with an opportunity to develop legitimate, non-coercive and democratic policy in a range of domains, including the Indigenous policy domain” (2012, 275). I believe, however, that my dissertation calls into question what appears to be Maddison’s faith in inquiries as an inherently reconciliatory mechanism: if evidence cannot be removed from ideology and structures of power, why would public inquiries, as a vehicle of government, be more easily divested of these commitments? As my research has demonstrated, inquiries are not only non-

separable from broader power dynamics and the shaping realities of political ideologies, but they are also part of the production of these relationships in contemporary Canada. In other words, while Maddison's contention that public inquiries that centre meaningful consultation with Indigenous peoples might, at some level "do more than merely serve the interests of the status quo" (2012, 275), they are not, in and of themselves, a pathway out of colonialism. Instead, inquiries do the work of reinscribing the possibilities that exist as 'solutions' to 'crises'—none of which, in the dispositif analyzed here, are radical transformations like decolonization, land back work, or guarantees of recognized sovereignty, but rather incremental, technical truths produced through policy responses. Notably, the explosiveness of scandalous deaths and the revelation of deep fault lines in policy spheres like child intervention are met with a promise of continual improvement, most often located at the site of the individual practitioner, community member, or 'ally'. The inquiry itself, through the promise of truth-as-evidence, already limits and shapes what kinds of outcomes it can envision.

Lingering Questions and Directions for Future Research

As with all research and theory, the arguments, conceptualizations, and questions advanced throughout this dissertation are a beginning, rather than an end. Scholars Strakosch and Macoun invite reflection on the ways that "analysis is not action, but action is always possible" (2020, 508). Strakosch and Macoun articulate that "theoretical realignments do not automatically translate to changes in material political conditions, and colonial relations cannot be intellectualized away" (2020, 520). As such, this work does not present answers on how to create more just, equitable, and ethical relationships in the context of neoliberal settler colonialism, but it does, I hope, offer a basis through which

those of us who are settlers might question our actions and consider what different kinds of politics we might enact.

I believe that the theorization of critical conceptualizations of accountability and transparency in the context of settler colonialism is an important avenue for future research. Increasingly, various settler governments pledge to enact *accountability* and *transparency* as part of their approach to reconciliation: the 2018-2020 Open Government Directive even noted that the proliferation of Open Data arrangements was part of the advancement of reconciliation (Government of Canada 2018). This overt reference to governmental accountability and transparency marks an important distinction from previous iterations of accountability and transparency that most often articulated concerns about First Nations themselves ostensibly lacking the ability to self-govern as a result of being unaccountable and non-transparent (e.g., Pasternak 2016; Willmott 2020). As governmental accountability and transparency are increasingly reformulated as mechanisms of social justice, it is necessary to consider what kinds of relationships are enacted through the practices generated around them, and whether these practices reshape, in any way, material relations of oppression.

There are a multitude of ways to complicate the arguments and theories presented in here. Notably, I worked with published documents, official records, and media coverage to construct an argument about how different governmental relations are constituted. In addressing settler benevolence, including its ‘good intentions,’ however, I did not speak to various agents involved in its circulation—folks whose actions have considerable impact on how, exactly, these practices are performed and possibly contested (social workers, bureaucrats in various departments of social services and child protection, journalists doing

the work of ‘uncovering’ injustice). Similarly while my work was informed in great measure by Indigenous theorists, scholars and advocates, I have not engaged directly with Indigenous families and communities, nor with leadership and advocates at the forefront of demands for accountability and transparency. While I take seriously the need to practice ongoing solidarity with Indigenous peoples in their demands for justice, I am cautious to not re-enact relations of proprietorship, possession, and extraction that so often are reproduced when white, settler scholars seek ‘answers’ from Indigenous peoples—rather than working within our own families, communities, and institutions to unpack, unlearn, and reformulate political demands that are more attuned to the mechanisms of settler-colonial power—and therefore better-equipped to work in solidarity with Indigenous peoples to dismantle this power.

I conclude by offering some final thoughts on why it *matters* that, insofar as settlers like myself are constructed (and called to action) as individualized taxpayer-citizens, and collectively, as a benevolent settler public, our capacity to articulate calls for accountability and justice in solidarity with Indigenous peoples is limited and shaped by the contours of this inquiry process. Rather than a dissertation that can provide some kind of definitive answer or ‘next steps’ in the process of navigating relationships of solidarity, I wish to invite readers to think with me about the ways that our—often well-intentioned and usually emotional—acts of solidarity are already constricted by the *fields* that possible actions are situated within. Rather than a fatalistic argument, however, I see this as an opportunity for settlers who seek to act in solidarity against violent structures of settler colonialism, capitalism, and neoliberalism to think deeply about how the field is laid out; what kinds of rules we are subject to; what kinds of limitations shape the contours of our possible

actions—and then to seek out ways to push those contours. Returning to Bourdieu, whose thinking has so deeply shaped my own thought processes around both the profound limitations within which we find ourselves, as well as the profound power that we have to challenge these limitations, I recall that “to speak of habitus is to assert that the individual, and even the personal, the subjective, is social, collective,” and that furthermore “the human mind is *socially* bounded, socially structured” (Bourdieu and Wacquant 1996, 126). The subjects and social agents theorized in this work are also products of history, and in tracing the performance of these kinds of subjectivities, we also have the capacity to depart from this history. Reflecting specifically from the position I inhabit, as a white settler woman, I conclude by suggesting that the benevolent settler public, the taxpayer-citizen, and the citizen-auditor are not inevitable and pre-destined spaces of engagement in political projects.

Drawing on Nishnaabeg knowledge and theory, Leanne Betasamosake Simpson theorizes “constellations of co-resistance” as sets of relationships that have the critical potential to re-configure solidarity (2017, 212) in places like Turtle Island that are presently structured according to individualizing logics of settler colonialism, capitalism, and neoliberalism. Therefore, rather than offering my own reflections on what a future that is not grounded in the problematics of this analysis might look like, I turn to Simpson’s articulation of a grounded normativity that emerges from Indigenous intelligence: an approach that decenters whiteness, white feelings, and settler benevolence, and replaces these structures of feeling with Indigenous practices and knowledge. Simpson writes:

Organizing that is based on the critical animation and embodiment of Indigenous intelligence leads to place-based organizing, nation-based organizing, and organizing that illuminates Indigenous processes—the how. Resurgent organizing clearly lives out Indigenous values and ethics. It strengthens ties to Indigenous

practices—ceremony, politics, decision making, leadership, language, gender, and land. It approaches the state from grounded normativity, from a reciprocal Indigenous recognition, from a place of strength. It comes at organizing from a completely different place: we are not begging the colonizer for attention, for money, for sympathy, for rights, for recognition, or for moral benevolence. There isn't necessarily a list of demands, because lists of demands are either ignored as being structurally impossible while maintaining the system of settler colonialism, or are absorbed into the neoliberal state to ensure real change doesn't occur. We don't need a list of demands, because we are the demand. We are the alternative. We are the solution, based on our own nation-based conceptualizations of ourselves. Our bodies and the political orders they house are the demand. Our embodied alternative is the solution. Building movements that embody the Indigenous alternative in structure, process, and formation that are brilliant expressions of international grounded normativities changes the game (Simpson 2017, 237).

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