

Manufacturing Scandal: Problematizing Child Death Inquiries in the Age of MMIWG and the Truth and Reconciliation.

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Introduction

This paper is an initial inquiry into the ways in which Indigenous families, marked by both settler-colonialism as incapable of proper care, and by neoliberalism as evidence of the dangers of a bloated welfare system, are constructed and problematized through the use of child death inquiries. As a preliminary project, this work is an attempt to begin the process of research towards my dissertation. This case study focuses specifically on the report “*Honouring their Spirits: The Child Death Review*” (2006), which was commissioned by the Government of Manitoba following the death of Phoenix Sinclair, a Cree girl with a history of child welfare involvement. Using a discourse analysis methodology, I examine how Phoenix Sinclair’s death in 2005 was constructed as a government scandal by mainstream media, leading to the creation of a province-wide inquiry into the deaths of all children in welfare custody in Manitoba. The first part of this study uses a critical discourse analysis methodology to interrogate how popular media constructed the death of Phoenix Sinclair as a public scandal. This is followed by a critical discourse analysis of the resulting public inquiries and reports. The thrust of this paper is an analysis of the relationship between media scandal and public inquiries, defined by the scandal of the case and purportedly resolved by inquiries run by the state itself. Ultimately, I argue that the pathologization of the Indigenous family, narrated through the Child Death Review, is used to legitimize the settler state (in this context, the Government of Manitoba) as the appropriate manager of Indigenous children and families.

This analysis contributes to an underdeveloped area of settler-colonial studies, which is the critique of policy as a mechanism of settler-colonial sovereignty. In this research, I build on the work of Elizabeth Strakosch (2015), who argues that policy development and implementation in settler-colonial states is often misrecognized as an expression of already-existing authority or sovereignty. Instead, it is more fruitful to think of policy as the site through which settler colonial sovereignty is constantly being constructed. Jennifer King (2012) similarly argues that social policy in Canada operates as a distinct mechanism for undermining distinct Indigenous rights, and ultimately functions to attempt to assimilate Indigenous peoples as subjects of the state. Colonial relationships therefore often unfold in the space of social policy in the context of settler-colonial states. Policy, as a mechanism for the administration of settler-colonial power, operates to define Indigenous peoples as a policy problem, rather than as sovereign nations, and functions to name Indigenous peoples as subjects of the settler state. In this way, social policy, for example child welfare policy, becomes the defining space through which state-Indigenous relations are mediated (rather than, for example, through nation-to-nation treaties).

An examination of settler-colonial policy and administration reveals that settler-colonialism in Canada (as well as other Anglophone settler states) has been facilitated substantially through colonial intervention and management of family life. For example, Audra Simpson (cited in Shiri Pasternak 2015) argues that the reproductive roles of women in Indigenous communities was used to perpetuate violence against Indigenous women and their families. In this paper, I demonstrate that the contemporary mediation of child welfare services

for Indigenous peoples cannot be treated as distinct from the realities of the Indian Residential School System, nor the sixties scoop, nor other forms of ongoing official and unofficial intervention into Indigenous families.

Importantly, however, this research is not only an overarching analysis of the politics of Indigenous child welfare in Canada, but also specifically in how this political debate has come to be enshrined in public discourse as a political scandal. In particular, I draw on the work of Jamie M. Johnson, who argues that “scandals function to enable, excuse, and obscure complex landscapes of violence” (2016, 703). While his argument is premised in an analysis of wartime scandals, I believe that this assertion is also necessary when considering the landscape of settler-colonialism in Canada, and how it is reproduced, maintained, and disrupted through the particular production of scandal. I hypothesize that the complex manufacturing of scandal that surrounds child death inquiries in Canada also reveals—and conceals—particular landscapes of settler-colonial violence.

Settler-colonialism and Family Intervention

This project uses the definition of settler-colonialism put forward by Lorenzo Veracini, who articulates that settler-colonialism involves the direct and physical settlement of a colonized space (2010, 4). Canada is therefore conceived of primarily as a settler-colonial state. A central theme of this project is the ways in which settler-colonialism has functioned in particular ways through the regulation of families and children. It is also important to conceptualize settler-colonialism as an ongoing structure, rather than an event, as this helps to contextualize why this is a relevant framework for understanding contemporary political debates (Wolfe 2006, 388). In this project, I conceive of child welfare management as not simply a legacy of previous colonial interventions, like residential schools, but also as a settler-colonial management policy in and of itself.

The institutional history of settler-colonial intervention into Indigenous families begins with the implementation of the Indian Residential School System. Residential schools and other forms of church-run missions schools pre-date confederation, however the Indian Residential School System was formalized when an education policy for Indigenous peoples was implemented as part of a broader Canadian national policy in 1878, and institutionalized in the *Indian Act* in 1894 (Truth and Reconciliation Commission of Canada 2015a). Residential schools, which operated as a formal and institutionalized network of church-run but state-funded schools, were created with the intention to “isolate, control, and reform” Indigenous families, who were seen as incompatible with the settler state (Truth and Reconciliation Commission 2015a, 133). The emphasis on separating children from their parents and family networks was especially important, as colonial authorities generally agreed it would not be possible to assimilate adults (Ibid., 157). Colonial education, the banning of Indigenous languages and enforced (and unpaid) labour were used as strategies to assimilate Indigenous children (Ibid.). Sunera Thobani (2007) argues that the residential school system, which was operational until 1996, “institutionalized the idea that Aboriginal families were incommensurable with the national ideal” (119).

Canada’s residential school system operated for over a century, with the last residential school closing in Saskatchewan in 1996 (Truth and Reconciliation Commission 2015). Phoenix Sinclair, whose death initiated the inquiry process that is the subject of this paper, was born only four years later, in 2000. I highlight this only to make explicit the ways in which the supposedly ‘historical’ context for this paper and its contemporary subject matter overlap and intersect.

Among the discourses that legitimized (and often continues to legitimize) the existence of residential schools is an emphasis on settler benevolence. In particular, white women were often

involved either in the promotion of residential schools and other forms of institutionalization, or the ‘education’ of Indigenous women on the subject of how to be appropriate mothers (Jacobs 2009; Moffat and Herring 1999). The racist and colonial ideology that Indigenous women were ‘incapable’ or ‘unfit’ mothers was a discourse that was used to legitimize the residential school system, the sixties scoop, and continues to legitimize the scrutiny and surveillance of Indigenous mothers now. The residential school system was implemented as a direct result of the Canadian state believing Indigenous peoples to be ‘unfit’ to parent their own children (Truth and Reconciliation Commission of Canada 2015a, 5). This was simultaneously rooted in eugenics beliefs and policies that argued that Indigenous women were unfit to procreate, and therefore legitimized the sterilization of Indigenous women both officially and unofficially (Cull 2006; Stote 2012). Historical documentation exists that records “inadequate native mothering practices” as the cause of high rates of tuberculosis and other colonial diseases (Cull 2006, 143). Motherhood must therefore be understood as a space in which racial and gendered ideologies intersect to pathologize Indigenous women and justify the need for ongoing and intensive state intervention into Indigenous families.

The fraught histories of state involvement in Indigenous families means that this inquiry is part of a much broader consideration of what Laura Stoler (2006) described as “*the intimacies of empire*.” The field of intimacies of empire is broadly concerned in the ways in which empire is not only produced through militarism and explicit violence, but also the ways in which it functions through the regulation and policing of intimate relationships (Ibid.). In particular, I will situate my analysis within the broader context of settler state management of Indigenous children and families in order to maintain settler-colonial dominance, and to promote assimilation, land dispossession, and genocide. This includes the well-known history of the residential school system, which functioned to explicitly disrupt Indigenous families by isolating Indigenous children from their families, kinship networks, and nations. However, this disruption of family and kinship bonds is in fact part of a much broader history, which includes the regulation and management of Indigenous marriages and Indian status (Cannon 2014; Nelson 2003), as well as the histories of the sixties and millennium scoop (Sinclair 2007), and eugenics and sterilization practices (Stote 2012). These ongoing interventions have served multiple purposes, including the elimination of legal Indian status for the purposes of territorial accumulation (Cannon 2014), but also the elimination of Indigenous nations through dislocation. Here it is crucial to note that the social reproduction of Indigenous nations has therefore been a historical and contemporary site of intervention for the colonial state project. These processes of intervention have often relied substantially on the reproduction of narratives concerned with pathologizing Indigenous parents, and Indigenous mothers in particular (Cull 2006).

Residential schools were slowly phased out through the ascendancy of the so-called ‘Golden Age’ of welfarism in Canada, in the second half of the twentieth century. Throughout this transition, provincial welfare departments were increasingly involved in the surveillance of and intervention into Indigenous families. The mid-twentieth century, which is often seen as the most significant development of the welfare state in North America and in the western world generally, also witnessed the large scale jurisdictional transfer between Canada’s residential school system, and its provincially managed child and family services system (Leibel 2017; Truth and Reconciliation Commission of Canada 2015b). It would not be a stretch to argue that the massive deficits in funding towards Indigenous child welfare, in comparison with non-Indigenous child welfare services, largely emerge from the ideologies of race and racialization

that underpinned the development and implementation of the Canadian welfare state during this time period.

Neoliberalism and the Decline of the Welfare State

It is worth noting that the increasing relevance of neoliberal logics of individualism and austerity continue to change the ways that welfare policies and services are administered in different provinces across Canada. From the 1980s onward, Canadian social policy experienced a period of transformation within which “social policy-making was reoriented towards the goal of economic integration and privatisation, which were seen as the key to domestic wellbeing” (Howard-Wegner et al. 2018, 13). Wendy Larner (2000) argues that neoliberalism as a political rationality is premised in five core beliefs: the individual as the central unit of politics; freedom of choice as the most significant form of liberty; market security; laissez-faire economies; and minimal government (Ibid., 7).

The contemporary model of the neoliberal welfare state is often categorized as one of “social investment,” which pays increased attention to human capital, investments in lifelong learning, and other emphases on investing in the future (Saint-Martin 2007). Unsurprisingly, children are a favoured site of investment for the neoliberal social investment state (Ibid.). The assurance of future human capital is the driving motivator for the social investment state and its various social programs and policies (Elizabeth and Larner 2009). The social investment state therefore operates through the commodification of care work through processes of surveillance that are deemed to be ‘investment opportunities’ (Bezanson and Luxton 2006). Importantly, because rationalities like neoliberalism and the social welfare state operate as assemblages, they cannot be divorced from the political, social, and historical contexts that inform them. This means that the investment logics of the Canadian social investment state not only produce racialized effects, but are grounded in the racialized logics of un/deservingness that emerge from settler-colonialism (Elizabeth and Larner 2009).

From the 1990s onward, child welfare policy began shifting in orientation, from an approach that favoured apprehension and adoption as the most suitable strategy, to an emphasis on efficient and preventative measures (Pulkingham and Fuller 2012). Preventative, or ‘less-punitive’ measures might include services like parenting programs, homemaker support, or family caregiving programs. It is critical to note that ongoing discrepancies in government funding for First Nations agencies means that many First Nations are unable to fund these kinds of programs to the same extent as provincial agencies (Assembly of First Nations 2013). The realities of underfunding First Nations agencies also creates a context of chronic understaffing and high staff turnover (Henton 2014). As a direct result of this underfunding, even staff who are hired to work in preventative programs often end up working as front-line case workers instead (Ibid.). Significantly, even if preventative programs were funded adequately, they are not without critique. For example, a focus on preventative measures also means an increased focus on surveilling individual parents.

A heightened focus on the individual responsibilities of parents in turn produces the need to define individuals who are ‘high-risk’. Child welfare administration is increasingly dependent on the calculation and assessment of various categories of ‘risk’. The emphasis on parental and household risk factors highlights what Chris Cunneen (2016) has articulated as the “responsibilization of child welfare, subject to neoliberal regimes of individual rights, responsibilities, and autonomy.

Furthermore, although neoliberal intervention often names early intervention and preventative programming as its strategy, this is not universally true. Dorothy Roberts (2012), a

Black feminist scholar in the United States, has demonstrated that shrinking neoliberal governments and increased surveillance work in tandem to regulate racialized bodies to legitimize increased surveillance and more punitive measures broadly. Roberts demonstrates that as the number of Black children in welfare services increased, welfare programming depended more substantially on apprehension, fostering, and adoptions (Ibid.). This same phenomenon is arguably visible in Canada as well, where white families are more likely to receive in-home and preventative services, while Indigenous families are more likely to be subject to invasive mechanisms like apprehension. It is therefore crucial not to confuse neoliberalism's appearance of shrinking government as universally applied, but rather subject to the racial logics that inform governance in North America broadly.

Importantly, however, the provision of child welfare services has proven to be one of the more resilient areas of social policy. In spite of the drive towards preventative services, and the heightened attention paid to constructing at-risk behaviours in the late twentieth centuries, child welfare was one area of social policy that was not immediately subject to cutbacks. For example, despite widespread cutbacks for social services in Alberta in the 1990s, the Government of Alberta actually increased the budget from \$160 million to \$195 million between 1993/4 and 1997/8 (Alberta Family and Social Services 1996). I have previously argued that this supposed incoherence actually reflects a neoliberal social investment rationality, in which children function as better subjects of investment than other citizens who might access welfare services (Leibel 2017).

Significantly, one of the manifestations of neoliberal social policy in relation to Indigenous peoples is the ongoing devolution of service management onto First Nations. The devolution of child welfare services to First Nations began in the late 1970s and early 1980s, and by the 1990s was an explicit goal of social service provisioning in provinces like Alberta—consistent with other efforts on behalf of provincial governments to decentralize services to First Nations (Alberta Social Services and Community Health 1985; Slowey 2008). Here it is important to acknowledge that, although we are often used to thinking about neoliberalism and decentralization in terms of the destruction of the welfare state, neoliberal devolution has been welcomed in many Indigenous communities in Canada, as the welfare state has left behind a legacy of violent intervention for Indigenous peoples (Howard-Wagner 2018, 14).

This research takes as a starting point the assemblage nature of neoliberalism, and does not assert that neoliberalism is a monolithic or knowable entity. Especially in the context of this research, neoliberalism moves through intersecting assemblages of settler-colonialism, racialization, heteropatriarchal family norms, and decolonization. While organized around the core set of assumptions mentioned previously, neoliberalism also enters into conversation with other forms of political organization that sometimes help it achieve its goals, and are sometimes in direct conflict with neoliberalism. Because neoliberalism does not exist in a vacuum, its increasing forms of social and economic inequality often draw upon already-existing forms of hierarchies, like racialization, colonialism, sexism, and class subjugation (Braedley and Luxton 2006).

In the context of child welfare specifically, which is the focus of this paper, neoliberal social policy has specific consequences that must be acknowledged. For example, the “re-familialization” of care work in the neoliberal context (Harder 2003) has resulted in an increased demand on families to be able to provide all-encompassing forms of care that were previously allocated to various welfare providers. Significantly, neoliberalism requires the state to increase its surveillance of families, while lessening the economic and social dependence of families on

the state (McKendrick 2016). Families, especially pathologized families (e.g. Indigenous or racialized families, queer families, poor families, and single-parent families) increasingly come under the gaze of the state. Technologies like child death inquiries can arguably be seen as a retrospective form of surveillance, placing families who have recently experienced loss at the mercy of public scrutiny.

Significantly, this paper does not consider neoliberalism to be a fall-from-glory for the ‘Golden Age’ of the welfare state because, as previously mentioned, this period of welfarism was also an extremely violent time for Indigenous families. This project must then walk the delicate line between not reproducing “nostalgic welfarism” (Brodie 1996), while retaining the capacity to critique neoliberal social policy and its racialized consequences as unique and politically distinct from previous regimes of welfarism. However, the contradiction between neoliberalism and settler-colonialism is a political problem which requires substantial nuance: although I argue that neoliberalism has largely had harmful consequences for Indigenous peoples, it is also necessary to acknowledge that it has afforded a level of self-determination that was unprecedented in the Canadian welfare state. In the context of this paper, however, it is not my intention to ‘resolve’ this contradiction, but rather to draw attention to its complexities. As Strakosch (2015) notes in her comprehensive analysis of neoliberal settler-colonial policy, academic work too often conflates neoliberalism and colonialism as a singular site of western domination, rather than a complex assemblage of intersecting forms of power. In addition to exacerbating forms of political domination, neoliberalism and settler colonialism also pose problems for one another (Ibid.).

Ultimately, contemporary neoliberalism as a political rationality exists alongside an increasingly formalized recognition of Indigenous rights, for example UNDRIP (Howard-Wagner et al. 2018, 9). As a result, the neoliberal transformations to child welfare mentioned in this paper, for example an increased emphasis on less-punitive preventative programs, seem to suggest that neoliberalism as a political rationality has been more friendly towards Indigenous peoples in Canada than the previous welfare state form. This is not the argument that I intend to make, however. In spite of the changes that suggest devolution and less-punitive measures reflect a decolonial or reconciliatory framework for Indigenous peoples in Canada, the realities of Indigenous peoples’ interactions with the child welfare system remain very disparate from this ideal: less-punitive and preventative measures are still vastly underfunded in First Nations welfare services (Sinha and Kozlowski 2013), Indigenous children are still by far the most likely of any children in Canada to be apprehended into welfare custody (Aboriginal Children in Care Working Group 2015), and are most likely to die once apprehended into welfare custody (Ibid.).

Canadian Settler-Benevolence and the Politics of the Inquiry

Notably, the inquiry as political strategy is often a preferred method of settler-colonial governments in Canada. Here I am not calling into question the validity of the inquiry as an tool for political change, nor do I intend to question the significance of radical truth-telling. However, it is worth noting that the inquiry is perhaps the only strategy, with the exception of the formalized apology, that settler governments enact time and again when calls for reconciliation or decolonization are made. The Canadian government cycles between inquiries and apologies as a mechanism that gives the appearance of substantial social change without having to enact transformation.

In her book on violence against Indigenous women, Allison Hargreaves argues that activism around colonial violence, for example the annual march for Missing and Murdered Indigenous Women and Girls, is more than simply a bid for visibility from the mainstream

population, and that visibility itself (in the form of public inquiries, assessments, and reports) is not itself a guarantor of social change or transformation (2017, 165-6). Building on Marilyn Dumont's work on commemoration, Hargreaves argues that it is not only the fact of remembrance (and in the context of this research, acknowledgment) that is significant, but also *how* acknowledge and remembrance take place (Ibid.,167). In her critique of the Canadian state's inquiry into Missing and Murdered Indigenous women, Hargreaves (drawing on Robyn Bourgeois) therefore reaches the conclusion that a public inquiry allows the state to appear to be addressing violence, without ever having to do so (Ibid., 169).

Here, it is necessary to note the relationship between colonialism and settler benevolence. We might consider these inquiry processes themselves as acts of settler benevolence, in which settler governments and enables the practice of the settler "retreat to innocence" (Hargreaves 168). The idea that "knowledge, once learned, requires no further responsibility" seems to shape the politics of the settler-colonial inquiry in Canada (Hargreaves 168). Eve Tuck (2012) makes a similar argument, in which she contends that the largely metaphorical interpretation of decolonization allows for reconciliation to take the form of "settler moves to innocence," and various politics of evasion (Ibid., 1). The concept of settler moves to innocence emerges from Janet Mahwinney's (1998) work on white privilege. Mahwinney argues that "'moves to innocence' are characterized by strategies to remove involvement in and culpability for systems of domination" (Ibid.,17). In the case of inquiries, the concept of moves to innocence is particularly complicated, as inquiries are at once both an admission of some kind of responsibility, while they also often serve to absolve this responsibility as well. This can be seen clearly in the assessments of the *Honouring their Spirits* report, which ultimately concluded that "no child died as a direct result of a breakdown in the provision of Child Welfare services in Manitoba (Schibler and Newton 2008, 6).

The Royal Commission on Aboriginal Peoples (RCAP), which published its final report in 1996 was perhaps the first of these large-scale inquiry processes. The mandate of RCAP was to "investigate and propose solutions to the challenges affecting the relationships between Aboriginal Peoples (First Nations, Inuit, Metis), the Canadian government, and Canadian society as a whole" (Library and Archives Canada 2016). The final volume of the Commission's report was over 4000 pages long, and operated under a reported \$60-million budget. Deena Rymhs (2006) argues that the RCAP process was situated in the complex landscape of reconciliation in Canada, wherein commission processes allow the national community to absolve itself of its colonial guilt, placing settler-colonialism as a reality of the past, rather than the present (Ibid., 107). In the decades following the release of the RCAP report, Canada also witnessed the 2008 apology for residential schools, and the implementation of the Truth and Reconciliation Commission (TRC). The TRC released its final report in 2015, nearly two full decades after the release of RCAP's recommendations. Importantly, then, in the context of settler-colonial Canada, state-led inquiries are a favoured method of government attempts at reconciliation. Child death inquiries are therefore not produced in a vacuum, but instead are part of an ethos in which 'appropriate' knowledge of the situation becomes a stand-in for reparations or other forms of justice-making.

Following the TRC, increasing demands on the part of Indigenous feminist activists brought Missing and Murdered Indigenous Women and Girls to light as a significant political issue. Following the election of the Trudeau Liberals in 2015, an inquiry process was initiated in 2016, and has since been plagued by scandal, commissioner resignations, delays, and more. Although it is beyond the scope of this paper to address the numerous issues affecting the inquiry

process, it is worth noting that the notion of scandal not only initiated this process, but has followed it throughout its lifespan.

Following Tina Fontaine's death in 2015, and after the 2018 trial, which resulted in no convictions, the Office of the Child Advocate in Manitoba penned a report detailing Fontaine's interactions with child welfare services, police, and other agencies prior to her disappearance. The report was released on March 12th, 2019. Approximately a decade earlier, a similar report was penned by the same office detailing the account of Phoenix Sinclair's death.

Media and Scandal

Significantly, like Johnson (2016), I am not arguing that scandal, inquiries, and government transparency are not useful or meaningful in their roles as processes of "truth-telling" that are often politically necessary (Ibid., 704). Rather, I am interested in questioning the mechanisms through which truth-telling and transparency operate. Much like Johnson, I do acknowledge the capacity of truth-telling as a transgressive act, but am much more concerned with unravelling the ways in which truth-telling is also a function of power. As Johnson notes:

[S]candals can be seen as crucial sites in the reproduction of particular representational logics and knowledge claims. They can also be seen as enabling and realising a particular form of politics (2016, 704).

Building on this conceptualization of scandal, I also consider Dawn Goodwin's assertion that scandals and associated inquiry processes also situate scandal and harm as individually produced, rather than existing within the overarching cultural and political norms of a given society (2018). Inquiries can serve the explicit political purpose of creating the appearance of "decisive action" on the part of the state to rectify harm, while also distancing itself from this harm (Ibid., 102). In this analysis, therefore, I am questioning the political implications of producing scandal and how such scandals are in conversation with pre-existing hierarchies of power within settler-colonial Canada.

Finally, I am interested in the meanings that public inquiries into scandals, and the associated production of a particular kind of political transparency, take on within the contemporary neoliberal context. My dissertation, which will build from this initial research, is in part an expansion of questions raised by Jennifer Henderson, namely:

What does the assurance that all has been exposed, whether it is with scientific accuracy or unimpeachable record-keeping or the unflinching capture of painful images do to narrow, and indeed naturalize, the terms of political discussion (2012, 301).

In my research, I seek to expand on Henderson's analysis, and interrogate the various "technologies of transparency" that are mobilized within the neoliberal context of settler-colonialism (Ibid). I hypothesize that public inquiries into child death reports may function as one of these technologies. I also content, based on Henderson's argument, that revealing the trauma narratives of Indigenous children and families in fact serves to re-pathologize Indigenous families.

Media Analysis

Using the "Canadian Newsstream" database, I compiled various searches around different keywords that would prompt results related to Phoenix Sinclair's death and the subsequent inquiry process. These searches reveal the magnitude of the media response to Phoenix Sinclair's death. For example, a search for "Phoenix Sinclair" results in over 1200 news articles and video clips related to her death or the inquiries initiated as a result of her death. For

the purposes of this paper, I am predominantly interested in the media response prior to the announcement of any inquiries, as I believe there is a connection between the sensationalized media coverage, and the subsequent inquiry process that enabled the heightened public visibility and symbolism of Phoenix's death.

The inquiry into the circumstances of Phoenix Sinclair's death was announced in October of 2006. Narrowing the search window from July 2005, when Phoenix died, and September 2006, before the inquiry process was announced, substantially decreases the amount of press articles available (from over 1200 to 110). This means that the vast majority of news articles were published either about the inquiry process, or after the inquiry was completed, suggesting that the media not only worked to produce the initial moment of scandal, but continues to depend on this scandal in the circulation of other news. The first article that comes up in the search describes various forms of harm that Phoenix was subject to in the title (McIntyre and Jansen 2006).

One of the most notable aspects of this media analysis is the gendered focus on Phoenix's mother as the killer. Both her mother and her mother's partner (Phoenix's step-father) were charged in the murder, however a large majority of the articles specifically paid attention to highlighting the role of Phoenix's mother. Of sixteen articles that named those charged in the title of the article, fourteen mention only the mother, while the other two mention both the mother and her partner. This suggests that there is something distinct about the gendered nature of mother-as-killer, as well as the pathologized, incapable Indigenous mother, that shapes the circulation of this scandal.

I therefore argue that the heightened emphasis on Phoenix's mother as the killer both draws on and reproduces gendered and racialized ideologies of the pathology of Indigenous women. It is especially important here that where the province failed, if at all, was by not intervening sooner, or by letting Phoenix return and live with her mother, rather than keeping her in various welfare arrangements. In the settler-colonial context of Canada, where Indigenous women have historically and contemporarily been framed as 'unfit' mothers, the emphasis on characterizing Phoenix's mother in particular as deviant, uncaring, and unfit is perhaps unsurprising. Randi Cull (2006), for example, has argued that the demonizing representations of Indigenous women in Canada has contributed to a reality in which Indigenous mothers become highly visible to public scrutiny

For the purposes of my argument, what is most significant is unquestioned role of the state (in this case, the Province of Manitoba) as the natural arbiter of justice for Indigenous children. News articles that were not specifically focused on describing Phoenix or her family focused their attention on the calls for the inquiry. The Premier of Manitoba at the time, Gary Doer, was quick to announce that all the "all the resources of Manitoba's justice system [would] be brought to bear" on the case (Sudbury Star 2006). Shortly following the discovery of Phoenix's remains, the Province of Manitoba also announced that provincial social workers would be visiting every child accessing welfare services within thirty days (Cape Breton Post 2006). Both announcements were highly publicized through media sources across the country.

"Honouring their Spirits" Report

I move now from the construction of scandal in various media sources to the report penned by the Office of the Child Advocate in Manitoba regarding the death of Phoenix Sinclair. Through a discursive analysis of the text, I've identified three overlapping themes that I believe are worth exploring in greater depth: the dichotomy between the generalizability of Phoenix's death in reference to the specificity of her circumstances as an Indigenous girl whose family had

multi-generational experiences with Canada's settler-colonial welfare systems; the question of the politicization of Phoenix's death; the inability of parents/absolving of the provincial welfare programs and workers; and the emphasis of the report on Fetal Alcohol Spectrum Disorder (FASD) and other forms of individual parental ir/responsibility. I argue that all of these aspects of the report contribute to the rearticulation of the settler state as the appropriate manager of Indigenous families by reinscribing blame at the level of the Indigenous family and absolving the province of any wrongdoing in the case of Phoenix's death. The report further rearticulates the pathologization of the Indigenous family through the emphasis on FASD, despite the fact that FASD was not known to be a contributor in Phoenix's death.

Generalizable/Specific

What is perhaps most notable about the report is the way in which it moves between the specificity of Phoenix Sinclair, an Indigenous girl whose family had fallen under the gaze of child and family services for generations, and the generalizable Manitoban child who has died in welfare custody. While the report was initiated following Phoenix's death and as a response to the public outcry and scandal that her death prompted, the inquiry itself is intentionally general. The *Honouring their Spirits* report is one of three reports organized by the Manitoba Government following Phoenix's death: of the other two, one examined case management in Manitoba's child welfare services, and the other was a specific inquiry examining the details surrounding Phoenix's case specifically (Schibler and Newton 2006).

Perhaps most explicitly, the report emphasizes the confidentiality of the children whose deaths are examined by the report. Phoenix is the only child who is named in the entirety of the 125-page report (Schibler and Newton 2006). As an Indigenous girl who died as a result of violence in the home of her Indigenous mother, Phoenix becomes the example of the most marginalized and vulnerable child, the child whose pathological family necessitates state intervention in order to live. Symbolically, Phoenix is appropriated by the settler state as the figure of the vulnerable, helpless Indigenous girl, who demands the intervention of the benevolent state.

Politicization

It necessitates further interrogation, then, that the report calls into question the ethics of politicizing child deaths (Schibler and Newton 2006, 8). The Review Team raises this concern, and reminds readers to "remain mindful of the impact of public statements concerning the death of a child and how that might reflect on those who are most closely involved" (Ibid.). The assumption here is that the pathologized family of Phoenix Sinclair, guilty of her murder, were not deserving of mindfulness and privacy given the circumstances.

Certainly, it is important to be mindful of the trauma that the death of a child has on communities. However, this claim is significant in the context of a report that is the direct result of the politicization of Phoenix Sinclair's death. Such a claim would necessitate at the very least an acknowledgement of this connection. While Phoenix becomes the symbol of Indigenous pathology and the benevolent settler state, this form of politicization is denied to the other children and their families.

Inability of Parents/Absolving the Province

The Review Team of the *Honouring their Spirits* report contends that "In Manitoba, each day children are put at risk by the inability of families, the community-at-large, and the child welfare system to act in tandem to prevent child physical and sexual abuse and the victimization of children in our community" (Schibler and Newton 2006, 8). Here it seems significant that the inability of the family is named as the first (and therefore perhaps most serious) cause of risk to

children. This strikes me as particularly notable in the context where the report itself is articulated as an interrogation of the child welfare system, rather than a legal documentation of cause of death in specific cases.

The most significant question that the report appears to be addressing is whether or not the deaths of children in the welfare system reflect a failure of the welfare system itself (Schibler and Newton 2006). The Review Team concludes, however, that “no child died as a direct result of a breakdown in the provision of Child Welfare services in Manitoba (Ibid., 6). The report further states that there were no found instances “in which worker or agency error led directly to the death of a child” (Ibid., 108). In fact, the report notes that the majority of children died while under the direct care of their parents, rather than of a foster home or the welfare system itself (Ibid., 32), therefore reinscribing the fact that parents, and not the welfare agencies nor workers, are ultimately responsible for the deaths of these children. This exists in ultimate contradiction with the fact that children receiving welfare services are at a substantially higher risk of death than other children in Manitoba (Ibid.).

Fetal Alcohol Spectrum Disorder (FASD)

The emphasis on parental failure, rather than structural violence, is particularly visible in the number of times the conversation circles back to Fetal Alcohol Spectrum Disorder (FASD). Not only was Fetal Alcohol Spectrum Disorder highlighted at multiple instances to call attention to its implications as a cause of death, but multiple recommendations from the inquiry also focus on the need to fund public health programs and other preventative measures related to FASD.

The attention given to highlighting FASD as a concern of this inquiry in particular is significant, because there do not appear to be any known connections between FASD and the death of Phoenix Sinclair. However, FASD prevention campaigns are increasingly targeted within Indigenous communities (Salmon 2011). Amy Salmon, for example, argues that “gendered and racialised legacies of colonialism emerge alongside concerns for improved health and well-being of Indigenous children” (2011, 165). The fact that substantial portions of the report are dedicated to the discussion of various FASD prevention programs and protocols indicates that these gendered and racialized legacies continue to inform how the well-being of Indigenous children is consistently framed against the racist stereotype of alcohol use among Indigenous communities.

In particular, *Honouring their Spirits* highlights the Manitoba “STOP FAS” program, as well as emphasizing the need for its expansion (Schibler and Newton 2006, 41). Notably, the report identifies the need to better cater services to “high-risk” women (Ibid.). As has been argued by many Indigenous feminist scholars and activists, however, identifying Indigenous women as “high-risk” doesn’t address any of the political or social contexts that construct ‘risk’ (for example, poverty, racism, intergenerational trauma, etc.) (citations).

Arguably, however, investing more money in FASD prevention campaigns is not actually of any clear use to the well-being of children. Salmon, for example, has demonstrated that over 350 independent FASD prevention programs were implemented in the Western provinces and Northern territories before 2011 (2011, 168). In fact, these preventative programs have been found to potentially contribute inadvertently to the increased stigmatization of mothers who use drugs and alcohol, resulting in more women concealing their drug use in order to avoid intervention (Ibid.).

In the context of this report in particular, I argue that the heightened emphasis on preventative programming for FASD and other alcohol-related public health campaigns rearticulate the lack of provincial responsibility for child deaths as juxtaposed with FASD as a

cause of death that can be explicitly traced to parental ir/responsibility. The multiplicity of preventative campaigns gives the appearance that the state has done all that it can to intervene in pathological families, while the ultimate responsibility lies with individual mothers. FASD prevention is a particularly gendered intervention, which focuses its attention narrowly on intervening in women's decisions about their own bodies (Salmon 2011). This heightened focus on individual women's bodies is also produced in a context in which Indigenous mothers are constructed as being "abusive, neglectful, and otherwise dangerous to their children" (Ibid., 169).

FASD prevention and public health campaigns are also articulated in the context of neoliberal citizenship, in which the individual citizen is afforded rights that are "grounded in the assumed ability to participate in activities that produce sufficient economic value to support an individual's needs" (Salmon 2011, 173). In other words, within the context of the neoliberal social investment state, mothers who give birth to children with FASD fail to meet the basic needs of re/productive citizenship, both by giving birth to children who will not be sufficiently productive, but also by producing families who will rely on social assistance programs (Ibid., Ibid.).

Conclusions: Manufacturing Scandal, Legitimizing Authority

In this paper, I have attempted to trace the intersections between media representations, public scandal, and the reassertion of settler state authority in relation to child death inquiry processes. Specifically, I have examined the case study of the *Honouring their Spirits* report, produced as a direct government response to the death of Phoenix Sinclair in 2005. I argue that media representations, coupled with the inquiry itself, work together to reproduce the Province of Manitoba as the legitimate authority in the regulation and management of Indigenous families.

In producing the scandal of deaths in the child welfare system, the media emphasized the culpability of the Indigenous family—in particular, Phoenix's mother—while positioning the provincial government as the rational and impartial intervener. The report itself transforms the specificity of Phoenix's life and death—as an Indigenous girl whose family had a multigenerational history of settler state intervention—into a generalizable figure for the dangers of a welfare system that has become bloated and obsolete, while simultaneously ensuring the public that this is not the case in the Province of Manitoba. The inquiry itself can be seen as a governmental move to innocence, where the settler state absolves itself of any wrongdoing in the death of an Indigenous child, and positions the blame clearly within the pathologized Indigenous family.

It is furthermore necessary to understand that this scandal and inquiry process is produced as a result of the complex assemblage of settler-colonialism, racism, and neoliberal capitalism that defines contemporary Canada. Without an analysis of the complex intersections between settler-colonial intervention into Indigenous families and the neoliberal social investment state's desire to produce responsible individuals, it is not possible to articulate a sufficiently nuanced argument in relation to the case. Rather, the inquiry process in relation to Phoenix Sinclair's death was produced in a singular environment in which the remnants of the settler-colonial welfare state and its desire to intervene and manage Indigenous families is directly at odds with the neoliberal desire to produce a minimal government.

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