Article

The Missing and Murdered Indigenous Women and Girls National Inquiry: Meta-genre, Genre Hybridity, and Social Change

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"Why should we even have to fight for this? MMIWG is a national inquiry!" (Twitter, April 15, 2019)

Abstract

In this paper we present a rhetorical genre analysis of the Missing and Murdered Indigenous Women and Girls (MMIWG) National Inquiry as an instantiation of the "truth commission" (TC) genre. Our goals are to examine what the concepts of meta-genre and genre hybridity offer to help explain the difficulties of national inquiries/truth commissions in general, and specifically to help illuminate the problematics of the MMIWG Inquiry. Following Giltrow (2002), we treat meta-genre as advice and criticism from genre participants about how a genre should be performed. And, following Gready (2011), a specialist in Applied Human Rights, we analyze the TC as a hybrid genre that has emerged in the context of transitional justice and post-modern governance: the hybrid incorporates three sub-genres: the state (public/national) inquiry, the human rights report, and the official history (rewritten and archived). We analyze public and media metageneric commentary on the MMIWG Inquiry, including the Commissioners' responses, in both mainstream traditional media and social media. Our findings show that meta-generic commentary on the MMIWG Inquiry falls into five main categories or themes, each deriving from stakeholders' expectations raised by the tributary genres. By far, the most dominant theme is criticism of the Inquiry for its recolonizing legal framework and ideology that inhabit the TC's state inquiry tributary genre. The other four recurrent themes are the perception that the Inquiry should be a criminal investigation, criticism of the Inquiry for its restriction to an "advisory" role only, calls for the inquiry to have a human rights framework, and the

expectation that the inquiry is to facilitate meaningful reconciliation. We suggest that, as a recurring and constitutive feature of genre, and, as an arena of negotiation over how genre is to be performed, meta-genre can function as a kind of oversight and challenge that, as an index of social change, inhabits genre as a response to its own inertia. We also find that the TC genre creates genre confusion through its conflation of the widely divergent and broad exigences of its tributary genres, and that the state inquiry tributary has colonized the other tributary genres. We conclude that, at the time of this writing, stakeholders' diverse expectations, the TC's problematic hybridity, and the MMIWG Inquiry's colonizing, statist, legal framework constrain the impetus for change, rendering the Inquiry "truth-lite" and affording only "thin reconciliation." In response to this finding, we examine alternative approaches. However, as settlers, we believe that we are not in a position to advocate a specific alternative to the inquiry. Our scholarly work is an analysis of the Inquiry in terms of genre and power, a space we can occupy as allies where we must lead with humility and recognize the limitations of our position to speak on behalf of the community. If we are to be a part of a reconfigured relationship with Indigenous peoples, we must support them at the forefront and recognize that we do not have a "right" to occupy Indigenous space. Rather, we have an "obligation" to respect their self-determination and decision-making space.

Introduction

In this paper we present a critical discourse analysis of the Missing and Murdered Indigenous Women and Girls (MMIWG) National Inquiry. As researchers, we acknowledge two problematics that arise from this analysis: first the national public inquiry is a sovereign, colonial genre that in itself perpetuates colonialism, and second, as settlers, we are implicated in the colonialist structures that enable violence against Métis, First Nations, and Inuit women, girls, and 2SLGBTQQIA (Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual) people. Our analysis situates us within this statist paradigm and compels us to probe genre's power to constrain and "manage" the uptake of Indigenous voices and self-determination. In doing so, our hope is that we may participate in honouring the lives of the many women, girls, and two-spirited people who were taken and the resilience of those who continue to seek justice and healing for the loss of their loved ones. However, we recognize that our work does not end here, for, as settlers doing research, we also have obligations to dismantle colonialist structures and are committed to listening to Indigenous communities across Canada for ways in which we may continue to participate in healing.

In this study the concept of "genre" is derived from Miller (1984/1994) who, citing and elaborating on Campbell and Jamieson's (1978) rhetorical approach to the concept, formulated the following definition to include both textual and contextual dimensions of genre. It is a dynamic fusion of recurrences of form, content, and situation:

> 'A genre,'[Campbell and Jamieson] write 'does not consist merely of a series of acts in which certain rhetorical forms recur…Instead, a genre is composed of a constellation of recognizable forms bound together by an internal dynamic' (1978: 21). The dynamic 'fuses' substantive, stylistic and situational characteristics. The fusion has the character of a rhetorical 'response' to situational 'demands' perceived by the rhetor. (Miller, 1994, p. 24)

Early on, Miller and others like Campbell and Jamieson began to rework Bitzer's conceptualization (1968) of the contextual dimension of genre, which he called the "rhetorical situation" and defined as a "complex of persons, events, objects, and relations," out of which emerges an "exigence" that can be addressed by rhetorical means (p. 13). Bitzer's definition of "exigence" as "an imperfection marked by urgency:…a defect, an obstacle, something waiting to be done, a thing which is other than it should be" (p. 6) becomes recontextualized by Miller (1984) as "a form of social knowledge—a mutual construing of objects, events, interests and purposes that not only links them but makes them what they are: an objectified social need" (p. 30). Later, Miller (2015) elaborates exigence as the "*function*" of a genre: exigence "poses the question from a *system's* point of view:…what does it achieve not only for any actors or agents involved but also for the stability and viability of the rest of the system?" (p. 175). More recently, Freadman (2020) has challenged this definition, proposing instead that exigence be separated into two concepts—"jurisdiction" (to replace "exigence") and "ceremony" (a genre's situated instantiation). In response, Miller (2020) has rejected this separation, insisting on exigence as "an intersubjective recognition" or " 'objectified' social motive" (p. 134).

Since Miller's ground-breaking elaboration, rhetorical genre theorists have endeavored to refine the contextual dimension of genre through constructs of generic intertextuality such as genre set (Devitt, 1991), genre system (Bazerman, 1994), genre ecology (Spinuzzi, 2000), genre assemblages (Spinuzzi, 2003), and genre hybridity (Fairclough, 2003), and the concepts of uptake (Freadman, 2002), antecedent genre (Jamieson 1975; Devitt, 2007), and intermediary genre (Tachino, 2012). Genre system and uptake are key concepts in this study. The concept of genre system is adapted as a productive way of treating context and framing genre activity. Bazerman (1994) describes "systems of genres" as "interrelated genres that interact with each other in specific settings" (p. 97). He elaborates that a "system of genres would be the full set of genres that instantiate the participation

of all the parties…This would be the full interaction, the full event, the set of social relations as it has been enacted" (p. 99). This study adopts the concept of uptake defined by Freadman (2002) as a "translation" between genres or "an intergeneric movement" (p. 44), and elaborated recently by Wegner (2020) as "multiple, contingent, and jointly mediated" by two or more genres involved in the translation. Wegner examines uptake in contexts of power relations and posits that it "can occur either more or less automatically…or strategically by a dominant force…or tactically from less powerful forces or groups into a dominant institution" (p. 76). Issues of uptake and power become salient in the analysis of the public inquiry as an "intermediary" genre whose function is to facilitate uptake from one genre into another (Tachino, 2012, p. 456).

In this study, two additional genre concepts, meta-genre (Giltrow, 2002) and genre hybridity (Fairclough, 2003), are exploited for their explanatory utility in an analysis of perceived problems with the MMIWG Inquiry. Broadly defined, meta-genre is public commentary on how a genre should be deployed, and genre hybridity refers to the co-existence of more than one genre within a more expansive encompassing genre. These two concepts are elaborated in the next sub-sections.

At the outset, it is important to distinguish clearly between "genre" and "discourse." Whereas discourse refers more broadly to "language use in institutional, professional or more general social contexts" (Bhatia, 2004, p. 3), genre refers to a more constrained use of language "in a conventionalized communicative setting in order to give expression to a specific set of communicative goals of a disciplinary or social institution" (p. 23) which result in perceived regularities in both text and context. Discourse involves subject knowledge and strategy that can be applied across genres; genre presents specific situational exigences that can be addressed by elements of a number of discourses. It should also be noted that the framework for genre presented here belongs to the Rhetorical Genre Studies tradition of North American genre theory and genre analysis, as distinct from British and Australian approaches that are geared more to pedagogy and English for Specific Purposes (ESP), though there certainly is some important overlap between the two.

Meta-Genre

We examine the tensions and contradictions expressed in public meta-genre commentary—advice and criticism from genre participants about how a genre should be performed—a concept that has been little explored since it was first proposed by Giltrow (2002). Giltrow's motivation was to extend our understanding of the contextual dimension of genre in response to reductive notions of genre as

form only. In her study, Giltrow examined meta-generic advice in official and non-official guidelines in both academic and nonacademic contexts for evidence of its contextual life as a social force of community stability:

> official "meta-genres flourish at…[the] boundaries" or "thresholds of communities of discourse, patrolling or controlling individuals' participation in the collective, foreseeing or suspecting their involvements … initiating, restricting, inducing forms of activity, rationalizing and representing the relations of the genre to the community that uses it. This representation is not always direct; often it is oblique, a mediated symbolic of practice" (p. 203).

However, insofar as this "patrolling" function controls social boundaries, it also constructs and positions "outsiders…x at moments where deviance is encountered or the ideal imagined" (p. 194). Giltrow defines meta-genres broadly to include "atmospheres of wordings and activities, demonstrated precedents or sequestered expectations" (p. 194). As expressions of participants' expectations of a genre, meta-genres can be both official, as in authoritative guidelines, and unofficial, as in "talk about genre" (p. 199). Meta-genre is often a manifestation of community consensus, but it can also become a manifestation of social division and change. Giltrow (2002) proposes that contradictions between participants' perceived contexts and expectations of a genre can manifest as differences in metageneric commentary among participants using a particular genre and could become discursive sites of contestation (p 199). For example, a prohibition against addressing certain topics or participants in a genre may, over time, be challenged by those whose voices, rights, or well-being have been excluded from the genre by its community of users. Dissenting meta-generic commentary by marginalized participants may therefore target the historical practices of a genre that perpetuate oppression or discrimination.

In Giltrow's study (2016) of contentious contemporary legal readings of treaties in Canada that favour the state's interests, yet had historically respected Indigenous rights, she describes these contextual contradictions as differences in "consciousness" and argues that "genre stability is a phenomenon of [mutual] consciousness, not form" (pp. 210-211). In this view, genre stability thus depends on a socially shared consciousness, and genres can become destabilized, modified, or even fossilized when contradictory or disparate historical consciousnesses contest how a genre should be modified or deployed[1]. Her study examines how the historically shared consciousness of colonists and Indigenous peoples about agreements based on "harvest and trade" became decontextualized and ahistorical in later legal interpretations that ignored this shared-ness. These interpretations instead validated instead settler desires and power, court interpreters attending only to the form of

the treaty genre and not the context—that critical dimension of the consciousnesses at play and their effects on inferences and trust in treaty negotiations. The "patrolling" function of the treaty meta-genre, to privilege settlers' trading priorities over those of Indigenous peoples, has generated resistance and significant meta-generic commentary critical of the way the genre has been deployed in recent treaty disputes.

Giltrow's studies contribute to our understanding of the disruptive, destabilizing potential of consciousnesses that challenge, resist, or even "refuse" official meta-generic rules and conventional genre expectations. As Schryer (1993) argues, genre is only "stable-for-now" (p. 210). Citing Giroux (1985), she notes that genres "always embody contradictions" between their "historical and contemporary ideological and material practices" (Giroux, 1985, p. xii, in Schryer, p. 210). These practices reflect hegemonic internal structures that are subject to challenge and must be ongoingly renegotiated and re-established (p. 210).

Genre Hybridity

In his work on the relationship between texts and their social contexts, Fairclough (2003) identifies a number of relevant "social research themes" in critical discourse analysis. One of these themes is genre "hybridity," which he describes as a "blurring of boundaries" across genres (p. 22). Based on recent studies of hybridity by social theorists, he describes hybridity as an effect of the "ways in which social boundaries are blurred in contemporary social life," as a "mixing of social practices" and an "instance of postmodernity" (p. 35). This "blurring or breakdown of the boundaries characteristic of 'modern' societies" produces what Fairclough describes as "interdiscursive hybridity" (p. 218). As an example of an early study of hybridity, Fairclough cites McLuhan's analysis of mass media (1994) which showed the "blurring of fact and fiction, news and entertainment, and drama and documentary" (p.35). Moving from interdiscursivity to intergeneric hybridity, he describes his own analysis of a promotional feature for a town that mixes three genres—journalistic article, corporate advertisement, and tourist brochure (p. 34). Similarly, Catenaccio (2008) has studied press releases as a hybrid of both information and self-promotional genres.

Bhatia's approach (2004) to genre explicitly moves away from ESP studies of classroom contexts to real-world, professional contexts where he finds that hybridity is typical, not atypical, of real contexts of use, such that a hybrid can serve multiple purposes or functions. Moreover, he proposes that in a hybrid one genre "colonizes" one or more other genres to serve a dominant exigence—for example, popularization, sales, or political advancement. Fairclough argues that some hybrids can

therefore be problematic if they are strategically deployed to favour the ideology of a dominant genre, especially where that ideology is seen as oppressive and a force behind inequality. This understanding underpins Fairclough's method of critical discourse analysis which aims to expose how the ideology of capitalism colonizes in such hybrids.

In this study, we focus on the hybrid nature of the "truth commission" (TC) genre and what Gready (2011) calls its "tributary genres," that is, the key genres that make up the hybrid. We examine the dynamics and interplay of those tributary genres that influence how TCs are deployed and understood by genre participants. We explore the hybridity of the TC through an analysis of meta-genre commentary, which reveals the diverse and broad expectations raised by the tributary genres. Our findings show that the "the state inquiry" tributary and its inherent ideology of colonialism is the object of significant meta-generic criticism, the dominant theme of which is resistance to the statist motivations in its legal framework and in its mandate.

In sum, within a rhetorical genre framework, we focus on the concepts of meta-genre and genre hybridity in the context of social change to explore the dynamics of the "truth commission" (TC) genre and the MMIWG Inquiry in particular. We analyze the MMIWG Inquiry as an instantiation of the TC genre which has emerged in the context of transitional justice and post-modern governance. Instead of the term "public inquiry," we use the more common and preferred terminology, "truth commission," as deployed in a number of studies of the genre (Gready, 2011; Bakiner, 2016; DeMinck, 2007; Hayner, 1994; Lynch, 2018). Our understanding of "transitional justice" follows the description offered by the International Centre for Transitional Justice and the Kofi Annan Foundation on their website:

> Transitional justice is a response to systematic or widespread violations of human rights, It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, transformations happen suddenly; in others, they may take place over many decades. (www.ictj.org, 2009, retrieved 2020)

Gready (2011) offers an evaluation, noting that, as "a set of tools designed to address the legacies of a troubled past," transitional justice is a "creature of compromise," and that, "as such, truth commissions are its emblematic intervention": they aim for ideals and so must always fall short (p. 1).

In what follows, we provide relevant background on the public inquiry/truth commission genre, our methodology, our findings of meta-generic commentary and genre hybridity, and a discussion of our findings in the context of genre theory and the MMIWG Inquiry, including our thoughts on alternatives to the TC as possible vehicles for addressing the historical and ongoing injustices to Indigenous women and girls. We close with an overview of our findings and thoughts on the challenges moving forward.

Background: The Public Inquiry as Truth Commission

In this section we provide an overview of the historical understandings and uses of the public inquiry genre, and its more recent hybridization as the TC genre in the context of human rights advocacy and approaches to transitional justice.

The Canadian federal *Inquiries Act* (1985/2020) gives the Governor in Council the authority to call for an inquiry and to develop a mandate "to investigate any matter connected with the good government or public business of Canada" (Bessner, 2017a, p. 2). The first *Inquiries Act* was passed in 1846 and the Canada *Inquiries Act* was enacted in 1867. Bessner (2017a) notes that [the Inquiries Act] "contained several provisions that still exist in the current federal *Inquiries Act*" (pp. 4-5) which "'were adopted unquestioningly and adapted to the federal structure in Canada'" (Lockwood, 1967, cited in Bessner, 2017a, p. 5). There are two types of public inquiries in Canada: investigative—to "investigate and make findings of fact with respect to an incident or to institutional or systemic problems," and policy—"to carry out research and "develop policy options for consideration by the government" (pp. 6-7). MMIWG's mandate indicates a combination of both. Official meta-genre, guidelines for how to conduct public inquiries or "royal commissions" (p. 4), come largely from the legal community and focus on what an inquiry is permitted to do and prohibited from doing. Inquiries are to be independent from political influence (p. 3), and they cannot make "any findings that could be seen as concluding that there is criminal or civil liability" (Bellamy, 2017, p. 167).

In order to address the exigences of post-colonial, transitional justice, recent innovations have seen the public inquiry recast as a truth commission. This change began with post-conflict justice initiatives, and grew out of the shift from post-war trials, to "truth commissions" beginning in the 1970s (Hayner, 1994). By the 1980s, "truth and justice" commissions became the vehicle to address recent past violations of transitional regimes (Bakiner, 2016, p. 23).

In the mid-1990s, there was a subsequent "ideational change" in TCs to "rewrit[e] the nation's history with an inclusionary gesture toward the vulnerable groups" (p. 37). A further development

occurred in 2000 when "consolidated democracies" adopted "truth and reconciliation" commissions to address violations that had occurred decades ago (p. 23) and that involved a "broader spectrum of injustices" (p. 38). Gready (2011) notes that the key momentum came from the South African Truth and Reconciliation Commission (SA TRC), which "is repeatedly acknowledged as source and inspiration in the transitional justice and truth commission literature" (p. 4). The incorporation of the reconciliation component in South Africa's TRC (1995-1998) was a ground-breaking innovation in the TC genre. According to DeMinck (2007),

> This TRC, and those that have since followed…loo[k] not only to ensure that the truth is told, but also to encourage reconciliation and forgiveness among the people…the inclusion of reconciliation in their initial goals makes these bodies different than standard truth commissions…(p. 3)

Adopting Bhatia's (2004) conceptualization of genre hybrids, Gready (2011) has analyzed the TC genre as a hybrid genre. He describes the TC genre as a combination of elements of the public (state) inquiry, a human rights report, and an "official history" (rewriting the past for a new start in the present). These are, of course, not totally distinct from each other for there is significant overlap in key areas, such as the legal process (in both state inquiries and human rights investigations) and the goal of reconciliation (in both state inquiries and official histories). Nor is his refinement of the TC genre into three tributaries necessarily exhaustive: the TC genre is still evolving and its process and form are changeable. We further acknowledge that there are some significant differences between the Canadian MMIWG Inquiry and other TC's, like the SA TRC, which is the focus of Gready's analysis. However, his taxonomy is an important development in studies of hybridity, and, as we hope to show, it promises to be productive for a genre analysis of the TC and the MMIWG Inquiry as an instantiation of the TC genre. Utilizing Bhatia's concept of "genre colony" whereby the process of "colonization" involves "appropriating generic resources" to create "hybrid genres" (Bhatia, pp. 5758), Gready analyzes the SA TRC as a hybridized version of the traditional public inquiry—a new "incipient genre" (p. 27)—that mixes three tributary genres:

- *The state inquiry* is a state initiative intended primarily to enhance state legitimacy, but through a process of educating the public and re-framing public discourse and policy. It is intended to "provide closure and signal a break from the past" (p. 29). It involves "the state speaking the truth about itself" (p. 30).

- *The human rights report* is "a new literary form"; "a whole new kind of publication" (Dudai, 2oo6, cited in Gready, p. 32). It represents "the past through the lens of human rights violations" (p. 33) and forges an alliance between truth and power (of the state), speaking

truth with and to power. While it uses the same methodology and legal discourse as the state inquiry, it differs from state inquiries in two key ways: Human rights reports have a shorter term impact, and they do not usually include public "truth-telling." Instead, participants' "stories" become decontextualized to privilege facts over narrative, and categories over individual stories.

- *The official history* is a "state-sanctioned history" that aspires to legitimize "the discourse of speaking truth to reconciliation": "it repairs rather than establishes a past" (Gready, p. 45). It aims to construct a "more inclusive, consensual narrative history … as a means of furthering national unity." The process ideally includes the voices of the marginalized. Its aspirations are sweeping: "Official histories, in short, rewrite the past, draw a line under the past, create a moral community/nation, and provide a foundation for the future" (p. 45). According to Bakiner (2016), the goal of this mediation role is to construct "a shared account of the past" (p. 63) as "an agreement over the meaning of the past" (pp. 69-70) and as a "bridge" between the past and future. He says the truth commission is charged with the "memory work" of creating "a collective history and national memory" that "ruptures" the "existing field of memory," which has been entrenched as a "norm" of forgetting or downplaying historical harm (pp. 67-69). The stakes in official histories can be high, making them susceptible to contestation, especially as an archival entity.

As noted earlier, the tributary genres Gready proposes are not totally distinct from each other for there is significant overlap in key areas, such as the legal process and the goal of reconciliation. Similarly, although Pettai (2015) defines the "historical truth commission as a historically-based genre distinct from transitional justice truth commissions," on the other hand, he also concedes that "the distinguishing lines between both forms of official commissions of inquiry may be at times blurred" (p. 4).

Gready (2011) identifies a number of tensions that arise from the TC hybrid (p. 55). He asserts that, while the TC has the "capacity to speak truth to power and with power," the different generic forces that each tributary genre exerts make "[j]uggling these inherent tensions" difficult for the genre to succeed at its mandate. He argues that the SA TRC "failed to achieve a hybrid or synthetic coherence" and suggests that the human rights genre ended up colonizing the others. Of TCs in general, he says, "The methodological and conceptual challenge, especially for truth commissions with broad truth mandates, is how to render the multiple genres, truths and methodologies

productive rather than fragmentary and mutually undermining" (p. 56). In the case of the SA TRC, he concludes that "the truth of TC's is undermined by a genre confusion" (p. 27).

Method

Our methodology is a qualitative analysis applied to public and media commentary on the MMIWG Inquiry, including the Commissioners' responses. We focused on reported or posted discourse from 2015 to 2020 in both mainstream traditional media and social media. Using media archival and google search engines, we used the key term, "MMIWG" to identify reports, opinion pieces, and expert advice on the MMIWG inquiry that appeared in traditional media—newspapers, radio and television reports in textual form, submissions from advocacy organizations, legal and scholarly articles, and MMIWG Inquiry documents. These included approximately 115 items. (See Appendix A, B, and C for a detailed account of our data collection sources.)

Meta-generic commentary from social media included posts on Twitter, Facebook, and Instagram. The social media posts on Twitter were filtered manually, using the advanced search tool on twitter, for mentions of both "MMIWG" and "Inquiry." In total, 180 posts were deemed relevant. In a second stage, the search was reconducted within the advanced search engine for posts containing any one or combination of the following terms: MMIWG, MMIWG2S, reconciliation, inquiry, commission. We also searched for any posts with the following hashtags: #MMIW, #MMIWG, #MMIWG2s, #MMIWGInquiry, #NoMoreStolenSisters. On Facebook and Instagram, relevant posts were derived using the same hashtags and words as for Twitter. On Facebook, 68 posts were saved for further analysis, and on Instagram 22 posts were saved.

Relevant commentary included criticisms of and advice on the Inquiry (its mandate, process, and legal framework) and the Inquiry Commissioners' responses oriented to these criticisms. The goal has been to probe meta-genre for what it reveals about participants' motivations, understandings and expectations of the MMIWG Inquiry as a hybrid genre. In the next sections, we examine the Inquiry for evidence of genre hybridity, and present our analyses of meta-generic commentary.

Findings and Discussion

Tributary Genres of the MMIWG Inquiry: The Mandate and Key Reports

In this subsection we describe how key elements of the tributary genres of the TC hybrid inhabit the MMIWG Inquiry mandate, its *Interim Report* (IR)*,* and the Executive Summary (ES) of the Final

Report. The MMIWG mandate was preceded by pre-inquiry consultations with stakeholder groups, whose input attests to the breadth and multiple purposes of truth commissions, as Gready has described them. For example, the Native Women's Association of Canada (NWAC) *Pre-Inquiry Consultation Report* (May 2016) calls for the Inquiry to provide "counselling" and seek "closure" (as in some state inquiries), but also to go beyond counselling to provide "healing and justice," "recognition and memorialization" (as in state inquiries and official histories), and to "resolve past cases while examining the failures of police…through a human rights framework" (as in human rights reports) (pp. 11-12). The MMIWG *Summary* of pre-inquiry input (May 19, 2016), in turn, reflects this breadth with a number of different key goals consistent with the exigences of the hybrid TC genre:

> The inquiry will seek recommendations on concrete actions that governments, police, and others can take to solve these deaths and prevent future ones. The inquiry offers an important step towards reconciliation and building a nation-to-nation relationship based on a renewed sense of trust between the Government of Canada and Indigenous peoples of Canada. (p. 3)

The government's actual mandate to the Inquiry is a thinner version of this pre-inquiry input. It reflects a statist agenda consistent with a state inquiry, but also incorporates an aspirational reconciliation component that reflects an official history. The specific mandate is to investigate:

- Systemic causes of all forms of violence—including sexual violence—against Indigenous women and girls in Canada…; and
- Institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada…;

And to make recommendations on:

- Concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada; and
- Ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada. (TOR, *The MMIWG Inquiry Interim Report,* 2016)

Like most TC mandates, the terms of reference (TOR) explicitly direct the Commissioners "to promote and advance reconciliation" (TOR, 2016). The mandate also sets two important historical, legal limitations on inquiries: individual police cases are not to be investigated and, as stipulated in the Public Inquiries Act, the commission is advisory only.

Both the IR (2017) and the ES of the Final Report (2019) are consistent with the broader and more progressive goals of pre-inquiry input, reflecting the hybrid nature of the TC. The IR has elements of the three tributary genres: a strong reconciliation and ceremonial component that align it with the

aspiration of "thick" reconciliation in the official history genre, assertions defending the necessity of the legal framework as in the state inquiry genre, and declarations that it has taken a "human-rights" approach. The ES report also includes salient elements of the three hybrid components:

- the human rights report: it finds the government guilty of illegal human rights violations and advocates a nation-to-nation relationship, as afforded under UNDRIP (United Nations Declaration on the Rights of Indigenous People);
- the state inquiry: it retains the legal framework and the restriction to an "advisory" role; and
- the official history: it aspires to a "thick" version of reconciliation, to bridging the past and future and creating trust.

Meta-Genre Commentary on the MMIWG Inquiry

Meta-generic commentary on the MMIWG Inquiry falls into five main categories or themes. By far, the most dominant theme is criticism of the Inquiry for its "recolonizing" legal framework. The other four recurrent themes are the perception that the Inquiry should be a criminal investigation, criticism of the Inquiry for its restriction to an "advisory" role only, calls for the inquiry to have a human rights framework, and the expectation that the inquiry is to facilitate meaningful reconciliation. These themes are based on participants' construals of the Inquiry genre, each construal reflecting one or more of the TC hybrid's divergent exigences and goals.

The Inquiry as a Statist Recolonizing Process

The dominant theme among stakeholders in the Inquiry issues from resistance to the legal framework of the Inquiry. A number of legal and academic sources have analyzed the constraints of the genre's legal framework and its colonial past (Des Rosiers, 2016; Walsh, 2017; Tachino, 2012; Bennet, Eby, Govender, and Pacey, 2012; Collard, 2015). Many critics have pointed to the powerful influence of its legal antecedent genre (Jamieson, 1975), the courtroom trial, which was used as a basis for developing the new genre of the public inquiry. Attendant official guidelines on the inquiry process are devoted largely to legal processes of witness statement-taking and fact-finding. In his study of the Sophonow Inquiry, Tachino (2012) points out that "the commissioners and the counsels ordinarily live in the world of case laws…Therefore, it should not surprise us if these actors behaved in a similar manner, using trials as…an antecedent genre and reenacting it in the public inquiry" (p. 466). Often the head commissioner will be a judge who "know[s] how to preside over hearings, and

[is] familiar with rules of evidence and procedure" (Gomery, 2006, p. 786). This structure is a product of Canadian and British colonial law. As a result, public hearings have "a gatekeeping function" that "limits the uptake of knowledge that is generated outside the judicial system" and that is facilitated by the "formal structure" of hearings, which "places legal professionals in the centre (as commissioner and commission counsels) and outsiders…in the periphery" (Tachino, pp. 463-464).

Studies of the failed Vancouver Missing Women Commission of Inquiry (MWCI, 2012) analyze the mis-steps of that Inquiry's legal process and clearly anticipate application to the MMIWG Inquiry. For example, in their analysis of the MWCI, Bennett et al. (2012) emphasize the need for "the participation of marginalized groups" (p. 6) through genuine collaboration in developing the terms of reference and a central role in truth-telling practices. They also insist that public inquiries can "develop rules of procedure that are targeted at both functions" of "truth seeking and reconciliation" (pp. 13-14). Collard (2015) analyzes the specific ways the procedural structure of truth-telling and documentation essentially erased the stories and presence of Indigenous women and girls in the MWCI so that the process "all but arrested its reconciliation function" (p. 791). Collard echoes Bennett et al., as well as recommendations in Canada's TRC (CA TRC) Final Report: such future inquiries should focus on "moments where power might start to shift": "by setting terms of reference through consultation with participant groups; by acknowledging and illuminating…the links between colonialism and ongoing race and gender violence" [and] "by conducting the inquiry in a more welcoming place" (p. 792). In one extended analysis of the MMIWG Inquiry, Walsh (2017) reports Indigenous concerns that "the Commissioners have chosen to take a legalistic approach … by utilizing formalized hearings" (p. 8). From an article in *Indian Country Today* she cites critics who have "charged these community hearings with upholding the 'status quo colonial model' of hearing processes," for example requiring participants to be 'sworn in prior to speaking'" (Pember, 2017, cited in Walsh, 2017, p. 8). She states that Indigenous organizations have repeatedly called for an Inquiry that "relies more heavily on Indigenous protocols and laws rather than formal public testimonies'" (p. 8). Windsor (2015) cautions against using the Inquiry genre at all because "such a mechanism [would] reinforce the power and legitimacy of the settler state" and reproduce "the conditions under which the phenomenon of MMIW is possible" (p. 10). Some commentary from advocacy groups critiquing the colonial power structure of the Inquiry calls for "a nation-to-nation" relationship:

In order to avoid the replication of colonial values in the implementation of the Inquiry's recommendations, all accountability mechanisms must be…agreed upon a nation to nation basis. (West Coast Leaf, Dec. 14/18).

Commentary from activists issues from a more proximal consciousness of past oppression that is ongoing in the present context of the MMIWG Inquiry's legal process. In its second report card on the Inquiry (April, 2017), the Native Women's Association of Canada critiques it for its "focus on gathering research and data…that is contrary to NWAC's understanding…that the inquiry is not intended to be a legal process'" (p. 6). Other activist commentary is more forceful in its criticism of the legal process:

When will our people learn trying to fight back within a colonial structure is not a solution & is a recipe for disaster. #MMIWGInquiry #AFN (Twitter, June 10/18)

We need to move away from colonial influence in our thinking. To ask the collective perpetrators of harm to our people does us no good… (Twitter, March/18)

Commissioner Poitras, who stepped down from the Inquiry, reported that she "worries the inquiry is following a 'status quo, colonial model,' calling it a 'tried road' that has repeatedly failed" (Macdonald & Campbell, *Macleans,* Sept. 13/17).

The remaining Commissioners responded in the media and on the Inquiry website to defend the Inquiry's approach as a necessary balance between Canadian and Indigenous law:

This is not meant to be an Inquiry like all the others. We don't want this to be about a bunch of lawyers cross-examining and taking the show away from the people…We want this to be a delawyered process as much as possible. (Susan Vella, Lead Commission Counsel, National Inquiry minutes, Jan. 26/17)

Eyolfson [a Commissioner] says it incorporates Indigenous ceremony, legal principles and cultural values…"we have to, to a certain extent, abide by that Canadian legal framework." (*Macleans,* Sept. 13/17).

…without a legal framework the inquiry could not function, as certain judicial tools are necessary to facilitate a 'robust, independent and neutral' investigation…employing judicial tools and respecting traditional laws are not mutually exclusive practices (FAQs, MMIWG website, p. 8)

The IR (Nov. 1/17) also became an opportunity for the Commission to address these criticisms of the Inquiry; legal experts cite this as an important function of inquiry interim reports—to make ameliorating "anticipatory moves" (Bessner, 2017b, p. 422). Meta-genre thus also becomes part of the report, a feature of genre that can create a self-reflexive space (Burgess, 2009, p. 212). The

following examples show the Commission orienting indirectly to criticisms through expressions of conciliation:

> We acknowledge and honour all Indigenous women and girls/LGBTQ2S/family members/partners (x4)
>
> We are humbled by your courage…
>
> We will work hard to prove worthy of your trust ("Message from the Commissioners," p.1)

The Commissioners also recast criticisms as declarations that the Inquiry is taking an approach that includes Indigenous knowledge, practices, and law, or as concessions to the constraints of the Inquiry's legal framework:

> Our research is rooted in Indigenous methodology. It's governed by traditional laws and ethics that affirm the resistance and resurgence of Indigenous women and girls, including LGBTQ2S people. (p. 5)
>
> As an Inquiry, we are committed not only to producing a decolonizing end product, but to being a decolonizing process *in itself.* Because of this, we must be informed by the collective truth of families' and survivors' stories,… and grounded in Indigenous legal traditions…It isn't easy to decolonize as we go. We know there's more work to do, and we will continue to deepen this approach as we move forward. (p. 22)

Where elements of the legal framework are mentioned ("truth-finding," "courtroom," "cross-examination"), the Commissioners substitute a traditional Indigenous practice for a standard legal practice:

> By reframing our process as a "truth-gathering" rather than a "truth-finding" one, we have been able to create many different opportunities for people to share their experience. (p. 58)
>
> …Participants will sit in a circle, with Commissioners on one side of the circle, facing family members, and with no table or barriers between them. This set-up is significantly different to the one used in a Western courtroom. (p. 59).
>
> There is no cross-examination…as there would be in other public inquiries or in a courtroom. (p. 60).

Where the legal framework is asserted or defended, it is often accompanied by the ameliorating incorporation of Indigenous practices:

> A public inquiry, as defined by Canadian law, must operate within certain limits…This is one of our biggest challenges, and it will persist throughout the life of the National Inquiry…we must continue to learn about and centre Indigenous laws, principles, and traditions while balancing the

legal requirements of the Canadian legal system. (Subsection: "The Challenge of Doing Things Differently," pp. 74-75)

In the ES of the final report, the commissioners also respond to criticisms of the process. However, instead of validations or defenses of the legal process, they focus on shortcomings in the process of gathering testimony, for which they blame the government. As Liebman (2017) notes, unlike the "detailed chapters and appendices" of the final report intended for legal experts, the Executive Summary "includes the consolidated recommendations," "is read by everyone who is interested in the report," and particularly targets "journalists" (pp. 387-388). Clearly with the media and the general public in mind, the Commissioners acknowledge shortcomings but blame the government for its refusal to extend the Inquiry by two years and for its insistence on other time-consuming governmental procedural rules:

> …hearing from all who wanted to be heard in a trauma-informed way was also hampered by many of the restrictions under which we operated, as the National Inquiry, including the federal government's rules and procedures, which are not designed for public inquiries, and overall lack of time. Though we tried to address these through several procedural recommendations in our *Interim Report,* as well as by requesting a two-year extension to our mandate in early 2018, which was denied, we acknowledge that we could not reach everyone. (p. 8)

The Inquiry as a Criminal Investigation

Given both the legal framework and the human rights approach of the Inquiry, understandings of the function of public inquiries among the lay public often include the assumption that inquiries can operate like trials or courts and prosecute individuals. Gomeroy (2006), who headed the Inquiry into the Sponsorship Program and Advertising Activities, describes the pressure he felt from the public to prosecute individuals:

> …we got a tremendous amount of feedback from individual members of the public and the general theme was 'when are you going to stop listening to witnesses and start putting people in jail.'…. I guess the confusion is inevitable and all that…I can do…is to keep on emphasizing that my reports are not judgements. (pp. 796-797)

Similar tension between the genre's definition and expectations of some participants attends the MMIWG Inquiry. Such demands for criminal charges are widespread among survivors and family members, leaving many frustrated with the constraints of the inquiry, for example:

> The obvious questions to ask are: Has the @MMIWG Inquiry provided any insight at all into why so many Indigenous women and girls are being murdered and going missing? No. Has the @MMIWG Inquiry brought any murderers to justice? No. Has the @MMIWG Inquiry proposed a solution? No. (Twitter May 9/18).

> You promised a forensic file review and no details ever came. (Aboriginal Peoples Television Network [APTN] News, quoting a lawyer representing families, Dec. 12/18)

There is also ongoing demand to investigate police misconduct, despite the Inquiry's mandate to report only on "systemic" causes of violence against Indigenous 2SLGBTQQIA people:

> This is also why the Inquiry into MMIWG fell short right from the beginning. Failing to investigate police across the country undermined everything Indigenous women and girls had been saying for decades. (Twitter, Dec. 12/18)

In response to Indigenous groups' demands for the inquiry to re-examine specific cases, in the IR the Commissioners recommended the creation of "a national police task force to which the National Inquiry could refer families and survivors to assess or reopen cases or review investigations" (p. 81). Anticipating the final report, advocates have kept up the pressure for action on this recommendation:

> We are concerned that some of the recommendations in the National Inquiry' interim report published a year ago remain unimplemented, including the recommendation to launch a national task force to review and reopen cases of missing and murdered Indigenous women, girls, and two-spirit people. This inaction cannot be repeated when the National Inquiry's final report is released next month. (32 signatories of organizations and individuals from across Canada, letter to Minister Bennett, May 3, 2019).

In the ES (June 2019), the Commissioners again proposed a task force to do specific investigations:

> We call upon all levels of government and all police services for the establishment of a national task force, comprised of…investigators, to review and, if required, to reinvestigate each case of all unresolved files of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people from across Canada. (pp. 78-79)

The Inquiry as Advisory/Non-Binding

Some members of the public have the expectation that an inquiry's recommendations are to be implemented by the government, an expectation that can result in outcries from victim groups when recommendations are not implemented. These assumptions seem to derive from the paradox that inquiries "are vehicles by which the government can be criticized for poor decisions, substandard

policies, or improper conduct" (Bessner, 2017a, p. 16), yet inquiries can only make recommendations, "which the government can implement, wholly or in part, or simply ignore" (p. 10). As a result, not surprisingly, "public inquiries, as well as the governments that created them, have been subject to criticism when the recommendations put forth in the public inquiry report fail to be implemented, are ignored, and simply 'gather dust on the shelf'" (Bessner, 2017b, p. 403). The concept of intermediary genre (Tachino, 2012) helps explain such stakeholder orientations to the Inquiry. The public inquiry has a potentially important intermediary genre function (perhaps its "secondary" function)—"to connect and mobilize two otherwise unconnected genres to make uptake possible" (p. 456). As such, Inquiry participants expect or hope it facilitates uptake from an affected community by the government into a public inquiry and then into policies or statutes. However, in the deployment of any genre, uptake from one genre is never guaranteed and can be refused or "blocked" (Freadman, 2002, p. 44). In other words, while a frequent perception is that the public inquiry's primary function is to be an intermediary genre, the Inquiry genre affords the refusal of uptake because it is advisory and can only make recommendations.

In their analysis of 50 reports addressing "the blight of violence against Indigenous women in Canada," Feinstein and Pearce (2014) found 700 recommendations, of which "few recommendations have been implemented" (pp. 1, 3). Two years later Palmater (2016) writes: "Numerous national inquiries, commissions, and investigations have all concluded that every level of the justice system has failed Indigenous peoples…Yet despite the evidence, little has been done in Canada to act on the recommendations" (pp. 253-254). Significantly, the MMIWG Inquiry's mandate required the review of past inquiries: their analysis of 98 inquiries yielded "1,200 recommendations addressing the disproportionate rates of violence against indigenous women in Canada" (IR, 2017, p. 32).

As the Inquiry approached its deadline, advocates persisted in pressing the Commissioners and government to act on the Inquiry's recommendations:

> The Inquiry's recommendations are non-binding; their implementation is dependent on the creation and mobilization of political will and joint leadership…the persuasiveness of the recommendations will now be the most important measure of the Inquiry's success…we urge the Commissioners to *be specific and action-oriented* in the recommendations [Action Plans for each jurisdiction and a watchdog] (West Coast Leaf, Dec. 14/18).

And, after the submission of the final report on June 1, 2019, an editorial by Cindy Blackstock, First Nations activist and Executive Director of First Nations Child and Family Caring Society of Canada, laments the lack of action on the Inquiry's recommendations (its "Calls for Justice"):

> Tina's only hope for justice is us. Will we honour her death by implementing the recommendations arising from the report into her death and the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls to Justice? Sadly, based on the response thus far, the answer is not encouraging…Will Canada continue to fail Indigenous women and girls such as Tina Fontaine at every step? Only if we, the people, allow governments to fall into the old pattern of accepting recommendations and then failing to implement them. (C. Blackstock, "Will Canada continue to fail Indigenous girls?," Globe and Mail, June 6/19)

During the Inquiry process and upon its submission, Commissioners have responded directly to pressure from Indigenous organizations:

> "*You've kept our feet to the fire.*" (Commissioner Robinson's response to the Manitoba MMIWG Coalition, BCB News, Dec. 10, 2018)

And they have pointed to international agreements Canada has signed onto to pressure the government to implement their recommendations:

> These aren't recommendations or suggestions or options. They are more than that…Canada has signed on to several international UN documents, treaties, instruments, to say that they will uphold Indigenous and Human Rights. So it's beginning to look like Canada is in conflict with what they sign on to and what they do. (Marion Buller, Head Commissioner, CBC, Apr. 23, 2018)

As the first anniversary of the report's submission loomed, Commissioner Buller roundly criticized the federal government for its inaction:

> Former chief commissioner Marion Buller said governments had ample time to get the work done by the promised date. "Using COVID-19 as an excuse for delaying a national action plan—to me— is really like saying, well, the dog ate my homework," Buller said…("Ottawa delays release of national action plan on missing and murdered Indigenous women," CBC, May 26/27, 2020)

And with that anniversary, Commissioners and activists have both decried the inaction of the government on the Inquiry's recommendations:

> Due to the one year of inaction…. We call on Canada to move past fear and in partnership with Indigenous women, girls and 2S people, engage an international and impartial organization to mediate and oversee the implementation of the Calls for Justice. (Commissioners' Statement marking the One-Year Anniversary of the Final Report, June, 3, 2020)

> …in the absence—a whole year later—of any federal National Action Plan as well as a general paucity of publicly available information, it is entirely unclear what the government concretely

> intends to do to ensure follow-up to the Final Report's Calls to Justice. (NWAC's Report Card on
> Government Follow-up, June 2020)

Inquiry as Human Rights Report

Commissioners early on had pledged a "human rights' approach to the Inquiry in response to numerous legal experts and activists who called for such an approach, for example:

> This article advocates for the Inquiry to engage a human rights based approach when analyzing the systemic causes of violence and making recommendations. Such an approach includes using international human rights norms...and principles...(Gunn, 2017, p. 92)

> It is hoped that such an investigation under the national inquiry will result in evidence-based analysis and recommendations...that are consistent with the human rights protections afforded Indigenous women and girls... (Palmater, 2016, p. 254).

In the last section of the ES, "Calls for Justice," the Commissioners orient to this expectation and to media uptake with emphatic reiterations of the culpability of the Canadian state in violating Indigenous rights, and with assertions of the Inquiry's human rights approach:

> As the evidence demonstrates, human rights and Indigenous rights abuses and violations committed and condoned by the Canadian state represent genocide against Indigenous women, girls, and 2SLGBTQQIA people. (p. 53)

> A fundamental premise...is that Indigenous women and girls should not be treated solely as victims but as independent human rights holders...A human rights-based approach would be a critical element in efforts to bring about a paradigm shift in Canada's relationship with Indigenous Peoples, particularly Indigenous women and girls. (paraphrasing the Canadian Human Rights Commission, p. 55)

Inquiry as Reconciliation

In analyses of TCs, as we have seen, reconciliation is seen as an over-riding imperative. For example, having found the SA TRC "reconciliation-lite," Gready asserts the need for TCs "to combine truth-telling with other initiatives seeking to ground reconciliation in everyday life, socio-economic improvement and hopes for the future rather than tragedies of the past" (p. 189). A typical formulation of the expectation of reconciliation comes from a well-known Indigenous academic and advocate, Nathalie Des Rosiers:

> …the MMIWGI's process must be grounded in strong reconciliation values that reflect an ethic of care that is responsive to families' needs, respects Indigenous laws, Nation-to-Nation dialogue, elders and traditional knowledge keepers (2016, p. 375)

Yet, despite the Commissioners' mandate and declared goal of reconciliation in both the IR and ES, as we have seen in some of the preceding meta-generic evidence, stakeholders have expressed their disappointment and anger with aspects of the Inquiry that impede reconciliation. During the lead up to the release of the IR, activist anger over the inquiry process erupted into accusations that the Inquiry itself was undermining any aspiration towards reconciliation:

> MMIWG commission was one of #LPC key election planks and it has devolved into a toxic shitshow. This is not #reconciliation." (Twitter, Oct 8/17)

> This is not an inquiry it is a joke. There are way too many playing politics for this to be reconciliation." (Twitter, Nov 17/17)

Advocacy groups also weighed in:

> Quoting the CA TRC, Principle 9: "Reconciliation requires political will, joint leadership, trust building, *accountability,* and transparency,…'Right now, there is an accountability deficit, particularly in regard to ending the…violence against Indigenous women' " (West Coast Leaf, Dec. 14/18)

Months after the final report, Indigenous activists continue to register their sense of thwarted reconciliation:

> I have come to believe most Canadians genuinely believe "reconciliation" with the Indigenous simple means full-on assimilation; convenience dressed up as compassionate-based policy. (#cdnpoli #Wetsuweten #Site C #Muskrat Falls #Oka #MMIWG #history (Feb. 8, 2020)

> It is clear from our analysis that the truth commission/inquiry genre reinforces the current, problematic framing of Indigenous/settler relations as one of ongoing colonization. As noted earlier, Gready finds that as "a set of tools designed to address the legacies of a troubled past," transitional justice "is a creature of compromise" and, "as such, truth commissions are its emblematic intervention" (p. 1). As a vehicle of "compromise," the inquiry is weighted in favour of the state, offering at best unsatisfactory "horse-trading" (Burke, 1962/69, p. 187), instead of forging a path towards transformative change.

Alternative Approaches to the TC Genre

Seeking ground for possible alternative approaches to the TC genre, we revisited the five themes of meta-genre that emerged from our analysis and found they may be more "reconcilable" if perceived as a cohesive "motivation cluster" (Burke, ROM, p. 188) with a corresponding "order of discourse." There is overlap among these motivations; they are not discrete and separate but, we suggest, all belong to a terministic screen (or "order of discourse") summed up by the overriding term, "decolonization." Drawing from the meta-genre commentary, we find the key eulogistic terms are "reconciliation," "self-determination," "justice," "Indigenous rights," "state-to-state relationship," and "Indigenous law." We find the key dyslogistic terms in the screen are "colonization," "racism," "settlers," "genocide," "police," and "violence." This eulogistic/dyslogistic distinction breaks down clearly along ethnic/cultural lines. Thus, reframing the indigenous/settler divide seems necessary, since, if the term and category of "settler" is continuous with racism, violence, and genocide, then any engagement with those genres and participants which can be identified by the term "settler" seems pointless. Gready gestures in this direction in his use of the word "compromise" to describe the TC genre, which seems here a dyslogistic term. This is the manifestation of the dominant and problematic framing of Indigenous/settler relations": it puts into question whether any genre, hybrid or otherwise, which non-indigenous peoples have any involvement in, can succeed. If the genre participants accept the above categorization, then it seems likely that the answer is no.

As Searle (2010) proposes, objects and people can perform certain "functions" only because there exists a "collectively recognized status" that the person or object has. Status functions and "conformity" to deontic powers depend on "collective intentionality"—cooperation, shared attitudes, desires, beliefs that drive institutional priorities and "facts." Deontic powers "are the glue that holds society together" (pp. 8-12) and are "the essence of political power" (p. 168). Searle adds that, "[p]rovided there is a set of shared background norms, anybody can exercise power over anybody else" (p. 157). He asserts, "[a]s long as there is collective recognition or acceptance of the institutional facts, and mutual benefits, deontic powers prevail" (pp. 105-106). Clearly, however, Indigenous advocates/activists are not satisfied that they reap sufficient benefits in a relationship of conformity with the state. This social glue is not holding.

How might this Indigenous/settler divide be reframed as a basis for an alternative to address the exigencies of this order of discourse? Following Searle, then, developing a "vocabulary" for understanding the ontology of collective social structures like states can help people frame both their

dissatisfaction and their imagined alternative worlds in language that can point toward pragmatic and realizable changes. If a collective of people wishes to "change a power imbalance for the future" (Des Rosiers, 2016, p. 392), then it's critical to understand how power is constructed and maintained within the institutions one wants to change. Reframing the issue would require a recalibrated and forged pool of shared "background presuppositions," practices (Searle, 168), and a vocabulary that would address both ongoing practices and effects of colonization and the struggle for decolonization.

In one view, "frame conflict" develops when "worlds of knowledge and interests collide with one another, and those who possess linguistic as well as institutional power invariably prevail" (Wodak, 1996, p. 2). To dismantle such apparently hegemonic views of power, Holland and Lave (2001) invoke a dialogic view of struggle, what they call "enduring struggle" versus static "ideological struggle" (p. 21). Enduring struggles "are themselves changed in practice" for cultural practices are always "undergoing transformation" (22). They are "moving struggles … not dead, done deals"—they involve "active engagement" of "relations in tension" (p. 23). Participants/stakeholders need to be committed and open to undergoing change themselves through dialogue and deliberation as a prerequisite to collaboration that would make dissent "generative." This seems to be what Tuhwai Smith (2012) calls for at a general and aspirational level. An Indigenous activist and academic, she counsels breaking the cycle of colonialism and forging a "language of possibility" as a way out of colonialism": she says "the cycle of colonialism is just that, a cycle with no end point, or emancipation…To imagine a different world is to imagine us as different people in the world. To imagine is to believe in different possibilities, ones that we can create. Decolonization must offer a language of possibility, a way out of colonialism" (p. 258). How can we shift from conceptions of a "language of possibility" and "imagining different worlds" and inclusive "discursive spaces" to actual institutions, powers, and genres that are more democratic and transformative? One approach is to see "struggle" and "tension" as desirable ends in themselves. Such engagement as "enduring struggle" would side-step trajectories towards the idealism of "final solutions" and "dead," "done deals," which, as a logic of perfection, are inherently unrealizable.

Although it seems there is no other viable entity for addressing the MMIWG challenge except for the state, this does not necessitate a traditional legal framework for an alternative approach. For example, there are activists and advocates willing to work within the state towards the goal of decolonization. Indigenous activist and academic, Simpson (2014), offers such a constructive reframing that posits a form of Indigenous "nested sovereignty" within the state's sovereignty. On the one hand, she argues that a politics of "refusal" of the "gifts of the state" (citizenship, voting,

paying taxes) (p. 7) can be deployed as a strategy for asserting Indigenous sovereignty. At the same time, she posits that "sovereignty may exist within sovereignty. One does not entirely negate the other, but they necessarily stand in terrific tension and pose serious jurisdictional and normative challenges to each other" (p. 10). She argues that "Indigenous sovereignties and Indigenous political orders prevail within and apart from settler governance" as a "form of 'nested sovereignty'" (p. 211). Such a reframing might be conducive to a cooperative approach that acknowledges the "relations in tension"—the "terrific tensions" between the two sovereignties—as a changing dynamic and "enduring struggle." The invocation of a "state-within-a-state" approach suggests the "collective recognition" of both Indigenous and non-Indigenous respective "institutional facts and mutual benefits" such that both sets of deontic powers could prevail. A shared consciousness of the acceptance of these deontic powers could attenuate the tensions and foster understanding of how each state's power operates to invite mutual benefits and conformity. For example, if Indigenous law is characterized by formalized deliberations (Borrows, 2010), it would involve its own conventional roles with their respective deontic functions and powers, to which its citizens would be willing to conform.

In the context of this study, an alternative approach consistent with a state-within-a-state framework, with its attendant "terrific tensions," might be to dismantle the conflated exigences of the tributaries of the TC hybrid, and reorganize them to be addressed by different discrete genres. For example, one possibility could be to choose two different genres and processes, one Indigenous and one non-Indigenous, as follows:

1. An Indigenous genre of deliberative law. A broad source of Indigenous legal tradition is formed through processes of persuasion, deliberation, council, and discussion (Borrows, 2010, p. 36). The deliberative nature of many Indigenous laws means that Indigenous law is not static—it is flexible and can be continuously updated to meet the needs of participants (Borrows, p. 37). Utilizing a genre of this form could address the key exigences of reconciliation, self-determination, equality, and anti-racist initiatives. Indigenous legal traditions are a part of Canada's pluralistic legal landscape and should be given the space to be revitalized in the current context. Deliberative processes vary widely across Indigenous peoples in Canada, although very frequently they involve formalized deliberations aimed at achieving unanimity. Some examples include the complex feast traditions of the West Coast (Regan 2007), the use of talking circles in response to violence within a community (Palys &

> Victor, 2017), and the contemporary use of traditional Haudenosaunee processes to promote consensus and aid decision-making in condolence ceremonies (Anker, 2016).
>
> 2. An investigative oversight tribunal enacting legal processes to re-open past cases, investigate police, lay charges, prosecute, and set out a program of police reform.

Conclusion

In this section, we return to the goals of our research and summarize our findings on meta-genre, hybridity, and social change with a focus on the genre dynamics of the MMIWG Inquiry. And, although we explore the genre system which the Inquiry inhabits for alternative affordances it may offer for advocacy strategy, we conclude that a more fitting response to the exigences of the MMIWG challenge may lie either outside this genre system or be inclusive of both Indigenous and non-Indigenous genres. However, we end our discussion with the statement that our position as settlers warrants deferring recommendations for alternative approaches to Indigenous stakeholders and decision-makers.

Our findings have shown that the genre concepts of meta-genre and hybridity help illuminate why the MMIWG Inquiry is so fraught and unsatisfactory for its key stakeholders, for both citizen advocates and Commissioners. Evidence of meta-generic dissent suggests that genre resistance in contexts of social change, such as transitional justice, is manifested as a potentially generative counter to a genre's power to oppress, which it reproduces with every instantiation. We suggest that, as a recurring and constitutive feature of genre, and, as an arena of negotiation over how genre is to be performed, meta-genre can function as a kind of oversight or monitor that, as an index of social change, inhabits genre as a response to its own inertia. The role of meta-genre in genre dynamics may be an indication of the reciprocity of context and form, and a productive contextual concept for rhetorical genre analysis. A genre is stable so long as the co-existence of the two is unproblematic, but widespread participant dissatisfaction signals troubles and tensions at the boundaries of genre where the patrolling function of official meta-genre over speaking rights and processes of justice are seriously challenged by those oppressed by the genre.

Such challenges to the MMIWG Inquiry as shown in the meta-generic commentary, primarily to the retention of its colonial legal framework, are consistent with our analysis of the Inquiry as a TC hybrid and our conclusion that the MMIWG Inquiry has been colonized by the state inquiry. As a statist inquiry and human rights report, it retains its historical, legal framework and the restriction to an advisory role, thereby reinforcing its sovereign and colonial power. Moreover, as an official

account aiming to reconcile settler violence with Indigenous rights, and the past with the future, it remains largely aspirational. As an instantiation of the TC hybrid genre, despite the Commissioners' progressive approach and ameliorating recommendations towards Indigenous-settler reconciliation and Indigenous self-determination, at the time of this writing, stakeholders' diverse expectations and the MMIWG Inquiry's colonizing, statist, legal framework and advisory role constrain the impetus for change, rendering the Inquiry "truth-lite" (Gready, p. 50) and low impact, and affording only "thin reconciliation." It certainly is not by itself the means to "*change a power imbalance for the future*" that Des Rosiers (2016, p. 392, emph. ours) and other activists advocate should be the Inquiry's function. Clearly, the co-existence of the context and form of the Inquiry is problematic and constitutes an impasse.

The Commissioners themselves can be seen to embody the tension between state and activist consciousnesses. On the one hand, they are symbolic of Canadian law and are bound by the law to work within the legal framework, and they must negotiate the current political climate and structures of the Crown and what the Commissioners themselves refer to as the "appalling apathy" of "Canadian society" (ES, p. 7). On the other hand, they have committed to pursue truth and justice, to engage in reconciliation, and to honour Indigenous self-determination and Indigenous law.

The hybridity of the TC genre not only affords the dominance of the legal framework, inducing opposing consciousnesses, but it also splinters its social force into multiple expansive exigences, each tributary exigence needing distinct and significant pragmatic force, even as they are all urgent and interdependent: justice, truth, reparation, reconciliation, and social stability and order. It is not surprising that, at the IR stage, commentary in mainstream media warned of the Inquiry's breadth and multiple purposes, expressing apprehension about its "enormous mandate" and critiquing it as a "terrible mash-up of two models":

> The breadth and scope of the mandate and objectives of the National Inquiry into Missing and Murdered Women and Girls represents a huge, bold commitment...Let us hope that the upcoming period of public activity will quell suspicions that the weight of the Inquiry's enormous mandate might be crushing. (Turnbull, "The MMIWG inquiry is not doomed to failure," *The Globe and Mail,* July 11/17, pp.2-3).

> The interim report...bear[s] little resemblance to any other inquiry report I've seen. It's title announces the inquiry's purpose in terms that are religious—indeed, virtually messianic...Beautiful words, and no doubt informed by a generous and well-intentioned spirit— but also completely alien to the project of neutral fact-finding that traditionally guides an inquiry.

> …What we have now isn't an inquiry at all…(Kay, "Current MMIWG Inquiry a terrible mash-up of
> two models," *National Post,* November 29/17, pp. 4-5)

Similar comments attended the submission of the Final Report, critiquing it as a "sprawling report" destined to be "mothballed" and lacking "focus":

> …instead the inquiry commissioners have produced a sprawling report that demands
> transformational change in all corners of Canadian society…it appears destined to join the
> growing bibliotheca of mothballed Indigenous reports. (J. Ivison, "Uncompromising nature of
> report may doom it," *National Post*, June 4/19)

> …unfortunately, the inquiry's report lacked focus…the report's big problem is that it went to too
> many places, from history to the law to abstract sociological constructs, a report of more than a
> thousand pages…The report didn't have the power of priorities. (C. Clark, The National Inquiry
> into MMIWG didn't have the strongest of priorities, but its purpose is still powerful, *Globe and
> Mail*, June 3/19)

These comments clearly reflect the "genre confusion" and "genre incoherence" that Gready attributes to the TC's hybridity and that, in effect, block satisfactory social action.

Yet, meta-generic commentary persists and reverberates throughout the MMIWG Inquiry genre system and its spheres of activity—governance, Indigenous activism, mainstream media, legal advocacy--such that veteran users of genres in this system—lawyers and Indigenous groups and their allies—hope to exploit its resources strategically for opportunities to forge alternative chains of intergeneric relations. Some stakeholders hope that a National Action Plan (NAP) will effect uptake into policy and action. This would realize the genre's intermediary function. The federal government has rhetorically supported creating such a national action plan:

> We will conduct a thorough review of this report, and we will develop and implement a National
> Action Plan to address violence against Indigenous women, girls, and LGBTQ and two-spirit
> people. (Justin Trudeau, Statement, June 3, 2019).

> Prime Minister Justin Trudeau reiterated that work to create such a plan is more important than
> it "has ever been." "We will continue to work very hard on that national action plan coming from
> the missing and murdered inquiry," Mr. Trudeau said. "This is a priority that continues and is even
> intensified because of this crisis." (K. Kirkup, "Advocates concerned about heightened
> vulnerability for Indigenous women during COVID-19," *Globe and Mail*, May 12, 2020)

Chief Commissioner Buller has appealed to those veteran participants, "activists, survivors, and family members," who are fluent in this genre system and strongly motivated to marshal the recommendations of the Inquiry toward uptake into a national action plan:

> [Buller said] "The prime minister has promised a national plan to address the issues raised in the report...There are activists, survivors and family members across Canada who are not going to allow the report to sit on a shelf gathering dust," [Buller] said (L. Kane, " 'Canada must know the truth before it can achieve reconciliation,' MMIWG inquiry's chief commissioner says," *Globe and Mail/The Canadian Press*, June 19/19)

While, as with other TCs, more robust responses of reparation and reconciliation may come later as political situations change, there is, however, no guarantee of uptake from NAPs either, and they have been critiqued in much the way that the TCs/public inquiries have been critiqued for failure to successfully implement recommendations. One expert, who has worked on a number of NAPs world-wide, reports they are often merely "a check-the-box exercise without any real commitment to implementation" and "[m]any NAPs don't build in the capacity to monitor implementation...and so don't achieve a high impact" (Miki Jacevic, "What Makes For an Effective WPS National Action Plan?", March 25, 2019).

In response to the findings of our analyses, we have tried to examine alternative approaches to the public inquiry/TC. However, as settlers, we believe that we are not in a position to advocate a specific alternative to the inquiry. We believe that survivors and family members are in the best position to take the initiative and then invite their allies to co-advocate for alternatives. Our scholarly work is an analysis of the Inquiry in terms of genre and power, a space we can occupy as allies with sensitivity and support towards Indigenous peoples. Yet it is a space where we must lead with humility and recognize the limitations of our position to speak on behalf of the community. If we are to be a part of a reconfigured relationship with Indigenous peoples, we must support them at the forefront and recognize we do not have "right" to occupy Indigenous space. Rather, we have an "obligation" to respect their self-determination and decision-making space.

Endnotes

1. Of course, the "fearless speech" of less powerful participants has serious risks, but activists in a democracy will exercise their speaking rights against the "rules of exclusion" of a dominant discourse or genre (Foucault).

Acknowledgments

Appendix A: Tally of Newspaper Articles

Globe and Mail (18 reports and 9 opinion pieces) 27 National Post (4 reports and 3 opinion pieces) 7

Macleans Magazine (2 in-depth reports) 2

Toronto Star (2 reports)

Prince George Citizen

NPR Blog (1 report)

The Guardian (Post Media) (1 report) 1

2 (1 report) 1 1

Tally of Radio and Television Reports in Textual Form

CBC 29

CTV 4

Global News 2

31

Appendix B: Advocacy Organizations

Aboriginal Peoples Television Network BC Civil Liberties Association

Native Women's Association of Canada Nunatsiaq News

Maple Leaf Web

Open Canada (Centre for International Innovation)

Quebec Native Women

Rights Coalition of Canadian Feminists Alliance for International Action, Canada Without Poverty and Dr. Pamela Palmater

The Coalition on Missing and Murdered Indigenous Women and Girls in B.C.

The Conversation (network of not-for-profit media outlets)

The Dominion (The Media Co-op)

United Nations Special Rapporteur on Violence Against Women

West Coast Leaf (Legal Education and Action Fund)

Windspeaker

Appendix C: Primary Documents

Newspaper Articles

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