


RESEARCH ARTICLE / ÉTUDE ORIGINALE

# The Structural Injustice Turn, the Historical Justice Dilemma and Assigning Responsibility with the Canadian TRC Report

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## Abstract

This article addresses the historical justice dilemma: although critical memory is indispensable for accountability, efforts to use it are often hampered by the unjust relations and systems that caused the wrongs to which historical justice is compelled to respond in the first place. Contemporary authors tackle this problem by focusing on collective responsibility for structural injustice. This article takes a different tack. Studying closely the 2009–2015 Truth and Reconciliation Commission of Canada (TRC) report, it argues that the structural turn may come at the expense of a focus on agency and may thus provide unwitting anonymity for wrongdoers while crimping our thinking about leadership and responsibility. Although this article strongly criticizes the TRC report, it tries to work constructively with it, developing an analysis that compensates for the report's unwitting invisibilization of perpetrators. Distilling portraits and analyses of wrongdoer agency that are latent in the TRC's postwar history volume, this article shows how we can develop the report as a resource of what I call retributive social accountability.

## Résumé

Cet article répond à ce que j'appelle le dilemme de la justice historique. Bien que la mémoire critique soit un outil indispensable de responsabilisation, les efforts pour la rendre efficace sont souvent entravés par les relations et les systèmes injustes qui ont causé les torts auxquels la justice historique doit remédier. Dans le cas qui nous occupe, les relations de pouvoir coloniales ont façonné le mandat et entravé le travail de la CVR du Canada, laissant des béances significatives. Par exemple, cet article expose et analyse le fait regrettable que des descriptions relativement bénignes des fonctionnaires canadiens au regard des pensionnats indiens l'emportent sur les représentations plus négatives répertoriées dans l'historiographie d'après-guerre. Mais la critique n'est pas le but principal de l'article qui porte plutôt sur la lecture historique d'après-guerre, en scrutant ses différents exemples, modes, thèmes et niveaux d'action individuelle et en montrant ainsi comment nous pouvons approfondir ce regard pour en améliorer le potentiel en tant que ressource de responsabilité sociale.

**Keywords:** truth commissions; accountability; settler colonialism; Indigenous peoples; residential schools

**Mots-clés :** Commissions de vérité; responsabilité; colonialisme des colons; peuples autochtones; pensionnats indiens

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## Introduction

Democratic ideals of accountability require attempting to forge provisionally shared understandings of past wrongs (Misztal, 2003). The alternative is to accept that civic amnesia will encourage authorities to stampede unchecked from one outrage to the next. Understood as the “duty of memory” (Bienenstock, 2010), this ethical imperative underpins a diverse array of practices in redress politics and transitional justice: political apologies, truth commissions, reparation schemes, regretful commemorations, and more. Yet critical analysis finds significant shortcomings in these practices. Indeed, it tends to reveal in them the continued influence of the same unjust systems to which redress and transitional justice measures are compelled to respond. At least at one level, the findings of this article, which analyzes the 2009–2015 Truth and Reconciliation Commission of Canada (TRC), are similarly critical.

The TRC addressed this country’s century-long policy of sending Indigenous children to residential schools: institutions of colonial assault that separated children from their families, languages and cultures, while exposing them to hatred, disease, malnutrition, and physical and sexual abuse (see especially TRC, 2015i). The TRC held numerous public events, compiled a public record of statements from former students, issued 94 “calls to action” (2015a) and produced a six-volume report that investigated residential schooling from multiple angles. The present article analyzes *Canada’s Residential Schools: The History, Part 2—1939 to 2000* (TRC, 2015c), an 813-page document that constitutes part 2 of volume 1 of the TRC report.

*The History, Part 2* is arguably of greatest interest to Canadian political scientists, because it is the only TRC publication that deals directly with the policy making and public administration that governed the lives of the former students alive today.<sup>1</sup> Unfortunately, its account is inadequate. Whereas its predecessor, *The History, Part 1—Origins to 1939* (TRC, 2015b), highlighted the avowed focus of early Canadian policy makers on eliminating Indigeneity, *Part 2* has surprisingly little to say about the decisions of senior government players or the culpabilities of key administrators or leading elected officials. This silence may leave the incorrect impression that Canada’s postwar governing elites were simply the hapless inheritors of earlier choices. However, my primary purpose is not to castigate the volume for its failures. It is instead to examine critically its omissions, highlighting its obscured contributions—exemplifying what I see as a useful approach to addressing the problem with which this article began.<sup>2</sup>

The problem is that redress and transitional justice measures tend to be compromised by the ongoing influence of the wrongful systems they confront. Henceforth, this article will speak of *historical justice* when treating the redress policies that are sometimes part of normal politics in liberal democracies as well as the more exceptional measures associated with regime change in transitional ones. Many scholars (for example, Leebaw, 2011; Matsunaga, 2016; Povinelli, 2002; Wakeham, 2012) observe that historical justice seems trapped in the regimes of injustice that it claims to want to transcend. This entrapment I call the *historical justice dilemma*. Instances abound. Fears of capital flight led the South African Truth and Reconciliation Commission to all but ignore the system of racial capitalism that

continues to produce massive inequality in that country (Wilson, 2001). Truth commissions addressing the crimes of other Cold War–era, U.S.-backed regimes, such as Chile (Phelps, 2006) and Guatemala (Isaacs, 2010), laboured under weak mandates shaped by perpetrators. In settler-colonial polities, political apologies to Indigenous peoples fail to deliver meaningful accountability, largely because the regimes in question remain wedded to settler colonialism (Lightfoot, 2015).

A growing number of scholars (for example, Balint et al., 2020; Henry, 2015; Lu, 2017; Nagy, 2008) have responded to the historical justice dilemma by proposing a significant reorientation of the field. They call for a broader notion of transition than the human-rights and rule-of-law emphasis that accompanied the first wave of post–Cold War transitions (Teitel, 2003). They urge historical justice to abandon its traditionally liberal preoccupation with discrete past harms, isolated wrongful events and singular bad deeds. And they do so for good reason. Leading political theorists have shown that the individualizing and reifying thrust of these preoccupations inhibits meaningful change. It legitimates unjust social orders by directing our senses of wrong to some artificially severed “past” (Coulthard, 2014) while preventing publics from recognizing their responsibility to change the wrongful systems and relations from which they benefit (Young, 2006). In short, scholars concerned about the historical justice dilemma respond by emphasizing the importance of structure.

The Canadian TRC certainly suffered shortcomings that reflect the historical justice dilemma. The first substantive section of the present article, “Two TRC Faces: The Public Events and Final Report,” shows how power imbalances stemming from Canada’s settler-colonial character rendered the commission, in its mandate and public events, deficient as a forum of investigation and accountability. Yet it shows also that although the TRC heeded the criticisms canvassed above—its final report confronted structural violence and demanded systemic remedies—the commission failed to remedy its investigative and accountability weaknesses. The present article diagnoses this failure, highlights through the TRC case what the structural turn risks overlooking, and explains why addressing these problems is important for Canadian memory politics and for confronting the historical justice dilemma more generally.

Titled “Retribution and Social Accountability,” the article’s second substantive section schematizes my proposed corrective. The notion of social accountability goes well beyond the narrow punish-the-guilty notion that has often kept historical justice under the grip of traditional liberal approaches. Instead, as political scientist Rosemary Nagy (2013) explains, it means engaging publics in processes of learning and introspection that aim to promote the more equitable exercise and effective supervision of public power. But whereas previous treatments of social accountability have emphasized focusing public education and advocacy on structural injustice (for example, Nagy, 2013; Roach, 1995; Stanton, 2012), I argue that exposing wrongdoers to retribution—even in the minimal form of negative public historical judgment—is also necessary to promote the more equitable exercise and effective supervision of public power. Sweepingly collective or holistic approaches to assigning responsibility fail in this regard. As Hannah Arendt (1968; cited in Brudholm, 2008: 138) argued famously, they encourage bad leadership and impunity through their implicit message that no one in particular deserves to be singled out from the

rest. This article finds the same problem in the TRC's postwar history volume. The volume's one-sidedly structural account is inadequate to spark needed historical introspection and learning about responsibility and leadership among today's Canadian governing elites, public servants and citizens.

This article's core substantive section, "Assigning Responsibility in the Postwar History Volume," examines closely the failures of responsibility assignment in the volume. The postwar history volume is perhaps above all concerned to show that successive Canadian governments and bureaucracies knew and were warned repeatedly of the evils of residential schooling. To realize this purpose, the volume relies extensively on the words of civil servants who reported the evils to superiors. However, because the volume is silent on individual culpabilities and leadership, a misleading account of Canadian agency results. Wrongdoers remain all but invisible, shielded by the combination of an account of wrong that is primarily structural and presentations of individual agency that tend toward benevolence.

However, my analysis is less interested in complaining about deficiencies than in pursuing a partial corrective whose seeds lie latent in the volume itself. Undertaking a content analysis that analyzes closely the volume's treatment of individual Canadian state officials and state representatives, I highlight key findings about individual Canadian agency that might otherwise go unnoticed. This "between the lines" approach is one way of engaging the postwar history volume as a resource of retributive social accountability.

Before proceeding, it is important to situate this article's quintessentially reformist, and indeed settler-focused, concern with improving Canadian historical justice. Scholars of Indigenous refusal (Aguirre, 2015; Garneau, 2016; Simpson, 2014) and resurgence (Alfred and Corntassel, 2005; Coulthard, 2014) have criticized so-called reconciliation measures as settler-colonial legitimation tactics that emerged when Indigenous struggles became unmanageable within more straightforwardly repressive frameworks. *Refusal*, as I understand it, means resisting the impositions, blandishments and techniques of perception that seek to make Indigenous nations and individuals the subjects of colonial power. *Resurgence*, as I understand it, means reinvigorating Indigenous relations to places, languages, cultures, governance traditions and solidarities, in service of self-determination. To the extent that historical justice helps legitimize Canadian state and society without helping fundamentally to change current realities, it is unjustly incompatible with resurgence and refusal.

Yet I believe that improving Canadian historical justice practice can be a defensible objective. Doing so can help make Canada a more responsible interlocutor in its dealings with Indigenous peoples. This focus cannot be expected of resurgent nations confronting settler colonialism. At best, they may experience what passes for historical justice as an irrelevant distraction from the ongoing injustices, such as land dispossession, police violence, environmental racism, poverty, missing women and girls, and over-incarceration, that Canada continues to visit on their communities and against which they continue creatively to struggle (Ladner and Tait, 2017). But using historical justice to spur introspection, in order to break from past approaches to using the machinery of state, is a way for non-Indigenous scholars to work on the "settler problem" (Epp, 2008; Regan, 2010). The goal is to forge a less dangerous and more change-amenable polity.

The settler-scholar responsibility that I pursue in this article is to address what I see as the key knowledge gap bequeathed by the TRC. Having attended five of the TRC's public events,<sup>3</sup> I seek to contribute to the reckoning process sparked by Survivors<sup>4</sup> (Nagy, 2020) without perpetuating the commodifying and extractive research traditions of the Western academy (Smith, 1999). The knowledge gap I try to address is this: the TRC's reliance on statements and narratives from former students exposed Survivors to the "reconciliatory gaze" (Garneau, 2016: 23) without requiring any parallel process of disclosure from the "impenetrable state" (Robinson and Martin, 2016: 12). Thus, this article excavates and deploys some of the knowledge about Canadian wrongdoing that authorities sought throughout the TRC process to invisibilize.

### Two TRC Faces: The Public Events and Final Report

The TRC emerged from class-action lawsuits by residential school Survivors against the Christian churches that ran the schools and the federal government that funded, regulated and administered them (Thielen-Wilson, 2014). The parties reached a judicially enforceable out-of-court settlement in 2006: the Indian Residential Schools Settlement Agreement (IRSSA, 2006). Finalized in 2007, the IRSSA established financial compensation processes and the mandate that governed the TRC.

Survivors had called for a TRC since 1990 (Assembly of First Nations, 1990); they continued this advocacy throughout the IRSSA negotiations. Once the church and state respondents realized that a catastrophic class-action loss was likely, they focused on negotiating a mandate that would prevent the TRC from making findings of fault (Nagy, 2014). But the mobilized Survivors did not demand a blame-laying TRC, either (James, 2012). Embarked on journeys of resurgence in the aftermath of a so-called education system designed to subjugate their voices, they sought a forum in which their narrations, rather than the findings of formally accredited outside experts, would prevail. Thus, the TRC mandate appeared to reflect a bargained consensus. The federal Department of Justice and the parties known as the Roman Catholic Entities were particularly adamant that the commission be denied the power to issue subpoenas, make findings of law, name names, or accuse individuals of misconduct (Nagy, 2014). The mobilized Survivors were less interested in expert assignments of culpability than in being heard themselves. Counsel had also warned them that a fault-finding inquiry would risk legal challenges and even demeaning assaults on their credibility (Nagy, 2014).

This surface agreement on a no-fault mandate reflected the legacies and power relations of settler colonialism. The imbalances of respect and voice bequeathed by residential schooling made Survivors relatively uninterested in a forensic, expert-driven inquiry.<sup>5</sup> The entities responsible for Canada's colonial assault on Indigeneity shaped the terms of their reckoning in the mandate negotiations. Similar muscle-flexing dogged the commission throughout its life. The Government of Canada defied repeatedly the TRC's main investigative power, which required the class-action respondents to furnish "any and all" relevant documents in their possession (IRSSA, 2006). Although the TRC won two separate court cases over this defiance (Stanton, 2017), materials still continued haphazardly

to arrive while the authors were writing the final report (Craft, 2016). In this way, the federal government's control over the colonial archive of its wrongdoing compromised the commission's work. Rather than drawing momentum from some complementary process of regime change or constitutional reform, the TRC faced the implacable ongoingness of a system that continues to exploit Indigenous territories and that subjects Indigenous governance systems to the over-riding power of a state and legal system dedicated primarily to the interests of the settler majority.

Given this hostile setting, the commission's public events were successful enterprises of civic outreach. The narrations of Survivors forged a basic media awareness of residential school harms (Nagy and Gillespie, 2015; Henderson, 2015) and helped at least some settler publics to grasp assimilation as an ongoing injustice (Capitaine, 2017; Capitaine and Vanthuyne, 2017). Yet observers also criticized a key weakness. The affective, reconciliatory emphasis on individual Survivor truth-telling and healing that characterized the TRC's public events often seemed to come at the expense of a more systemic focus on land and sovereignty dispossession (Chrisjohn and Wasacase, 2009; George, 2017; James, 2012; Million, 2013; Nagy, 2013).

The structural critique transposes less well to the TRC's final report, however. Released months before the December 2015 unveiling of the full six-volume affair, the summary version (TRC, 2015i) took precisely the systemic focus that the public events lacked. It situated residential schooling in the context of Canada's assault on Indigenous sovereignties and cultures. It used this context to confront Canadians with the imperative of self-determination. And it encapsulated this approach in its central finding: that residential schools were a central component of a Canadian policy of cultural genocide.

The qualifier *cultural* might seem unhelpful. After all, the systematic removal of a group's children from their families appears to meet the international law definition of genocide *tout court* (MacDonald, 2017). The commission's problem was that its mandate precluded it from making legal findings; "genocide" is a category of international law (MacDonald, 2019: 125–26). However, sociologist Andrew Woolford's (2015) account may place the cultural genocide finding in a different light. Woolford argues that the genocide concept impugns processes that tend toward eliminating the bases of a group's existence: bases among which culture is ineradicably central. Understanding that "cultural genocide" is in this sense no less genocidal than mass murder may help us to reappraise the TRC's approach. Separating children from their families, languages, laws and spiritualities, as residential schools did, constituted an assault on social reproduction that targeted Indigenous persistence. Thus, the cultural genocide finding encapsulates a structural understanding of residential schools as instruments of land seizure, sovereignty dispossession and treaty-breaking.

This understanding also informed those TRC calls to action (TRC, 2015a) that enjoin Canada to reject colonial doctrines, embrace Indigenous self-determination and respect the United Nations Declaration on the Rights of Indigenous Peoples. After all, if the mission of residential schooling was to support dispossession by undermining Indigenous social reproduction, then meaningful reparation requires addressing those wrongs. This overall view led the summary report to a structural

vision of reconciliation. Whereas hegemonic treatments often promote “reconciliation” in the senses of resignation and acquiescence (Wyile, 2017, 2018), the summary report (TRC, 2015i: 6) declared that reconciliation required Canada to “restore what must be restored, repair what must be repaired, and return what must be returned.”

This section has emphasized the summary report’s departure from the approach that characterized the TRC’s public events. Focusing on individual Survivor voices, the events tended to emphasize a primarily interpersonal and affective conception of reconciliation. For its part, the report took a more structural view, developing a robust account of cultural genocide and offering a substantive conception of reconciliation. This contrast identifies the TRC as a hybrid of two truth commission models. The first involves trauma-informed processes revolving around voice and healing: the TRC of the public events. The second emphasizes the expert investigation of primary documents and the authoritative detection of pattern, causation and meaning. This, the TRC of the final report, is what leading scholars (Karn, 2015; Pettai, 2018) call a “historical expert” or “historical clarification” commission.

Researchers have neglected this second face of the TRC. I am aware of only two treatments, both of which lament the impact of the commission’s victim-centred approach on its historical clarification work.<sup>6</sup> Historian Brian Gettler (2017) criticizes the report for ignoring regional variations in residential schooling (but see, by way of comparison, Murray, 2017) and for neglecting other Canadian institutions that sought coercively to assimilate Indigenous children. These omissions, Gettler argues, were the residue of the civil claims process, which required Survivors to present residential schooling as an invariant national system responsible for their losses. Historian J. R. Miller’s critique (2016) is different. Insisting that the final summary report, in particular, discounted positive accounts and exaggerated federal government misconduct, Miller argues that “the consequence of the TRC’s reliance on survivor accounts is a version of residential school history that is unbalanced” (168).

Miller’s concern is wrongheaded. Particularly when they lack powers of sanction, commissions dealing with known patterns of gross human-rights abuse are not obliged to provide equivalent solicitude to perpetrator perspectives. However, Miller’s critique raises an important and hitherto unaddressed question: How did the report treat perpetrators?<sup>7</sup> Before articulating this article’s answer, the following section explains why attending to it is important.

### Retribution and Social Accountability

When it comes to state wrongdoers, the volume opts for an aggregate verdict of responsibility. It holds “Canada,” “the federal government” and “Indian Affairs” responsible for the residential schools policy, the assault on Indigenous social reproduction and self-determination, and the devastating results. The strong suit of this approach is its unambiguous assignment of reparative responsibility. The aggregate verdict makes clear that the wrongs were not isolated misdeeds, disconnected from present realities and obligations. However, it falls short of what a work of historical clarification commission should provide. Needed instead is what philosopher Nick Smith (2008) calls a binocular approach to responsibility.

A binocular view traces the impact of structures, on the one hand, and makes calibrated judgments about conduct, on the other. These latter judgments are the familiar handiwork of criminal and civil justice; they are also expected of public inquiries, professional disciplinary committees and, indeed, truth commissions. As the structural critique reminds us, a preoccupation in many of these settings with individual fault-finding tends to obscure systemic causes and remedies. To invoke a distinction made in a different context by political scientist Jane Jenson (1990), the individualist preoccupation misrecognizes society as a happenstance agglomeration of “structureless agents.” However, the TRC volume makes the opposite mistake. Offering an overwhelmingly systemic analysis, it blames injustice on what Jenson calls “agentless structures.” Implausible analytically, this approach has political liabilities as well. As the anti-racism scholars Yusuf Bangura and Rodolfo Stavenhagen (2005: 17) observe, it leads to “the old, rather ineffective approach of saying ‘we cannot do anything unless the system changes’. But who will change the system, and how?”

My call for a binocular approach is concerned with stylized and simplified public-facing assignments of responsibility. The requirements of social theory are more demanding. As Pierre Bourdieu’s (1977) concept of habitus and Anthony Giddens’s (1986) notion of structuration remind us, agency and structure are constantly and recursively intertwined: social structures and group histories shape the dispositions and actions of individual agents even as those agents make differences within the structures. However, this article is not a social scientific analysis of causation in residential schooling. It imparts an artificial separation to *agency* and *structure* in order to engage the diagnostic and communicative requirements of historical justice enterprises of public education. In the context of this article, the core requirement is to redress the neglect of wrongdoer agency in a truth commission report whose assignment of responsibility was one-sidedly structural.

Publicly communicated judgments about individual responsibility can help political communities to change. These judgments provide historically resonant lessons, moral signposts that persons in leadership or public service roles can use to orient their conduct and that publics can use in demanding better conduct from their officials. To put the point starkly, I am arguing that the volume should have engaged in retribution. Following political scientist David Crocker (2006), by *retribution*, I mean measured punishment, based on more or less authoritative determinations of causal and moral responsibility. But to whom might retribution in this sense apply? We might think of individuals with command or operational responsibility for the racist, academically dubious and abuse-infested regime of residential schooling. We might think of inspectors who ignored complaints of malnutrition or abuse, or of health personnel who participated in coercive sterilizations or abortions (likelihoods, given the high rates of sexual abuse in the schools). Or we might think of the past leaders and senior officials who, when presented with evidence of these evils, maintained the genocidal path instead.

A likely riposte is that the link between punishing a few elderly wrongdoers and transforming Canadian colonialism is opaque at best. However, retribution does not necessarily mean criminal sanction, and it can apply even when perpetrators are dead. Visiting symbolic sanctions of naming and shaming on past wrongdoers warns successors that they might some day face similar judgment. It can also help



the community to think critically about its history, leadership and citizenship, as Canada's recent debates over honouring Sir John A. Macdonald suggest (Stanley, 2020).

Arguing in this way for retribution means emphasizing a certain kind of accountability. This is not about formal sanction but rather what law scholars and political scientists call "social" (Roach, 1995; Stanton, 2012) or "discursive" (Bonner, 2014) accountability. Social or discursive accountability means engaging publics in processes of introspection and learning that aim to promote the more equitable exercise and effective supervision of public power (Nagy, 2013). The postwar history volume certainly contributes to social accountability. By focusing on genocidal processes and reparative responsibilities, it incites introspection about the structural dimensions of Canadian power. However, because the volume lacks retributive judgments, it misses a significant opportunity to contribute to the education and transformation it demands. The following section examines the volume's approach to retribution in detail. It then offers a still closer reading that aims to serve retributive social accountability by excavating the volume's latent insights about wrongdoer agency.

### Assigning Responsibility in the Postwar History Volume

Concerned with the collective exercise and supervision of public power, this analysis focuses on persons representing the Canadian state, not on church officials or those whose work was church-supervised. The predominant figures are Indian Affairs staffers; "Indian agents" tasked with governing specific districts; inspectors of schools; superintendents and directors of federal departments; and, less frequently, assistant deputy ministers, deputy ministers, MPs, cabinet ministers and prime ministers.

The postwar history volume covers the operation and supervision of the residential school system, dealing, among other things, with education and curriculum, child welfare, building conditions, health, nutrition, discipline, abuse and the IRSSA.<sup>8</sup> The volume details spiritual assault, abysmal educational results, forced labour, emotional deprivation, rampant disease, meagre diets, nutritional experiments without parental consent, high death rates, unmarked graves, firetrap residences without working escapes, incidences of abuse approaching 50 per cent of all students—and more.

Even the volume's treatment of collective institutional responsibility is vague. Its pages refer interchangeably to "Canada," the "federal government" and "Indian Affairs," without ever indicating how responsibility might more specifically be apportioned. We are simply told that "the government [was] well aware" (TRC, 2015c: 412) of abuse risks but made no serious effort to prevent them, that the indifference of "the Canadian government" to fire hazards placed the lives of students "at risk for six decades" (333), that "Indian Affairs" knew that school diets were nutritionally inadequate but was "unwilling to spend money" (275), and so on.

The only explicit justification for this vagueness comes in the summary report (2015i), which averred that "shaming and pointing out wrongdoing were not the purpose of the Commission's mandate" (vi). This claim appears to reference the mandate rule that precluded the TRC from "making any findings or expressing

any conclusion . . . regarding the misconduct of any person” (IRSSA, 2006). But the TRC also had a historical clarification mandate: to “create as complete an historical record as possible of the IRS system and legacy” (IRSSA, 2006). It is hard to imagine how a report into a century-long program of cultural genocide could fulfill this latter directive without identifying wrongdoing and engaging in shaming.

Truth commissions often find workarounds when compromise mandates saddle them with impunity-promoting restrictions (Crenzel, 2008; Wiebelhaus-Brahm, 2018). The postwar history volume employs the classic “damn them with their own words” strategy. Rather than offering explicit findings of fault, it draws from archival reports and correspondence to show determinate public officials committing specific wrongs. To give just one example, the volume summarizes Indian Affairs files from 1952 that record an “ultimatum” from Fort St. John Indian agent E. J. Galibois (TRC, 2015c: 156); Galibois had threatened two Kaska Nation parents that he would transfer their sons to a more distant residential school unless the parents agreed to limit their school visits to twice a year. Certainly, any morally sentient reader would grasp Galibois’s ultimatum as an act of cruelty in a climate of authoritarian racism. However, because the volume’s authors refrained from treating such cases as instances of “misconduct” warranting follow-up, they were unable to ask about whatever acts of leadership or decision might have informed them. In this way, cases of individual wrongdoing remain dormant in the volume, their lessons unpursued.

More concerning still is the volume’s implicit message that individual acts of wrongdoing were overshadowed, quantitatively at least, by different sorts of behaviour. This message arises from the volume’s apparent policy of treating individual conduct for only one or the other of two apparent purposes. First, as with the Galibois example above, the volume discusses wrongful behaviour to make more vivid the reader’s sense of harm. Second and, as we will see, more frequently, the volume supports its verdict of aggregate Canadian responsibility by citing recurrent acts of warning and calls for change from individual officials in the system. Its purpose in doing so is to show that successive Canadian governments and top administrators had been made almost constantly aware of the perfidies of residential schooling.

This approach to demonstrating aggregate Canadian responsibility may have seemed innocuous in its execution. But the result is this: the majority of state personnel, who are named, of whom we hear, and who are thus given presence in the volume, are at least to some extent reformist figures—reporting problems, proposing remedies and seeking action. By contrast, the volume assigns the corresponding failures of response to impersonal, faceless entities: “Canada,” “the government” and “Indian Affairs.” Let us explore this contrast in more detail.

Because the volume refrained from making explicit claims of misconduct, I had to evaluate the presentation of the conduct being reported. Thus, I tracked references to members of Canadian officialdom, making a judgment as to whether each reference might tend to strike a non-Indigenous readership—my analysis is interested in the TRC’s capacity to influence settler perspectives and conduct—as predominantly “positive,” neutral or negative.<sup>9</sup> I then reread each passage twice, creating a typology to distinguish among the major kinds of “positive” and negative official conduct being presented and deciding on what kind of conduct was being

presented in each individual instance. I also noted whether the person depicted was a member of high officialdom, a designation I will explain shortly. I concluded by querying my categorizations and assignments.

These are not judgments of moral philosophy. They are rough assessments that distinguish, through the eyes of a settler scholar concerned about the impact of the TRC report on settler readers, between conduct that seemed oriented somehow toward amelioration or improvement and conduct that seemed more overtly depraved or indifferent. Recall that my purpose is to extract from an overwhelmingly structural account a portrait of agency that might advance retributive social accountability. When I suggest that some course of action seemed “positive,” I am not declaring that it was in any absolute sense exemplary or even acceptable. Indeed, much of this “positive” conduct would qualify also as administrative racism (Starke et al., 2018): the result that obtains when people act dutifully within the confines of rules that deliver race-based harm. Thus, I distinguish between comparatively “positive” and more plainly wrongful conduct not to make definitive judgments about the conduct but to establish for analytic purposes the portrait of Canadian agency that the TRC volume might present to a non-Indigenous readership.

Here, then, is how I distinguish between depictions of “positive”-seeming and negative-seeming conduct. My negative categories involve officials

1. causing harm to children, directly or indirectly
2. refusing opportunities for reform or improvement
3. evading what seems to have been a responsibility to do better
4. working directly to obstruct positive change

I identified 124 such instances. There were an additional 140 neutral references, ones naming some official but about which I could make no specific judgment. My “positive” categories involve officials

1. advocating reform of the system or making a written complaint about residential schooling as a whole
2. complaining about an incident, staff member, school, or church body
3. conducting, in relation to an incident, problem, or school, an investigation that did not appear *pro forma*
4. ordering or taking some kind of corrective action

I identified 264 such instances.

Notice that my negative categories are capacious. Designed to catch seemingly anodyne as well as severe wrongdoing, they bias the procedure toward finding misconduct in order that administrative racism not be neglected. Consider, for example, negative category number two: refusing reform opportunities; this class includes many individuals who were mere surrogates for superiors. Similarly, negative category number three, evading a responsibility to do better, encompasses numerous instances of the passivity typical in rule-bound hierarchies. Despite being biased in these ways, the procedure still delivered a stunning result in the context of an

inquiry into mass atrocity: 264 cases of “positive”-seeming conduct to 124 negative ones (a 2.1:1 ratio).

To give readers a better sense of the judgments involved, here are specific examples of the sorts of individual official conduct caught in each of my four negative categories.<sup>10</sup>

1. In 1941, the Fort Providence Northwest Territories school fell below its enrolment target; Indian Affairs official R. A. Hoey (151)<sup>11</sup> instructed the local Indian agent to ask the Royal Canadian Mounted Police to round up the “orphans and abandoned children for whom institutional care is desirable” (causing direct or indirect harm to children).
2. In 1950, Indian Affairs official B. H. Neary (215) rejected a recommendation that his department provide students with toothpaste, stating, “Health Services have always supplied the dental powder” (refusing a reform opportunity).
3. In 1954, Indian agent Ralph Ragan (162) blamed alleged misbehaviour at the Cardston, Alberta, school on the principal’s reluctance “to strap two boys [who] deserved punishment” (evading a responsibility to do better).
4. In 1955, Indian agent William Christie (164) reacted to a news story about the Williams Lake, British Columbia, school, titled “Indian Children ‘Starved,’” by badgering the newspaper into contradicting the story, which, he complained, had “originated with an irresponsible Indian” (working to obstruct change).

Here are examples from each of my four “positive” categories.

1. In 1945, Ian Eisenhardt (465), Indian Affairs Supervisor of Physical Education, sought to improve recreation opportunities, recommending that, for funding purposes, Ottawa treat “Indians and Eskimos as [a] Province under the National Fitness Act” (advocating systemic reform).
2. In 1946, E. L. Stone (309), Indian Health Services Medical Superintendent for Alberta, reported that the Whitefish Lake school had “no water system and was lighted by coal-oil lamps. The fire menace is extreme” (making a specific complaint).
3. In 1946, Indian Affairs official G. H. Gooderham (361) inspected the Cardston, Alberta, school. Noting that “many parents were not sending their children,” he advised that, if the Band concurred, the principal “should be replaced” (conducting a *prima facie* satisfactory investigation).
4. In 1976, Harry Mayne (321), Supervisor of Student Services of the Northwest Territories Department of Education, demanded “that the practice of locking and chaining fire doors at Fleming Hall . . . cease immediately” (ordering corrective action).

Recall that the volume’s key purpose in depicting “positive” conduct was to show that the federal government and bureaucracy ignored repeated internal warnings and calls for change. To understand better the problematic portrait that this strategy produced, consider the following two representative examples. The volume

discusses a Manitoba school inspector, Andrew Moore, who, at a 1940s parliamentary committee, proposed curricular remedies for the failings of residential schooling. After summarizing Moore's presentation, the volume (122, my emphasis) concludes: "*the decision to ignore* Andrew Moore's advice meant that Aboriginal students were subjected to an education that demeaned their history, ignored their current situation, and did not even recognize them or their families as citizens." The volume uses the same formula to discuss Ottawa's failure to heed a damning report on fire safety: "The problems that R. A. Hoey identified in 1940 *remained prevalent* for the next fifty-seven years" (333, my emphasis). This recurrent contrast between named, individual reformism and anonymous, institutional wrongdoing is the postwar history volume's central failure.

An obvious partial remedy would have been to identify those who, at crucial historical junctures, say, blocked meaningful curricular reform or allowed residential schools to continue as firetraps. Recall that I tracked references to high officialdom. This category encompasses directors of government departments, assistant deputy ministers, deputy ministers, cabinet ministers, prime ministers, provincial premiers, federal party leaders, and judges of Superior Court rank or above. Of the 528 references in the volume, only 95 are to high officials, none of whom are cited specifically for failing to respond to reform proposals, warnings or complaints.<sup>12</sup>

But the volume is a resource for pushing further. Its endnotes often indicate the recipients of the warnings that constitute the volume's evidence of recurrent government awareness of failings and injustices. Thus the notes provide trails for asking: Who refused to act? When did ministers make particularly significant decisions to ignore suffering? Just as the volume's archival references can be used in this way as resources of social accountability, so can its text. The remainder of this article identifies instances in which I have distilled insights about agency that seem pertinent to social accountability.

I derived one core insight by comparing the volume's chapters in terms of their different "positive"-to-negative ratios of individual conduct. The four most "positive" are chapter 35, "Building Conditions" (a remarkable 7.5:1 ratio of "positive" to negative depictions); chapter 44, "The Staff Experience" (4.67); chapter 45, "Getting to the Settlement Agreement" (4.33); and chapter 40, "Discipline" (3.7).<sup>13</sup> Notice that the officials in the first three of these four chapters tended to be operating at a considerable remove from children. In chapter 35, "Building Conditions," they were concerned with the physical condition of schools; in chapter 44, "Staff Experience," with managing school employees; in chapter 45, "Settlement Agreement," with responding to lawsuits and demands for redress. I will return to chapter 40, "Discipline," in a moment.

Now consider the four opposite chapters, the only chapters in which negative or neutral depictions of conduct outnumbered "positive" ones: chapter 34, "The Schools as Child-Welfare Institutions" (a 0.65:1 ratio of "positive" to negative instances); chapter 41, "Abuse" (0.7); chapter 42, "Student Victimization of Students" (1:1); and chapter 39, "Runaways and Truants" (1:1). Recall that the most favourable balances of "positive"-seeming conduct were in the three chapters whose subject matter involved employees or threats to Ottawa's bottom line: respectively, staff, buildings and litigation. By contrast, the four most negative chapters—"Child Welfare,"

“Abuse,” “Student Victimization,” and “Runaways and Truants”—involved officials in relatively close contact with individual children or their cases.

It is instructive to return to the outlier among the four top “positive” chapters—that is, to the lone chapter in the “positive” group whose subject matter *did* deal directly with individual children: chapter 40, “Discipline” (a 3.7 “positive” ratio). Surprised by its outlier status, I reread “Discipline” to think about what patterning might have been at work. Struck by the prominence of parental and community complaint in it, I then counted the prevalence of complaint in each of the volume’s chapters. “Discipline” came first in absolute and relative terms: it features more parental or community complaints (20) than any other chapter, and its frequency of complaint (one for every 1.6 pages) is greater than in any other chapter.

The exceptional status of “Discipline” in the volume appears to reflect the community outrage provoked by the treatment of Indigenous children in residential schools. The punishments detailed in the volume are horrific: head-shaving (387), the forced feeding of vomit (416), an electric chair (441), and beatings with whips, fists and straps (see, for example, 371, 392, 441, 457, 482). Moved by love for their children, Indigenous parents and communities objected vociferously and repeatedly. These objections appear to have forced officials to do precisely what they did not do in the other chapters that dealt intimately with children but that lacked similarly high levels of complaint: investigate problems, warn superiors, and propose or implement reforms. The “Discipline” chapter, then, appears to stand apart only because parents and communities roused officials to action, producing a more responsive portrait of the sort associated with the chapters on buildings, staff and litigation. Therefore, although the TRC may have been barred formally from making such a conclusion, scrutinizing closely the postwar history volume suggests that instances of direct racism, callousness and indolent buck-passing seemed to multiply when individual Canadian officials dealt with the bodies and welfare of individual Indigenous children.

The article’s other social accountability insights are about the conduct of top officials. Although most chapters deal so sparsely with high officialdom that it is hard to derive insights, there are two exceptions. Chapter 45, “Getting to the Settlement Agreement” (15 mentions of top officials and a 5.5:1 “positive” conduct ratio), details many instances in which judges ruled in favour of Survivors (type 4 on my “positive” schema: ordering or taking corrective action). The chapter also includes several examples of top officials making regretful statements or proposing redress measures (“positive” type 4, as above). I am not arguing that this conduct was exemplary or even necessarily acceptable. I am trying instead to grasp the portrait of Canadian agency that the volume seems to convey. In the case at hand, the “Settlement Agreement” chapter shows top officials doing things that might strike many Canadian readers as at least marginally responsible. Indeed, it is troubling that the chapter does this. Having learned nothing from 12 of the volume’s prior 13 chapters about Canadian leaders and mandarins as wrongdoers, we encounter them in the volume’s closing pages as putatively corrective figures, denouncing injustice and basking in the redemptive light of apology.

However, we can redress some of the imbalance by engaging closely the volume’s first substantive chapter, which is chapter 32: “Operating and Dismantling the System.” The only chapter that deals in a sustained manner with Canada’s overall

policy oversight of residential schooling, it contains more than half of the volume's mentions of high officials (55 of 95), of which a significant majority is negative (21) rather than neutral (13) or "positive" (17). Indeed, with a 0.81:1 ratio of "positive" to negative depictions, "Operating and Dismantling" offers the volume's only negative portrait of high officialdom. As I now explain, its direct focus on policy oversight brings top officials, a spectral presence in most of the volume, into a more explicitly damning light.<sup>14</sup>

Notice that the most common negative action from top officials depicted in the chapter is type 4, working to obstruct change (10 of 21 negative instances). What can we learn by examining more closely these cases? Here I consider six examples from the 10 instances of change-blocking found among the chapter's 21 negative depictions of top officials. These are the volume's clearest depictions of figures at the apex of Canadian public power preventing change at crucial historical junctures. Moreover, the examples illuminate the crucial finding of the postwar history volume that I discuss immediately below. This finding is that successive Canadian cabinets refused to contemplate an even remotely adequate funding regime for residential schooling because they believed that the expenditures would soon be rendered moot by their larger plan to effect the settler-colonial elimination (Wolfe, 2006; McCrossan and Ladner, 2016) of Indigenous nations.

At key postwar moments, when windows of opportunity were open and policy makers considered policy options more in line with repeatedly expressed Indigenous demands, leading decision makers blocked the options and stood for elimination instead. To wit:

1. In 1944, amid a rapidly liberalizing political climate and while a special parliamentary committee considered Indigenous policy reform as part of Canada's expected postwar reconstruction, Indian Affairs Minister T. R. L. MacInnes (14, 16) proposed to abolish Indian status and treaty rights and insisted that existing treaties conveyed no legal obligations.
2. In 1950, when the Indian Act was being revised amid the new international emphasis on human rights, Indian Affairs Minister Walter Harris (18) refused demands for a treaty claims commission and defended the Indian Act rule that prevented status Indians from launching legal claims against the federal government.<sup>15</sup>
3. In 1969, amid progressive social ferment, Prime Minister Pierre Elliott Trudeau (22) rejected the 1966 Hawthorn Report's call to recognize treaty rights (Galley, 2009: 244–45), insisting it was "inconceivable [for] one section of the society [to] have a treaty with the other."
4. In 1969, Indian Affairs Minister Jean Chrétien (11) introduced Trudeau's vehicle for abandoning the Hawthorn recommendations and attacking self-determination, the infamous White Paper, which aimed to eliminate Indian status and treaty rights.
5. In 1970, Chrétien (21) called again for the end of "special treatment [for] Indians."
6. In 1985, while mandated negotiations over implementing the section 35 Aboriginal rights provisions of the Constitution Act, 1982 were ongoing, and just after Parliament's Penner Report recommended constitutionally

protected Aboriginal self-government, Prime Minister Brian Mulroney (23) commissioned the Nielsen task force, which advocated “assimilation and the end of Indian status.”

These depictions tread a delicate balance. They show the eliminationist commitments of top Canadian leaders but without naming the commitments as such or otherwise commenting editorially. The volume is also silent on the importance of the historical moments enumerated above, but we can advance social accountability by restating it here. The moments were as follows: the Reconstruction and human-rights era at the close of the Second World War, the response to the Hawthorn Report amid the Just Society tumult of the 1960s, and the constitutional negotiations over implementing the 1982 S.35 Aboriginal rights provisions. When the possibilities for change were arguably greatest, postwar Canadian leaders advocated elimination instead.

Although the TRC does not accuse these men of contributing to or furthering residential schools genocide, cultural or otherwise, closely engaging the volume supports such a conclusion. The route to it runs as follows. The volume shows that Canadian officialdom knew throughout the postwar era that residential schools were abuse-ridden (for example, 451), demeaning (for example, 398), stultifying (for example, 146) and dangerous (for example, 333). The volume shows that top bureaucrats and leaders refused meaningful remedies because they planned to assimilate Indigenous pupils into provincial education systems, a standpoint from which new expenditures on residential schooling appeared counterproductive (for example, 106). The volume shows also that Indigenous communities and the churches opposed the shift to provincial schooling at every turn, albeit for distinctly different reasons (106). The result was constant policy blockage:

During a period of unprecedented economic growth and prosperity in the country, the children who attended residential schools continued to be poorly housed, poorly fed, poorly clothed, and poorly educated. Separated from their parents, they were emotionally neglected, subject to harsh discipline, and, due to poor staff recruitment and supervision, at risk of sexual abuse. (11)

The final page of the volume’s text identifies the deeper basis for this devastating inertia: the “policy of colonization” (579). The passage reads: “Residential schooling was only part of the colonization of Aboriginal people. The policy of colonization . . . was dedicated to eliminating Aboriginal peoples as distinct political and cultural entities and must be described for what it is: a policy of cultural genocide.” The eliminationist commitment, in other words, explains the inability of top officials to contemplate meaningful educational alternatives for Indigenous children, other than assimilation into hostile provincial systems or the continued hell of residential schooling. It therefore also explains much of the depravity, indifference and suffering chronicled in the volume’s pages.

But the eliminationist commitment in the postwar era was not merely structural. It had high-profile advocates and commanders who continue to enjoy the respect of many Canadians today. Recall the numbered list above detailing the change-blocking of prime ministers and Indian Affairs ministers at critical historical



junctures. When faced with significant opportunities for new paths and influential calls from within government for heeding core Indigenous demands, these leaders opted for the more radical agenda: the final and decisive elimination of Indigenous legal status and rights. These leaders include three of the most significant prime ministers of the era, who commanded eight different majority governments among them: Pierre Trudeau, Brian Mulroney and Jean Chrétien. Singling them out in this way helps us to understand better why the postwar history of residential schooling unfolded the way it did. Generations of children suffered unconscionably because these leaders wanted to end Indigenous political distinctiveness and autonomy forever. Their successors fail to pursue meaningful alternatives today.

## Conclusion

The TRC suffered from key weaknesses that reflected settler-colonial legacies and power imbalances. Flexing their considerable organizational and legal muscles, the federal Justice Department and Roman Catholic Church entities, in particular, insisted on a no-fault mandate that limited the chances for a robustly perpetrator-centred inquiry. While Survivors were concerned primarily to share their experiences and knowledge, the federal government brought an unrepentant, even truculent, impenetrability that significantly inhibited the TRC's access to the archives. The TRC's resultant investigative shortcomings represent a crucial Canadian instance of the historical justice dilemma. As we have seen, this dilemma is that responses to gross wrongs often suffer from the same unjust relations and systems that accountability and the duty of memory demand us to address.

This article has responded by attempting, critically but constructively, to address key limitations of the TRC's historical clarification work. Against the postwar history volume's one-sidedly structural account, but with that volume's findings and materials (see, by way of comparison, Mesa, 2019), I distilled a portrait of Canadian agency to advance the retributive social accountability focus that the TRC itself was denied. Settler scholars may have special reason to do this work. Canadian authorities will try to prevent it, while Indigenous nations often have different priorities, such as responding resurgently to colonialism and refusing Canadian citizenship.

Two decades before the TRC report, from research conducted for the Royal Commission on Aboriginal Peoples, historian John Milloy (1999) published *A National Crime: The Canadian Government and the Residential School System—1879 to 1986*. Milloy's access to federal files was conditional on heeding proscriptions on name-naming, which Ottawa enforced via manuscript-vetting by its lawyers (vii–viii). Thus, Milloy's book—pathbreaking and important as it is—exhibits the same limitation as the TRC volume. It tends to identify individual Canadian officials as frustrated whistle-blowing reformers rather than as authors of the offence signalled by the words *national crime* in the book's title. The knowledge patterns created by this kind of systematic blockage are unlikely to disturb the recurrent strains of naive narcissism found in Canadian political culture (Wiseman, 2007: 271).

Attending to agency helps to identify patterns. It alerted us to the problematic “good guys” portrait that the postwar history volume inadvertently produced. It also allowed us to do more than simply amass serial portraits of outrageous

conduct. Comparing the depictions of agency across different chapters showed that individual instances of indifference and cruelty seemed most likely to occur when authorities were dealing with the welfare and cases of individual Indigenous children. Highlighting this pattern is important. Indigenous children continue to suffer ill health, emotional neglect, abuse and death because Canadian priorities put “costs [before] wellbeing” (Blackstock, 2011: 11) and exhibit a “lack of connection to how [the child’s] best rights and interests . . . would be served” (Turpel-Lafond, 2013: 56).

Thus, engaging wrongdoer agency in the TRC report offers a gauge of systemic racism, a signpost of the inability of Canadian bureaucracy to deal appropriately with Indigenous people and peoples when it is most urgent. But retributive social accountability demands focusing on the named individuals in these cases, too. Highlighting their presence in the report reminds their contemporary successors in Canadian public administration that their conduct matters and that it is good to think about how that conduct might someday be judged.

This article’s analysis of the TRC’s depictions of individual agency also illuminates the commission’s structural account of cultural genocide. At key historical junctures when significant change possibilities were afoot, Canada’s top representatives closed the windows of opportunity, recommitting to the political elimination of Indigenous nations instead. By stressing this point, I tried to amplify the TRC’s message that this deepest of federal policy preferences was the overriding cause of the suffering of Indigenous children in residential schools. I tried also to foreground the roles of notable Canadian leaders in perpetuating the genocidal policy of colonization. The point was to suggest the morally compromised nature of citizenship in a polity that elevates such figures to leadership and the urgent need for settler Canadians to begin judging leadership differently.

It has become ubiquitous to urge tackling the historical justice dilemma with a focus on structural injustice. But attending to structure only goes so far. This article has shown how the TRC’s structural turn invisibilized wrongdoers and painted an inadvertent portrait of benevolent Canadian reformism. Advocates of more holistic or structural approaches (for example, Balint et al., 2020; Lu, 2017; Rothberg, 2019) declare that their aim is not to ignore individual responsibility but rather to treat structure and collective responsibility in relation to deeper causes and solutions. I agree with the aim and admire these authors’ work. But achieving a satisfactory balance in practice is harder than calling for one at the level of theory. The Canadian case shows how the structural turn may contribute to wrongdoer anonymity and impunity. By working with the TRC report through a retributive social accountability lens, this article has attempted to model one possible compensatory approach.

## Notes

1 The TRC report consists of a summary, *Honouring the Truth, Reconciling for the Future* (TRC, 2015i); a statement of principles: *What We Have Learned* (TRC, 2015j); a selection of key narratives: *The Survivors Speak* (TRC, 2015k); volume 1: *The History, Part 1—Origins to 1939* (TRC, 2015b); volume 1, continued: *The History, Part 2—1939 to 2000* (TRC, 2015c); volume 2: *The Inuit and Northern Experience* (TRC, 2015d); volume 3: *The Métis Experience* (TRC, 2015f); volume 4: *Missing Children and Unmarked Burials* (TRC, 2015g); volume 5: *The Legacy* (TRC, 2015e); and volume 6: *Reconciliation* (TRC, 2015h).

2 This approach is informed by earlier collaborative work, in particular James and Stanger-Ross (2018) and Stanger-Ross and James (2020).

3 Halifax (October 26–29, 2011), Victoria (April 12, 2012), Saskatoon (June 21–24, 2012), Vancouver (September 18–21, 2013) and Ottawa (May 31–June 3, 2015).

4 I follow the TRC in capitalizing the term *Survivor*, in order to convey respect.

5 A partial exception was interest in the fates and burial locations of children who did not return home: of the 3,200 known student deaths, names were not recorded in 32 per cent of the cases (TRC, 2015g: 1).

6 A partial exception is MacDonald's (2019) important book, but it focuses only on the cultural genocide finding (106–32).

7 In contrast to the haphazard treatment of state wrongdoers, the report names and shames convicted abusers, as its mandate allowed.

8 This note lists the chapters in *Part 2*, with each title followed by a designation indicating whether its depiction of agency was relatively "positive" (+), neutral (~) or negative (–). Chapters are numbered consecutively to follow those in *The History, Part 1*: chap. 32, "Operating and Dismantling the System"(+); chap. 33, "The Educational Record"(+); chap. 34, "The Schools as Child-Welfare Institutions"(-); chap. 35, "Building Conditions"(+); chap. 36, "Health"(+); chap. 37, "Diet and Nutrition"(+); chap. 38, "Fire Hazard"(+); chap. 39, "Runaways and Truants"(~); chap. 40, "Discipline"(+); chap. 41, "Abuse"(-); chap. 42, "Student Victimization of Students"(~); chap. 43, "Sports and the Arts"(+); chap. 44, "The Staff Experience"(+); chap. 45, "Getting to the Settlement Agreement"(+).

9 Hereinafter, the quotation marks signal that I do not mean *positive* in any absolute sense.

10 The numeral at the start of each example corresponds to the relevant category type in my schema; the bracketed number in the middle is the relevant page number; the text in parentheses reminds the reader what the relevant category type involved.

11 Unless otherwise noted, all numbers in parentheses in this section refer to the relevant page number in *Part 2* (TRC, 2015c).

12 Of these references, 46 were positive, 21 neutral and 28 negative.

13 Note 8 above lists the volume's chapters and indicates my positive, neutral or negative categorizations of each.

14 "Operating and Dismantling the System" does not count among the negative chapters in my overall tally because its total ratio (2.12) when all officials—as opposed to only top ones—are counted is positive.

15 Harris lost the latter battle, scrapping the no-claims rule in 1951.

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