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The Journal

On Politics is a peer-reviewed academic journal published by the University of Victoria Undergraduates of Political Science. It aims to encourage and facilitate undergraduate scholarship by providing students and recent graduates with a unique opportunity to have their work published in a formal medium. The editors of this journal are drawn from the undergraduate student body.

Submissions are welcomed from students during our call for papers each semester. On Politics strives to publish writing from a variety of theoretical perspectives, both intra- and interdisciplinary, with a particular focus in uplifting marginalized voices and to showcase emerging undergraduate scholars at the University of Victoria. Although published articles are typically found within the realm of political science, we welcome political work from all fields of study.

We especially encourage students from adjacent disciplines to submit, acknowledging the existence of a vast body of political work that crosses beyond the disciplinary boundaries of academia.

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A statement of solidarity and action on combating systemic racism from our undergraduate academic community

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September 3rd, 2020

  Academic spaces have historically been white-centered, patriarchal, and ableist. This bias continues to be reflected in the silence and tokenistic gestures of our academic institutions, and what they actually do to BIPOC bodies and the citizens of the Global South, their ways of knowing, and their cultures. The events of 2020 have uncovered the exploitation that underpins our society in ways that would be irresponsible for us to ignore. While we recognize the inherent limitations of academic spaces, we refuse to stay passive as voices are systemically silenced within our own system. We commit to using our influence as publishers of student work to privilege BIPOC perspectives. As we embark on this intentional anti-racist work on the unceded territories of the Lekwungen and WSÁNEĆ peoples, we commit to action as allies and conspirators in the fight against a deeply unequal status quo and to unlearning the harmful practices that we have internalized by living in these systems.

<div align="center">This year, we pledge to:</div>

– Reject literature submissions that can be weaponized against marginalized voices.
– Actively seek and promote BIPOC leadership within our own organizations.
– Hire and properly compensate BIPOC persons whenever possible in our work.
– Publish and encourage the production of papers with diverse perspectives from outside the Western canon and the colonial narratives of the status quo.

  We hope that this letter inspires and encourages diversity within our journals—not only in content and perspective but also in leadership. We ask you to walk with us and hold us accountable to the anti-racist and decolonial work to which we are committing.

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Simone Rutherford (she/her) Simone is a third-year Political Science student with a minor in Gender Studies. Her research interests include international affairs and feminist theories, particularly on how the axes of gender, race, and sexuality intersect to produce inequalities within power relations

Acknowledgements

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Foreword

Dear Reader,

Despite navigating these strange times coming out of the Covid-19 pandemic, we are excited to be able to introduce you to this delayed but much anticipated edition of *On Politics*. This edition is the product of countless hours of cumulative effort amongst two completely different generations of the *On Politics* editorial team, in addition to the volunteer readers from the University of Victoria, the Victoria Branch of the Canadian International Council, and of course–the five contributing authors.

This issue begins with a study on the Republic of Ireland's successful 2018 referendum to repeal the Eighth Constitutional Amendment restricting access to abortion. Anna-Elaine Rempel, Q Roxas, and Jenna Hrechka apply a historical institutionalist perspective to interpret their findings in the analysis of the dominant issues informing Irish public opinion towards abortion over time. In their study, they conduct a discursive analysis of newspaper publications from 1992 to 2018 and observe the shift in Irish public opinion towards liberalizing abortion and repealing the Eighth Amendment.

Megan Switzer examines hip hop culture as an agent of black expressionism and collective strength in the fight against systemic racism in America. Looking through a Saussurean linguistics lens, Switzer examines the function that hip hop culture serves in Spike Lee's film, *Do the Right Thing* while addressing the context of contemporary justice/injustice, and the longstanding presence of police brutality and violence against people of colour across the United States of America.

Emily Hiser draws on both anti-colonial theory and surveillance studies to critically examine the realities and implications of historical and ongoing settler colonial surveillance assemblages. With a focus on the paradoxical nature of settler state surveillance, Hiser argues that surveillance functions as a tool of the colonial project. Ultimately, unsettling the ways in which systems of surveillance, containment, and categorization have been, and are being, taken for granted and naturalized.

Climate change is an ever-pressing issue in our world. After years of international climate action gridlock and domestic target failures, a major part of addressing this issue is national emissions accountability. Emily Lowan addresses and examines a peer-reviewed case study of Canada's first emissions accountability legislation, Bill C-12. In the case study, Lowan analyzes the interests, institutions, and political context that enabled Bill C-12's passage, arguing that "while Bill C-12 was strengthened through the amendment process, the final legislation remained significantly weaker than the "gold standard" UK Climate Change Act (2008)".

This issue closes with Lena Price's examination of the neoliberalization of extractive and border infrastructures by the Canadian settler-state and its relationship to transnational extractive capital. Price argues that "the Canadian settler-state selectively securitizes pipeline and border infrastructures to facilitate the flow and accumulation of transnational extractive capital as a means of self-legitimation that relies on normative imaginings of a white Canadian nationhood". This relies upon racial capital that is ultimately constructed by white supremacy, colonialism, and hetero-patriarchy.

Lastly, this issue marks the retirement of our predecessors and the beginning of our time as the new co-Editor-in-Chiefs of the undergraduates of political science journal at the University of Victoria. The works within this issue were inherited from our predecessors and re-imagined by us. In the future, we hope to continue to explore a diverse mix of theoretical, national,

international, and comparative political viewpoints amidst this transnational world. We are excited for the opportunity to expand our content regarding international relations/affairs through the continuation of our partnership with the CIC. To quote our predecessors: the partnership between CIC Victoria and *On Politics* is "an important intergenerational link of knowledge building," one that we are excited to develop further in future issues.

     On Politics exists to provide political science undergraduate students at the University of Victoria an outlet for expressing matters of politics. We are grateful for the opportunity to work with On Politics and would like to thank everyone who has been involved in bringing this edition to life.

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Simone Rutherford and Anna Alva
Co-Editor-in-Chief's, Vol. 15
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Repealing the Eighth Amendment
A Historical Institutionalist Discursive Analysis

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Anna-Elaine Rempel, Q Roxas, and Jenna Hrechka

Abstract

This study analyzes the Republic of Ireland's successful 2018 referendum to repeal the Eighth Constitutional Amendment restricting access to abortion. Using a historical institutionalist perspective to interpret our findings, we analyze the dominant issues informing Irish public opinion towards abortion over time by conducting a discursive analysis of newspaper publications between 1992 and 2018. Our study concludes that the X Case and the death of Savita Halappanavar constitute critical policy junctures resulting in the development of new moral templates, which in turn shifted popular opinion towards liberalizing abortion, and ultimately led to the repeal of the Eighth Amendment.

Acknowledgements

Introduction

      The Republic of Ireland offers a compelling case study in the politics of abortion policy as the country remained an outlier amongst comparable cases until the 2018 referendum to repeal the Eighth Constitutional Amendment was passed. Pre-referendum, Ireland remained one of the only developed nations to restrict access to abortion to only severe cases where the life of the mother or birthing parent was at severe risk of death.[1] The 2018 referendum successfully passed to repeal the Eighth Amendment allowing access to abortion within Ireland. This paper explores how this liberalization in abortion politics came to be in Ireland, a European country with historically restrictive abortion laws influenced by the Catholic Church.

      Existing literature tends to emphasize either the decline of the influence of the Catholic Church in Ireland[2,3] or the death of Savita Halappanavar to explain the repeal of the Eighth Amendment.[4] Influenced by a historical institutionalist approach, we conduct a discursive analysis of newspaper articles over more than

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[1] See Appendix 1.

[2] See for example: Iga Kozlowska, Daniel Béland, and André Lecours. 2016. "Nationalism, Religion, and Abortion Policy in Four Catholic Societies." *Nations and Nationalism* 22, no. 4 (2016): 824-844, https://onlinelibrary-wiley-com.ezproxy.library.uvic.ca/doi/full/10.1111/nana.12157.

[3] See for example: Sydney Calkin and Monika Ewa Kaminsk, "Persistence and Change in Morality Policy: The Role of the Catholic Church in the Politics of Abortion in Ireland and Poland," *Feminist Review* 124, no. 1 (2020): 86-102, https://doi-org.ezproxy.library.uvic.ca/10.1177/0141778919894451.

[4] See for example: Orla McDonnell and Padraig Murphy, "Mediating Abortion Politics in Ireland: Media Framing of the Death of Savita Halappanavar," Critical Discourse Studies 16, no. 1 (2019): 1-20, https://doi-org.ezproxy.library.uvic.ca/10.1080/17405904.2018.1521858

26 years to highlight two critical junctures in the decade leading up to the repeal of the Eighth Amendment. We argue that to understand the change of abortion policy in Ireland, a qualitative analysis into the decades-long debates that preceded and followed each critical juncture related to abortion policy, such as the death of Dr. Savita Halappanavar and the *X Case*, is necessary to get a holistic understanding of why the Eighth Amendment was repealed. While most analyses focus on either the decline of the Catholic Church over time, or Halappanavar's death as the sole cause for the Eighth Amendment being repealed, we argue that the *X Case* and Halappanavar's death constitute critical junctures over the backdrop of the declining influence of the Church. The discourse around these critical junctures produced the core themes that came to shape Irish public opinion on abortion leading up the 2018 referendum. These themes are: mental health, the stances of elected officials, religion, women's rights, the perceptions of official campaigns around the 2018 referendum, and health care. Each core theme forms the foundation of a normative template upon which individual opinion is based, ultimately shifting the majority opinion towards liberalizing access to abortion.

Much of the academic literature focuses on connecting the role of the Catholic Church, and Catholic national identity and values to the public's opinions on abortion. Studies on the role of Catholicism and abortion policy suggest a strong correlation between strong Catholic national identity and restrictive abortion policy.[5] Following the 2018 referendum, Calkin and Kaminska[6] add to this argument by highlighting the correlation of the liberalization of

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[5] Kozlowska, Béland, and Lecours, "Nationalism, Religion, and Abortion Policy in Four Catholic Societies."
[6] Calkin and Kaminsk, "Persistence and Change in Morality Policy: The Role of the Catholic Church in the Politics of Abortion in Ireland and Poland."

abortion policies in Ireland with the declining role of the Catholic Church in Irish political culture. Statistical evidence further supports a strong correlation between religious practice and opinion on abortion policy.[7] The 2016 Irish Census illustrates that while Roman Catholicism remains the most prominent religion in the country at 78.3% of the population, this represents a decline of 5.9% since 2011.[8] During this same period, approximately 10% of the population identified as having no religious affiliation, or a 73.6% rise.[9]

While the role of the Catholic Church in shaping public opinion on abortion is evident, we maintain that these analyses do not pay sufficient attention to the role of the *X Case* and the death of Halappanavar. To better understand how public opinion shifted in favour of legal abortion over time, we employ a historical institutionalist lens to analyze the development of new policy paths created by the *X Case* and Halappanavar's death, exploring their influence over time through newspaper discourse analysis ranging from 1992 to the 2018 referendum.

This paper primarily discusses abortion in terms of the ways that cisgender women are affected by the institutions surrounding it. We recognize that reproductive rights are not only important to cisgender women, that many women are unable to become pregnant,

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[7] Michael Lipka, "Irish vote highlights widespread popular support for legal abortion in Western Europe," *Pew Research Centre*, May 28, 2018, https://www.pewresearch.org/fact-tank/2018/05/29/ireland-abortion-vote-reflects-western-europe-support/

[8] Faith Survey, "Measuring Religious Adherence in Ireland April 2016," Last modified May 2, 2022, https://faithsurvey.co.uk/irish-census.html.

[9] Faith Survey, "Measuring Religious Adherence in Ireland April 2016."

and that not all people who are able to get pregnant are women. Due to the nature of our study as a critical discourse analysis designed to ascertain changes in public opinion over time, we are reliant upon the ways that abortion is framed within the publications we analyzed. While it would certainly be important for future analyses to focus the implications of Irish abortion policies for those who are not cisgender women, it is outside of the scope of this study.

Background

Abortion was first made illegal in Ireland in 1861 under the *Offenses Against the Person Act,* which banned access to all forms of abortion, regardless of circumstances.[10] Throughout the 1960s and 1970s, concern around abortion mounted within Ireland as legal access to abortion was increasing in other countries. This included Britain passing the Abortion Act in 1967 and the U.S. Supreme Court passing the seminal Roe v. Wade decision that declared access to abortion protected under the U.S. Constitution.[11] Fears began to grow that a similar judicial case in Ireland could deem restricting access to abortion unconstitutional, leading to the formation of the Pro-Life Amendment Campaign (PLAC) in 1981. The group organized with the goal of including an explicit prohibition on abortion within the Constitution to protect against liberalization through legislation or judicial rulings.[12] Due to the joint efforts of the PLAC, the Catholic Church, and the Fianna Fáil party, the Eighth Amendment of the Constitution was passed by referendum in 1983 by 66.9% to 33.1%. Eighth Amendment is written as follows: "The

[10] Field, Luke, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," *Irish Political Studies* 33, no. 4 (2018): 609, https://doi-org.ezproxy.library.uvic.ca/10.1080/07907184.2018.1500461
[11] Field, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," 609.
[12] Field, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," 609.

State acknowledges the right to life of the unborn and, with due regard to the equal right to the life of the mother, guarantees in its laws to respect and, as far as practicable, by its laws to defend and vindicate that right."[13]

In 1992, the High Court granted an injunction to prevent a 14-year-old from accessing abortion abroad after being raped. In what became known as "The *X Case*," the girl, identified in court documents as X, successfully appealed the decision, applying the "equal right to the life of the mother" clause of the Eighth Amendment due to a risk of death by suicide.[14] In 2002, a referendum was put forward to revoke the findings of the *X Case* and remove risk of suicide as grounds for legally accessing abortion in the Republic of Ireland.[15] The referendum failed by a narrow margin of 50.42% against and 49.58% in favour.[16] In 2012, public attention to issues surrounding abortion in Ireland was significantly heightened following the death of Savita Halappanavar. Halappanavar died of sepsis at age 31 in hospital after being denied a medically necessary abortion, despite being in the process of a miscarriage, which posed an immediate threat to her life, because the fetus still had a heartbeat.[17] Mass public outcry and demonstration followed her death, leading to the passage of the *Protection of Life*

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[13] Field, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," 609-610.

[14] Field, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," 611.

[15] Irish Family Planning Association, "History of Abortion in Ireland."

[16] Irish Family Planning Association, "History of Abortion in Ireland."

[17] Kitty Holland, "How the death of Savita Halappanavar revolutionized Ireland," *Irish Times*, May 28, 2018, https://www.irishtimes.com/news/social-affairs/how-the-death-of-savita-halappanavar-revolutionised-ireland-1.3510387

During Pregnancy Act in 2013 to give legislative effect to the *X Case*. Between 2014 and 2017, international pressure for Ireland to further liberalize access to abortion began to mount as several branches of the United Nations and fifteen member states openly denounced Ireland's current legal framework.[18] In 2016, the Irish government committed to establishing a Citizens' Assembly to evaluate and develop recommendations on the Eighth Amendment.[19] In 2017, the Citizens' Assembly voted by 87% to recommend that the Eighth Amendment not be maintained as is, 56% to recommend that the Eighth Amendment either be entirely repealed or replaced, and 64% to recommend that access to abortion be made, legal regardless of reason.[20] In January of 2018, Cabinet gave approval for a referendum to be held on the future of the Eighth Amendment in May of 2018, which resulted in 66% voting "yes" to its repeal.[21] The referendum gave the Oireachtas the ability to legislate on abortion without Constitutional restriction, resulting in the passage of *The Health (Regulation of Termination of Preganancy) Act* of 2018, enabling access to abortion without restriction as to reason up to 12 weeks of gestation and additional provisions for cases of health and safety, and fetal abnormality.[22]

Theoretical Framework

Historical institutionalism developed in an interest to determine political outcomes and institutional and social factors

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[18] Irish Family Planning Association, "History of Abortion in Ireland."

[19] Irish Family Planning Association, "History of Abortion in Ireland."

[20] Irish Family Planning Association, "History of Abortion in Ireland."

[21] Irish Family Planning Association, "History of Abortion in Ireland."

[22] Irish Family Planning Association, "History of Abortion in Ireland."

leading to "distinct national trajectories," therefore, lending itself well as an analytical tool for comparative research and case studies.[23] To help explain these distinct trajectories, historical institutionalists conceptualize institutional development as creating policy paths that determine the range of options available to states to address various challenges as they arise.[24] As institutions are created and changed, they develop unique "policy legacies", making it difficult to pursue alternative paths once they have already been established.[25] Historical institutionalists therefore posit a "path dependency" approach to understanding historical change, rejecting the position that the same conditions will lead to the same outcomes under different circumstances.[26] As policy lines are drawn, significant policy change becomes more costly as individuals and societal forces develop identities surrounding particular policies and begin to organize around their continuation, amendment, or termination.[27] Significant policy changes are therefore not likely to occur suddenly, but will generally undergo incremental changes over longer periods of time. However, this characteristic of policy continuity is not believed to be universal. In cases where significantly culturally and politically disruptive events have occurred, more substantial policy change becomes politically viable.

[23] Peter Hall and Rosemary Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (1996): 938, https://doi-org.ezproxy.library.uvic.ca/10.1111/j.1467-9248.1996.tb00343.x..
[24] Hall and Taylor, "Political Science and the Three New Institutionalisms," 941.
[25] Hall and Taylor, "Political Science and the Three New Institutionalisms," 941.
[26] Hall and Taylor, "Political Science and the Three New Institutionalisms," 941.
[27] Hall and Taylor, "Political Science and the Three New Institutionalisms," 941.

These disruptions, known as "critical junctures," create new "branching points" wherein new policy paths are created.[28]

       Individual behaviour is conceptualized under historical institutionalism in broad terms, employing both calculative and cultural approaches to explain the persistence of institutions over time.[29] Calculative approaches account for the elements of human behaviour that assess the risks and rewards of various possible actions based on their assumptions of what others are likely to do in each given circumstance. According to this explanation, institutions primarily persist because they provide individual actors with a greater degree of certainty about the future behaviour of others, making the prospect of substantive changes unsettling.[30] Meanwhile, cultural explanations account for the ways that individuals behave according to their worldview, while "institutions provide moral or cognitive templates for interpretation and action," which strongly contribute to individuals' self-image and group identification.[31] While historical institutionalists maintain that strongly-held values are important additional factors in explaining behaviour,[32] we draw upon the normative institutionalist perspective that values can constitute institutions unto themselves within our analysis.[33] This approach is particularly relevant when considering the role of the

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[28] Hall and Taylor, "Political Science and the Three New Institutionalisms," 942.

[29] Hall and Taylor, "Political Science and the Three New Institutionalisms," 941.

[30] Hall and Taylor, "Political Science and the Three New Institutionalisms," 939.

[31] Hall and Taylor, "Political Science and the Three New Institutionalisms," 939.

[32] Hall and Taylor, "Political Science and the Three New Institutionalisms," 938.

[33] Vivian Lowndes, "Institutionalisms," In *Theory and Methods in Political Science*, 60. Palgrave Macmillan, 2010.

Catholic Church in Ireland in shaping individual and group moral values, and the drastic shift in public opinion away from the Catholic Church's position over time.

Access to abortion is maintained and constrained through a wide range of formal legal and informal social institutions across jurisdictions. In Ireland, these include the Eighth, Thirteenth, and Fourteenth Amendments, policies within individual hospitals that are informed by their interpretation of the relevant constitutional amendments, and the norms and values surrounding abortion that are held within the Irish polity, including religious teachings, perspectives on women's rights and wellbeing, beliefs around the rights of the unborn, liberal values of freedom of choice and bodily autonomy, and beliefs around access to physical and mental healthcare.

Methodology

To better understand the context of the abortion debates in Ireland and why the 2018 referendum led to the repeal of the Eighth Amendment, we used process tracing, allowing us to generate causal reasoning within our case study by breaking down the phenomena into a series of observations from 1992 to 2018.[34] This time period reflects the beginning of the *X Case* and the first referendum on abortion since the 1983 passage of the Eighth Amendment, allowing us to trace the major shifts in public opinion across the lifespan of the Eighth Amendment.[35]

We drew our data from popular media, and conducted a critical discourse analysis by using an interpretivist approach. We

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[34] Loleen Berdahl and Keith Archer. *Explorations: Conducting empirical research in Canadian political science* (3rd ed. Don Mills, Ontario: Oxford University Press, 2015), 145.
[35] See Appendix 2.

specifically used newspaper articles because readership in Ireland is particularly high, with 84% of the adult population regularly reading the newspaper.[36] As such, a representative sample of public discourse over time can be effectively examined through Irish newspapers. We examined the *Irish Times*, a reputable center-left newspaper that has been in print since 1859.

The discourse fragments we focused on were places in the text that showed how the issue of abortion was being framed in the media by different actors. Through this, we could pull out certain themes driving the abortion debates, which allowed us to identify the dominant norms and values circulating within Irish society.[37] The public's opinion is represented by the changing discourses within the text we analyzed. Influenced by the historical institutionalist definition of informal institutions, we define public opinion in this discursive analysis as the ongoing informal discourse represented within *Irish Times* news media.

To gather our data, we used the LexisNexis database, allowing us to look up news articles during certain periods of time using the search terms "Abortion" and "Ireland" in articles from the *Irish Times*. We sampled 20 articles from each period, examining 80 articles in total, based on the time constraints and our capacity to analyze articles. We used a random number generator to pick 20 numbers among the number of articles that were generated in each period and chose the corresponding articles in the database that were numbered and ordered from A-Z. Each sample produced a data set

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[36] News Brand Ireland, "84% of the Adult Population Regularly Read Newspapers," Last modified August 30, 2013, https://newsbrandsireland.ie/84-of-the-adult-population-regularly-read-newspapers/#:~:text=Almost%203%20million%20people%20in,2012%2F2013%2C%20released%20today.
[37] Berdahl and Archer, *Explorations*, 238.

that included regular news pieces, opinion pieces, features, and letters (sections where citizens can voice their opinions on topics).

To organize and analyze our data we conducted a three-step coding process. In the initial review of the articles, we open-coded to pull out the general themes and patterns of the data. Here, we summarized and organized each article into four categories: for abortion, against abortion, for abortion to a certain extent, and neutral articles that show both sides of the debate.[38] The objective of this second stage of coding was "to identify specific elements of more general sets of patterns" and to provide evidence to each theme.[39] This process was primarily inductive. The themes we identified were the topics that were being used most often within the abortion debates and were the independent variables of our study that we determined were influencing our dependent variable of Irish people's public opinions around abortion. The following are the dominant themes identified: mental health, politicians' stances, religion, women's rights, campaigns, and health care.[40]

During the third phase, based on the themes identified, we considered all the data in relation to one another and summarized our findings within each time period. This involved data cleaning to ensure that all the data appropriately corresponded to the assigned categories.[41] To ensure the precision of our research, we maintained inter-coder reliability.[42] To ensure that each researcher was coding in the same way, we first made clear categories to organize the data. We then coded our own datasets. Ongoing communication amongst the researchers was maintained during this process to explain our

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[38] See Appendix 3.

[39] Berdahl and Archer, *Explorations*, 250.

[40] See Appendix 4.

[41] Berdahl and Archer, *Explorations*, 251.

[42] Berdahl and Archer, *Explorations*, 380.

data organization processes to one another. This three-step coding process allowed us to immerse ourselves in the data and refine our understanding around the themes that were developed from the data.[43]

Discussion on our Findings

Debates during each period were focused on the important issues of the year regarding abortion. Each of these periods revealed themes that influenced the public's opinions on abortion. Beginning with religion as a theme, the Catholic Church strongly denounced abortion in the two early periods. Their arguments against abortion are tied to a sense of morality and wanting to protect the unborn, seeking to restrict abortion as significantly as possible. Following Halappanavar's death, however, we see the Church far less in the media as the conversation shifts more firmly toward women's healthcare. Leading up to the 2018 referendum, the Church continued to advocate for the life of the unborn, however, there is notably less coverage of religious figures denouncing abortion. Several articles point to concerns around people feeling alienated and victimized by the Church due to the many scandals of the past few decades. While our findings do highlight the waning influence of the Catholic Church on the abortion debate over time, the *X Case* and Halappanavar's death appear to have had a much more substantial influence on shifting public opinion towards liberalizing. Both the *X Case* and Halappanavar's death, therefore, constitute critical junctures in Irish abortion policy development, giving rise to new moral templates based on the dominant themes of discussion within our analysis.

Mental health was a theme that originally spurred from the *X Case*. The inclusion of suicidality as a valid reason for abortion was debated in each period we analyzed. Some suggested it was more

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[43] Berdahl and Archer, *Explorations*, 248.

practicable to save the life of the suicidal woman by providing access to abortion, while others argued there were alternative treatments to deal with such a patient. These discussions consistently led to the recognition that the state and society had to do more to prevent unwanted pregnancies and support women experiencing crisis pregnancies.

Healthcare was another theme discussed in each period, mainly concerning whether abortion should be allowed when there is a risk to a women's life. The discussion around women's health and abortion reached a peak after Halappanavar's tragic death. This situation revealed the limitations of healthcare in Ireland to properly address health crises such as Halappanavar's. The publicity around Halappanavar's death depicting it as a great tragedy was an important influence on the public's opinion on abortion leading to the repeal of the Eighth Amendment and the creation of a legal framework around reproductive health that allowed for abortion to be legalized within Ireland.[44]

Conversations around women's rights and abortion rights were present in every period where there was a referendum and were mostly pro-abortion, however, not all. In the 2001–2002 period some were outright against abortion but wanted the state to support women better, while others were supportive of abortion to a certain extent, such as in the early weeks post-partum and for additional medical reasons. The period immediately leading up to the 2018 referendum reflects a peak in the coverage of pro-choice discourse compared to other periods examined. Women spoke out about the right to have autonomy over their bodies, arguing that since Irish women were already having abortions abroad, they should be able to do so

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[44] McDonnell, Orla and Padraig Murphy. "Mediating Abortion Politics in Ireland: Media Framing of the Death of Savita Halappanavar."

domestically. Women's perspectives became more seriously considered as the years went on, suggesting that the acceptance and mainstreaming of feminist attitudes may have contributed to changes in public opinion on abortion.

Campaigns focusing on abortions were an important theme in each period. Pro-life campaigns were closely tied to religious arguments on abortion. The arguments made by pro-life campaigns almost always used an emotional appeal to influence Irish people's opinions. The pro-choice campaigns, which were mostly present in 2018, aimed to strategically disprove many of the pro-life campaign claims. Although pro-choice campaigns were not as prominent in our sample throughout the periods, their impact during the 2018 referendum on the public's opinion on abortion was significant. While the "Yes" campaign made effective use of emotive personal stories of individuals who had been negatively impacted by the Eighth Amendment, the "No" side failed to provide any meaningful responses to questions of crisis pregnancies and fetal abnormalities.[45] Claims by the "No" side that repealing the Eighth Amendment would lead to nearly unrestricted access to abortion up to six months of pregnancy were easily refuted and cost them critical support.[46]

Politicians speaking out on abortion issues was also a relevant theme, but this theme did not appear to have a substantial impact on Irish public opinion. Rather, politicians can actualize the demands of the public opinion on abortion, and consequently, their

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[45] Harry McGee,"How the Yes and No Sides Won and Lost the Abortion Referendum." *Irish Times*, May 26, 2018, https://www.irishtimes.com/news/politics/abortion-referendum/how-the-yes-and-no-sides-won-and-lost-the-abortion-referendum-1.3509924
[46] Harry McGee,"How the Yes and No Sides Won and Lost the Abortion Referendum."

impact creates endogenous change within Irish political institutions. For example, the scale of the abortion debate generally grew following the introduction of bills and referenda questions relating to abortion in the Taoiseachs (Irish Parliament).

One of the main reasons that abortion has been such a hot-button issue for almost 30 years is due to the referendums, and the discussion generated around them. These discussions have allowed Irish people to form their own distinct opinions on abortion through ongoing discourse and debate. This is a finding that we want to emphasize, because through these referendums Irish people can have a uniquely direct impact on the issues that are important to them. Irish people's opinions are not simply being manipulated or directly influenced by institutions like the Catholic Church. Rather, the Irish public also grapples with informal institutions on questions of abortion, such as public debate and discourse through the consumption and consideration of opinions presented to them from all sides within media and other aspects of their society. Such debate contributes to the development of new moral templates and the development of new value systems that focus on women's autonomy and well-being.

Limitations

While historical institutionalist analysis heavily focuses on these power imbalances, it does not incorporate a nuanced understanding of gender and how gender is socially and politically constructed; a gap that feminist institutionalism attempts to bridge.[47][48] Given the importance of gendered power dynamics

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[47] Hall and Taylor, "Political Science and the Three New Institutionalisms," 940.
[48] Jennifer Thomson, "Gendering Institutions and Devolution," In *Abortion Law and Political Institutions*, 19-50. Cham: Springer International Publishing, 2018, https://link-springer-com.ezproxy.library.uvic.ca/chapter/10.1007/978-3-319-96169-9_2.

surrounding abortion policy discourses,[49] applying a feminist institutionalist analysis in further studies may yield additional illuminating results. Furthermore, the effect of international trends toward liberalizing abortion policy in the 1960s and 1970s affected Irish public opinion, such as Britain passing the Abortion Act, 1967, and the U.S. Supreme Court ruling on *Roe v. Wade*,[50] but its influence is beyond the scope and timeline of our study. Lastly, the main limitation of our methodology was our sample size. There was a high degree of heterogeneity within the articles and each time period resulted in anywhere from 462–997 possible articles to sample from. This would call for a larger sample size to ensure representativeness and increase the confidence level in our data.[51] However, due to time constraints, we were only able to sample 20 articles from each period.

Conclusion

The Republic of Ireland offers a critical case study in the politics of abortion policy, not only because the country remained an outlier as one of the only developed nations to restrict access to abortion to only severe cases up until recently, but also because the Irish population has been so directly involved in the creation of legislation around abortion through frequent referenda. Our study confirms the hypothesis of past studies that suggest that the repeal of the Eighth Amendment was influenced by the decline of the Catholic Church. However, our study goes further in an attempt to promote a more holistic understanding of the political processes involved by applying a historical institutionalist lens to the case, thus highlighting the crucial role of the two critical junctures–the *X Case*

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[49] Jennifer Thomson, "Gendering Institutions and Devolution," In *Abortion Law and Political Institutions*.
[50] Field, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," 609.
[51] Berdahl and Archer, *Explorations*, 164.

and Halappanavar's death–in shaping public opinion. These junctures led to the introduction of referenda and bills that heightened the debate around abortion in Irish society. In turn, these events produced the themes that we argue influenced the public's opinion toward liberalizing abortion laws in Ireland. The themes resulted in the development of new moral templates and the development of new value systems that focus on women's autonomy and well-being, ultimately leading to the repeal of the Eighth Amendment and the creation of a legal framework around reproductive health that allowed abortion to be legalized within Ireland.

Appendix 1

Comparative Chart of Abortion Policies Amongst the Top 10
Strongest Democracies (2016/2017)

Table A1		
Country	**EIU Democracy Index Ranking (2016)**	**Guttmacher Institute Abortion Legality Category: 1-6 (2017)**
Norway	1	6
Iceland	2	5 (i, r, f)
Sweden	3	6 (spousal approval required)
New Zealand	4	4 (i, r, f)
Denmark	5	6
Canada	6	6
Ireland	7	2
Switzerland	8	6
Finland	9	5 (r, f)
Australia	10	6
		Mean (excluding Ireland): 5.556
		Mode: 6
Key: i: special considerations for cases involving incest.		

r: special considerations for cases involving rape.

f: special considerations for cases involving fetal abnormality.

Prior to the 2018 referendum, Ireland remained one of the only developed nations to restrict access to abortion to only severe cases where the life of the mother or birthing parent were at severe risk of death (Singh, et al., 2018).[52] In 2016, Ireland was ranked 7 of the top 10 strongest democracies globally by the Economist Intelligence Unit's (EIU) Democracy Index (Willige, 2017).[53] The Guttmacher Institute provides a global index of abortion laws, ranking countries on a 6-point legality category scale, with 1 signifying total restriction with no clear legal exceptions, through to 6 signifying "no restriction as to reason," with additional notations for specific gestational period and additional requirements, including additional access in cases of rape, incest and fetal abnormality (Singh, et al., 2018).[54] In 2017, of all developed nations, Ireland was the only country to receive a ranking of 2, only ahead of Andorra, Malta and San Marino (Singh, et al., 2018).[55]

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[52] Singh, Susheela, Lisa Remez, Gilda Sedgh, Lorraine Kwok and Tsuyoshi Onda. "Abortion Worldwide 2017: Uneven Progress and Unequal Access," New York: *Guttmacher Institute*, 2018. https://www.guttmacher.org/report/abortion-worldwide-2017

[53] Willige, Andrea. "Which are the world's strongest democracies?" World Economic Forum. Last modified February 23, 2017. https://www.weforum.org/agenda/2017/02/which-are-the-worlds-strongest-democracies/

[54] Singh, Remez, Sedgh, Kw

[55]

Methodology Appendix 2

The Context for Each Time Period

June 1st, 1992- June 1st, 1993: the year when the Supreme court ruled in the *X Case* that abortion was permissible to save the life of a suicidal person. This was followed by a referendum on three questions regarding abortion rules in Ireland. The two questions that passed were the freedom to travel, including allowing women to travel to seek abortions abroad, and the freedom of individuals to obtain information relating to services lawfully available in another state, indirectly referring to information on abortion services from other countries. The third question, which was defeated, sought to remove the risk of self-destruction as grounds for abortion.

April 1st, 2001- April 1st, 2002: another year with an abortion referendum. This referendum sought to introduce legislation into the constitution to permit abortion in cases of a threat to the life of a woman, but not in cases where there was a risk of suicide. This question was again defeated.

November 1st, 2012, Nov 1st, 2013: the year of Savita Halappanavar's death. Her death led to calls to change Ireland's abortion laws. During this period the Protection of Life During Pregnancy Act 2013 was proposed and passed.

December 31st, 2017- December 31st, 2018: the year of the referendum to repeal the Eighth Amendment which would allow for abortion to be made legal in certain circumstances. This passed and led to the Health (Regulation of Termination of Pregnancy) Act of 2018.

Appendix 3

Determining what was For, Against or For to a Certain Extent in Relation to Abortion

- **For abortion**: Signaled that they think abortion should be legalized or less restrictive
- **Against abortion**: Signaled that they think abortion should never be legalized
- **For abortion to a certain extent**: Signaled that they think abortion should be allowed in certain circumstances (for the health of the mother for example)
- **Neutral/showed both sides**: No signalling as to what stance the article took on abortion

This was important to ensure intercoder reliability.

Appendix 4

Themes Defined:

- **Mental health**: Referring to the discussion of suicidality and mental distress in the case of a crisis or unwanted pregnancy

- **Politicians' stances**: Referring to the position that politicians take on the abortion debate as shown through the media

- **Religion**: Referring to the mention or use of religion as an argument within the abortion debate

- **Women's rights**: Referring to the mention of women's issues or rights concerning the abortion debate

- **Campaigns**: Referring to either pro-life or pro-choice campaigns that attempt to influence the public's opinion on abortion

- **Health care**: Referring to the discussion of pregnant people's health during pregnancy and abortion when there is a risk to a women's life

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Here On We Love Radio:

Hip Hop Culture and Expressionism in Spike Lee's Do The Right Thing

Megan Switzer

Abstract

Hip hop is a cultural movement that advocates for the collective strength of marginalized communities amid urban despair. As a ballast of *Do the Right Thing,* hip hop culture grounds its various characters and events as expressions of the black American consciousness. An essential component of the film which this paper addresses in the context of contemporary justice is the murder of Radio Raheem, an unarmed and innocent black man strangled by police. Taking up the lens of Saussurean linguistics, this article examines the function of hip hop culture throughout the film which radio (both the device and the waves) represents, fighting systemic racism as an agent of black expressionism and collective strength.

Acknowledgements

For over four centuries, the Black community has withstood innumerable damages from systemic oppression, yet throughout this history of hate, the stronger force has always been the sense of unity and love generated from their fight for liberation. In the present era, the blow of systemic racism is delivered most acutely by the violent police forces and negligent justice systems responsible for the routine killing of innocent Black Americans. Advocacy for the victims of these murders takes form in many media and art practices, finding its modern champion in the sonic protest of hip-hop culture. As a genre, hip-hop originates from and directs public attention to Black nationalist identity, amplified by Spike Lee as a driving force in his film narratives on interracial conflict. Hip-hop's expressive vibrance and structural blend of influences have historically proven it to function as an "organic globalizer", facilitating positive change and a greater sense of cultural uprightness for subjects of institutional violence.[56] What drives Lee's narrative is the voice of love as it responds to a culture of marginalization, using hip-hop as a fulcrum for "social awareness, consciousness of one's identity, social enjoyment, and creativity" while also engaging it in a greater dialogue on issues of police violence to uplift and empower the voices of Black youth.[57]

With the above in mind, this paper will speak to Lee's film as it characterizes the ongoing struggle of the Black community, evoking through a slice of life the calamity of oppressed communities and the vitality music restores to their collective

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[56] Christopher Malone and George Martinez. "The Organic Globalizer: The Political Development of HipHop and the Prospects for Global Transformation" *New Political Science,* 531.

[57] Casarae Gibson, "Fight the Power: Hip Hop and Civil Unrest in Spike Lee's *Do the Right Thing*." *Black Camera*, vol. 8, no. 2, 2017, pp. 183.

resilience. In *Do the Right Thing,* released in 1989, the Bedford-Stuyvesant (Bed-Stuy) community stands as a microcosm of the marginalized experience—an allegory for modern America illustrated through the Brooklyn block—in which hatred is endured and combatted most viscerally by its Black residents. What the music of Lee's film demonstrates is the rise of hip-hop as a function of Black expressionism, speaking truth to power through a wave of anti-hegemonic music that builds up the pride of the Black community while also vocalizing their frustrations. By examining hip-hop as a site of both cultural pluralism and Black nationalism, this paper will argue that music finds symbolic expression in *Do the Right Thing,* functioning as an institutional force for marginalized groups to access greater political solidarity and democratic power. In Casarae Gibson's article on hip-hop and civil unrest in the film, she points to the pivotal scene where Mookie, the film's protagonist, incites a riot by throwing a garbage bin through the window of Sal's Famous Pizzeria in response to the death of Radio Raheem, who had been strangled by three white policemen that same night.[58] Mookie's action represents the same core of Black art which fights the powers of systemic racism, calling out and resisting the forces of white supremacy that perpetuate as homicides in the present age.

In understanding music as a political agent in *Do the Right Thing*, it pays well to first discuss the significance of hip-hop as a reflection of the Black experience. As a social and political phenomenon, "hip-hop is intrinsically connected to black culture and history in the United States", offering a life-affirming sense of the Black identity in the face of issues like gentrification, systemic poverty, and police violence.[59] Through elaborate audio texture, polyvocal storytelling, and a rhythmic tangle of rap, reggae, jazz, and blues, hip-hop "is a black idiom that prioritizes black culture and that

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[58] Gibson, 183.

[59] Malone and Martinez, 534

articulates the problem of black urban life".[60] Beyond formal composition, hip-hop also centralizes the Black perspective as it interacts with time, justice, and history. As Public Enemy's "Fight the Power" echoes from the boombox on Radio Raheem's shoulder, the lyrics assert a vital sense of pride in Blackness, stressing the art of Black love and solidarity against the hate long-afflicted by an inherently racist government and imperial culture.

As an art form, hip-hop is the central expressive vehicle for Black representation in America, and in *Do the Right Thing*, music and culture finds symbolic resonance through the vessel of the radio. Radio is the central expressive vehicle of the film, and is brought to life as a dual structure: the first being the individual device that plays music in real time and the second through the wavelengths that transport and propagate human communication across the atmosphere. In this discussion of radio, this paper approaches the role of hip-hop music from a structuralist perspective, using the linguistic model of *langue/parole* as a companionable form to the political condition Lee addresses through his characters. By examining music's form as both a device and a wave, the structuralist position identifies how hip-hop serves as a messenger of the Black consciousness, realized as twofold by Lee through the parallelism of Radio Raheem and DJ Love Daddy. Each represents a facet of Black expressionism that hip-hop encapsulates, both of whom this paper will return to as primary examples of Spike Lee's technique of narrative dualism.

What hip-hop advocates—and Public Enemy's "Fight the Power" represents—is the use of music as an agent of Black testimony and political action. Lee's use of radio addresses the

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[60] Tricia Rose. *Black Noise: Rap Music and Black Culture in Contemporary America,* 4.

cultural, political, and social condition of marginality as it overwhelms communities across the United States, and for several of the film's characters—most notably Radio Raheem—music is their "primary cultural, sonic, and linguistic window on the world"[61]. In her groundbreaking analysis of hip-hop culture, Tricia Rose notes that the genre finds its appeal in "precisely its musical and narrative commitment to black youth and cultural resistance," citing director Mike Davis in his description of hip-hop as "the fundamental matrix of self-expression for this whole generation".[7] Lee situates Bed-Stuy within this matrix, grounding the film as a call for collective organization and Black love against the ugliness of white supremacy.

Numerous characters in *Do the Right Thing* constitute expressions of the Black American consciousness, but in understanding the specific purpose of music in Lee's film, this paper will focus on the two figures explicitly linked to radio: the film's tragic hero Radio Raheem, and its narrator/DJ Mr. Señor Love Daddy (to whom this paper will hereon refer as LD). In Gibson's discussion of the film's music, she argues that the notorious Public Enemy track blasted through Radio Raheem's speakers functions throughout the film as "a social critique of mainstream America rejecting Black voices, particularly in the working class".[62] Although Radio Raheem's character has limited screen time, his narrative arc is the moral undertow of the film, exemplifying civil disobedience through his militant refusal to bow down to authority. A clarion ring of revolt sounds from the protest of "Fight the Power"; what the music represents is the flagrant disruption of a social order which consistently takes its hatred out on people of colour. By amplifying the sounds of the Black consciousness, Radio Raheem confronts the problems of systemic racism and institutional violence perpetrated

[61] Rose, 19. [7] Rose, 20
[62] Gibson, 191.

by Sal's Famous Pizzeria and the New York Police Department (NYPD). Through his performative intimidation factor, Raheem embodies "the "bad-man" literary figure in African American folkloric tradition" through which he "becomes a form of resistance to indoctrination by mainstream society". [63] As a bad-man, Radio Raheem is a moving metaphor for "pro-Black Nationalism", disrupting the order of BedStuy's white-owned institutions not to enact violence, but rather to promote resistance to the long-standing history of economic and social bondage of the Black community that the white institutions—most urgently its police organizations—represent.[64]

Through his critical demonstration of Black expressionism, Radio Raheem also represents the freedom of Black youth to assert their authenticity in their community; thus, Gibson argues, "turning down the music means repressing his ability to articulate Black America's dissatisfaction with their oppressor".[65] It is worth noting, however, that even as a badman figure, Radio Raheem's means of articulating his dissatisfaction are by no means violent or destructive. Through Lee's use of canted angles, Radio Raheem's intimidation factor is escalated not on the basis of his actual intentions, but of how he is stereotypically perceived by the people around him. Radio Raheem announces himself to the film audience with one word: "peace", and from the start, demonstrates respect and advocacy for his community—this is exemplified in the "Can't Stand the Heat" sequence when he passes through the crowd of his peers messing with the fire hydrant. As Cee, Ahmad, and Punchy open the fire hydrant, their jubilant misuse of the water is technically an act of vandalism, which he pointedly avoids. As he crosses the street, "Fight the Power" still blasting from his speakers, his friends cover the spray, letting him and his music pass through. In this subtle

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[63] Gibson, 194.

[64] Gibson, 195

[65] Gibson, 195.

difference, Radio Raheem exemplifies how acts of petty destruction like the tapping of the fire hydrant are not the same as hip-hop's initiative to dismantle systemic oppression, resisting the temptation to damage public property at the risk of damage it may cause to his radio. In the "Two Slices" sequence at Sal's Famous, Radio Raheem's assertion of the Black voice is visibly disruptive to Sal, but in this particular setting— an institution that refuses to acknowledge or pay any respect to the Black community from which it generates most of its revenue—disrupting this business is his very objective. At no point in the film does either Radio Raheem or his music incite violence or destruction of property; what "Fight the Power" represents is not a literal fight but an initiative toward Black dignity that promotes a better and more equitable future for communities like Bed-Stuy. While Radio Raheem's character is indeed a metaphor for Black expressionism in its immediate cultural moment, Lee balances this character with LD, who this paper will argue contrasts Radio Raheem by representing the greater propagation of Black art throughout history.

In order to illustrate the complexity of the marginalized experience in Bed-Stuy, Lee makes frequent use of doubles as a narrative structuring device. In his analysis of the formal dualism in *Do the Right Thing*, Robert K. Lightning studies two different types of doubles in Lee's film: those based in "dialectical oppositions"[66] characterized most prominently by Mookie and Sal, and those of obvious similarity who, according to Lightning, are exemplified foremost by Jade and Mother-Sister. In his explanation of the film's characters as "symbolic [. . .], each representing a possible political choice", Lightning's charting of the dualism in the film furthers this paper's argument that Bed-Stuy represents a microcosm of the marginalized experience.[13] However, his analysis of dualism as a

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[66] Robert K. Lightning: "The Formal Dualism of Spike Lee's *Do the Right Thing"* Cineaction, pp. 68. [13] Lightning, 69.

political framing device in the film is not entirely exhaustive, and seeks further application in the context of Radio Raheem and LD. Through Radio Raheem, Lee characterizes hip-hop music as the expressive vehicle of protest for Black youth, and through LD, Lee characterizes Black history as the foundation from which this modern expression is generated. In examining more closely the formal dualism of radio in Lee's film, this paper will further the contention that hip-hop represents the voice of Black youth just as it reaffirms the ancestral roots of protest well-established by the generations of Black art that came before.

Of the numerous differences Lee constructs between the radio doubles, one of the most visible distinctions is the contrast in their mobility. Radio Raheem is constantly in motion throughout the film. From the outset, his presence on the block is distinctly fluid: never settled nor seated, representing the spirit of Black nationalism as it pervades and interacts with its immediate cultural moment. Conversely, LD's presence remains static; he never leaves his booth, a function of communication across the space that channels the greater canon of Black history and excellence. Both radio figures pay clear tribute to Black art through their respective broadcasts. For LD, this tribute is most prominently made through his "roll call" segment, thanking a list of Black artists ranging everywhere from Run-DMC to Parliament-Funkadelic and Mary Lou Williams. In a similar vein, Radio Raheem declares his roll call through the intricate sampling and historical references compounded in "Fight the Power", delivering a similar message of solidarity via the tissue of citations by which hip-hop music ascribes itself.

Lightning's article on Lee's use of dualism suggests oppositions such as Marxist, psychoanalytic, and imperialist, and this paper will build on Lightning's theory by consulting interpretive

methods of structural linguistics.[67] By contrasting the fluid presence of contemporary Black expressionism with its static canonical counterpart, Lee demonstrates the dualism of radio as that of *langue*: the greater system of the Black consciousness which is personified by LD and FM108 WELOVE, and *parole*: the iteration of that cultural context in its immediate moment, represented by Radio Raheem and the music of Public Enemy. Applying this comparison, we return now to the earlier subcategorization of radio as represented by both the boombox and the waves; these two aspects of radio importantly represent how the Black identity is communicated and sustained. In Jonathan Culler's discussion of Saussure's isolation of *langue* from *parole*, he reinforces the claim this paper makes of radio as a structural binary; Culler argues that "the former is a system, an institution, a set of interpersonal rules and norms, while the latter comprises the actual manifestations of the system in speech and writing".[68] By manifesting the institution of pro-Black nationalism and empowerment established by We Love Radio, Radio Raheem represents the capacity for hip-hop culture to galvanize democratic solidarity among marginalized people in efforts against institutional violence and white supremacy.

As a structure, the dualism of radio is further explored in the film in the context of its materiality, exemplified in the moments before the riot as radio meets its tragic demise. After Sal finally succumbs to his internalized hate, smashing Raheem's radio to pieces in an eruption of racial slurs, he drops his weapon and seethes, "I just killed your fucking radio".[69] Here, the structure of *langue* and *parole* is reapplied to radio as a separation between music and its vessel; by "killing" radio, Sal cannot smash the radio waves out of

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[67] Lightning, 69

[68] Jonathan Culler. "The Linguistic Foundation" *Literary Theory: An Anthology* 135.

[69] Spike Lee. *Do the Right Thing*

existence, only the speaker through which they are presently transmitted. His act of senseless violence resolves nothing, as the agent of protest that he attempts to crush is only a supplementary material form for a vast cultural institution far beyond his clammy grip. Furthermore, the second killing of Radio enacted by Officer Long—played by Danny Aiello's son Rick Aiello, a character who Lightning argues functions as Sal's double— represents the same materiality of hip-hop's existence twice over. Just as Sal's killing tries and fails to silence the wider culture of Black expressionism, Officer Long's murder of Radio Raheem works to the same effect.[70] In its structural duality and parallelism to black expression, radio occupies the narrative "both like a skeleton and like a genetic code".[71] That this structural relationship is a critical indicator of Lee's message of Black love and solidarity is proven by the resounding echo of music throughout the streets even after the speakers are shattered. In Bed-Stuy, as in the prevailing experience of systemic racism, the stronger force emanates not from the swing of an iron bar against a boombox or the knee of a cop against an innocent man's throat, but instead through the waves of love and collective identity the Black community has brought to life by virtue of this constant struggle.

Although Radio Raheem was iced by the hands of hate, he lands still on his right arm: indicated by his brass knuckles as the side of love. As his final moment passes and the body is hastily swept away, the spirit of hip-hop is survived in the diegetic space through Smiley. In the final shot of the riot sequence—notably the only time he smiles at all—he pins his artwork of Dr. Martin Luther King and Malcolm X to Sal's half-incinerated wall, flames burning

[70] Lightning, 69

[71] Julie Rivkin and Michael Ryan. *"The Implied Order: Structuralism" Literary Theory: An Anthology,* pp. 131.

brightly behind him as "Fight the Power" plays on, no speaker in sight. Through the symbolic dual killing of Radio, Lee demonstrates both man and music as functions of "the principle of stability and coherence" in Black expressionist culture and "the principle of action that allows the culture to exist in time as a living thing".[72] Even as the body of the bad-man hits the floor, his song remains the same; such is the binary expression of hip-hop culture and the critical dualism at which Lee's film takes aim. However, in examining the death of Radio Raheem as a metaphor, this paper recognizes that greater care and consideration is owed to the events on screen as very literal conditions of white supremacy that still afflict marginalized peoples in the contemporary moment.

As the credits roll, *Do the Right Thing* dedicates itself "from the heart of Bed-Stuy" to the families of Eleanor Bumpurs, Michael Griffith, Arthur Miller Jr., Edmund Perry, Yvonne Smallwood, and Michael Stewart—all murdered at the hands of police in the 1980s.[73] In a 2017 review of the film, Brian Johnson notes that "it would not be a leap to add the names of Michael Brown of Ferguson, MO or Freddie Gray, Baltimore, MD; Tamir Rice, Cleveland, OH; Sandra Bland, Houston, TX; Walter Scott, Charleston, SC; or Eric Garner, Staten Island, NY (all Black citizens killed by the police in 2014–15) to the names on that list".[74] To this list, this paper seeks to add the names of Breonna Taylor, Stephon Clark, Ahmaud Arbery, and George Floyd as some of the most recent and notorious instances of police brutality against unarmed Black Americans since Johnsons' article was written. Today, Lee remains acutely involved in the 21st century fight against institutional violence through film and digital media, and recently released a short film on IGTV entitled *3*

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[72] Rivkin and Ryan, 131.

[73] Spike Lee: *Do the Right Thing.*

[74] Brian C. Johnson: "Baltimore 2015, Black Lives Matter and the Prescience of Spike Lee's *Do the Right Thing*" *Film International,* pp. 32.

Brothers—Radio Raheem, Eric Garner and George Floyd. Stitching together footage of the three police murders, all notably by suffocation, Lee's direct correlation between the three men puts a fine point on Radio Raheem's relevance in the present age of hate. The story of Radio Raheem is both a demonstration and a commentary on hip-hop culture as it fights the power of white supremacy, reiterating a discourse on race that resonates even more urgently in the current era.

      Justice for the victims of institutional hate crimes is beyond overdue; for most, it has been eschewed and swept under the age-old rug of white supremacy, maintaining the power that the music and spirit of Black culture fight to overcome. Since the death of George Floyd in May 2020 at the hands of Minneapolis cop Derek Chauvin––recently convicted and sentenced 22 years in prison for second- and third-degree murder—there has been a heightened sensitivity of the global community to the systemic root of these crimes. As public attention and pop culture continues to move in the direction of anti-racism, iterations of hip-hop culture such as Radio Raheem remind us to listen carefully and fight the power of hate as it continues to ravage and take innocent lives. Indeed, the triumphs and tragedies of Bed-Stuy serves as an avenue to address hate in America, bringing awareness to the sociopolitical landscape of Black lives to encourage greater political solidarity to marginalized communities. We cannot change what happened to Radio Raheem, nor the numberless other innocent people senselessly iced by the left hand of hate, but what we can do is ardently commit ourselves to the dignity and freedom of the Black community, fighting for justice, equity, and the destruction of evil through the promise that from here on, we love radio.

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Surveillance, Containment and the Establishment of Indian Reserves in "Canada"

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Emily Hiser

Abstract

Drawing on work done in anti-colonial theory and surveillance studies, this paper aims to examine the realities and implications of historical and ongoing settler colonial surveillance assemblages. I focus on the paradoxical nature of settler state surveillance to argue that surveillance is used as a tool of the colonial project with its goals of erasure and invisibilization of Indigenous people, while at the same time a racialized surveillance functions to render Indigenous people as hyper visible. My aim with this paper is to unsettle the ways in which systems of surveillance, containment, and categorization are often taken for granted or naturalized. I hope to foster critical dialogue and questions to carry these ideas further.

Acknowledgements

Introduction

  European colonization is undoubtedly a violent, ever-expanding network of systems, structures[75], and processes[76] that produce, maintain, and enforce multi-scalar[77] experiences of oppression.[78] This paper aims to examine the realities and implications of historical and ongoing settler colonial surveillance of Indigenous peoples and communities. Specifically, I will examine the establishment of Indigenous reserves as a system of colonial containment that was subject to state surveillance. Drawing on Haggerty and Ericson, I deploy an analytic of the 'surveillant assemblage' to explore the multiple ways in which reserves became sites of colonial surveillance. I argue that there is a paradoxical nature of settler state surveillance, in which surveillance is used as a tool in the colonial project of erasure and invisibilization of Indigenous peoples while making Indigenous people hyper visible subjects of a racialized surveillance. Echoing Foucault, I highlight that the surveillant assemblage as a disciplinary technology both relies upon and creates spaces of comparison.[79] Additionally, containment will be analyzed throughout as both a practice and an outcome of the surveillant assemblage because of its integral

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[75] Patrick Wolfe, *Settler colonialism and the transformation of anthropology: the politics and poetics of an ethnographic event* (Cassell, 1999). P. 163.

[76] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Palgrave Macmillan, 2010). Introduction.

[77] Keith D. Smith, *Liberalism, surveillance, and resistance: Indigenous communities in Western Canada, 1877-1927* (Edmonton, AB: AU Press, Athabasca University, 2009). P. 10.

[78] Evelyn Nakano Glenn, "Settler Colonialism as Structure: A Framework for Comparative Studies of U.S Race and Gender Formation," *Sociology of Race and Ethnicity* 1, no. 1 (2015).

[79] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2 ed. (Vintage Books, 1995).

relationship with strategies of discipline and disciplinary surveillance.

Given the vast expansion and processes of European colonialism, there are multiple coexisting "colonial project[s]."[80] For the scope of this paper, I am naming the colonial project in the settler colonial context of Indigenous land theft, dispossession,[81] and the materialization of white supremacist logic through capitalism, policing, and political suppression. Tuck and Yang name land theft as an essential tenet of settler colonialism, highlighting that the fabricated claims to ownership of stolen land are a "reaffirmation of what the settler project has been all along."[82] Settler colonialism requires land to settle on, which requires constructing justifications for such theft; as Monaghan and Crosby argue, this was attempted using a hybridized strategy of land dispossession as well as "attacks on identity, culture, and rights"[83] such as, but not limited to, the institutionalization of ableism, cis-heteronormativity, patriarchy, racialization, white supremacy, and capitalism. Such a hybridized, multi-scalar attack on Indigenous life and ways of being is what I refer to as 'the colonial project of erasure', namely the attempted removal of Indigenous peoples from both their land and their ways of life. The containment, policing, and surveillance of Indigenous

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[80] Zoë Laidlaw and Alan Lester, eds., *Indigenous communities and settler colonialism: land holding, loss, and survival in an interconnected world* (Palgrave Macmillan, 2015).

[81] Robert Nichols, *Theft is Property!: dispossession and critical theory* (2020). P. 86-115.

[82] Eve Tuck, "Decolonization is not a Metaphor," *Decolonization: Indigeneity, Education, & Society* 1, no. 1 (K. Wayne Yang).

[83] Andrew Crosby and Jeffrey Monaghan, "Project Sitka, Policing, and the Settler Colonial Present," in *Policing Indigenous Movements: Dissent and the Security State* (Fernwood Publishing, 2018).

peoples then, can be understood as tools of the colonial project of erasure.

The Legislated Assemblage

      The 1763 Royal Proclamation is a notable time stamp in the swift legalization of land appropriation and disenfranchisement. Institutionalizing the Crown's capacity to purchase what was designated "Indian" land, and thus forming the foundation of the numbered treaties, the Royal Proclamation laid the ground for the eventual *Gradual Civilization* (1857), and *Gradual Enfranchisement* (1869) Acts.[84] The *Gradual Civilization Act* was a legislated shift from the minimal degree of autonomy and self-governance allowed within the Proclamation, towards a scheme of absolute assimilation into colonial norms.[85] The *Gradual Enfranchisement Act* was implemented in reaction to Indigenous resistances to the assimilatory agenda of the previous *Act*. The *Enfranchisement Act* worked to undermine any historical or traditional political structures by legislating that Indigenous leadership structures would be elected by exclusively adult male voters, and granting the Governor the power to remove elected leaders for anything deemed immoral or dishonest.[86] In addition to the surveillance necessary to enforce both electoral guidelines and elected leadership behaviour, there is an observable institutionalization of "Indian" identity and classification, as well as related processes of sorting. Indigenous Political identity and cultural autonomy was even further disenfranchised by way of strengthening the colonial disciplinary process that came with the passage of the 1876 *Indian Act*. The *Indian Act* legislated the mandatory supervision of band council procedures by an Indian agent or other State representative, as well as the establishment of

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[84] Smith, *Liberalism, surveillance, and resistance: Indigenous communities in Western Canada, 1877-1927*. Pg. 45.
[85] Ibid, Smith.
[86] Ibid, Smith. Pg. 46.

the Indian Reserve Commission for the purpose of designating and officiating reserve lands.[87] Further, Danielle Taschereau Mamers discusses the ways in which the *Indian Act* served not only as a tool of classification, but as a definitional tool that constructs "a way of seeing," asserting that "classification systems and their categories connect social and political ideas with practical applications."[88]

Self-Location

I write and think as a white, queer, and neurodiverse settler. I was born and raised on the unceded lands of the ləkʷəŋiʔnəŋ and W̱SÁNEĆ peoples. I claim and am claimed by my biological family, of which my grandma and great-grandma were the first to settle in so-called Canada in 1955 from Britain. As well, I claim and am claimed by a wider chosen family, all who have unique intersecting relationships to land, place, and settler colonialism. Because the primary influence on my experience and thinking is whiteness, my intention with this project is to analyze the tools of the settler state as they are used in the ongoing settler-colonial project. I aim to draw attention to the intersecting systemic oppressions created and enforced by the settler colonial state. However, I will not try to explain the Indigenous lived experience of these systems when it is not mine to tell; nor will I use those experiences as points for discussion when they have not been shared with me for that purpose. I will work to position myself throughout this paper as a voice that is able to name and discuss the systems and networks of harm that exist as a direct result of European colonization, without claiming to speak to the direct experiences of such harms.

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[87] Ibid, Smith. Pg. 48.

[88] "Identifying "Indians": Racial Taxonomy as Settler Colonial Politics of Knowledge," (Essay), 2019, 2022, https://historyofknowledge.net/2019/05/22/racial-taxonomy-as-a-settler-colonial-politics-of-knowledge/.

Surveillant Assemblage

      This paper will engage with the understanding of 'surveillant assemblage' as outlined by Haggerty and Ericson, who define an assemblage as "a multiplicity heterogeneous objects, whose unity comes solely from the fact that these items…work together as a functional entity."[89] Building upon this, we can take a surveillant assemblage to be a multiplicity of processes, technologies, and institutions that can be taken and used for the purpose of surveillance. As noted by Haggerty and Ericson, a surveillant assemblage should not be conceptualized as a solidified structure with any sort of concrete boundaries, but rather that the surveillant assemblage "resides at the intersections of various media."[90]

      There is a lot of material that engages with both assemblage and apparatus theory; some work to create clear boundaries between the two (Agamben, 2009[91]; Foucault, 1980[92]; Deleuze, 1992[93]), while other authors intentionally blur these boundaries and draw attention to the interconnectedness of the two (Patton, 2000[94];

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[89] K. D. Haggerty and R. V. Ericson, "The surveillant assemblage," *British Journal of Sociology* 51, no. 4 (2000), https://doi.org/10.1080/00071310020015280, https://www.ncbi.nlm.nih.gov/pubmed/11140886.

[90] Ibid, Haggerty and Ericson.

[91] Giorgio Agamben, "What is an Apparatus?," in *"What is an Apparatus?" and Other Essays* (University of Stanford Press, 2009).

[92] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon (Pantheon Books, 1980).

[93] Gilles Deleuze, "Postscript on the Societies of Control," *October* 59 (1992).

[94] Paul Patton, *Deleuze and the Political* (Routledge, 2000).

Eriksson, 2005[95]). For the sake of this paper, it makes the most sense to limit the exploration of these arguments and pursue a working definition that fits the context of this project. I am choosing to work with the language of a surveillant assemblage instead of an apparatus of surveillance because I believe that this language works to highlight the boundless, undefined, ever-changing nature of surveillance practices. Stephen Legg reflects on Foucault's perception of an apparatus as a "thoroughly heterogeneous set of discourses, institutions, forms, regulations, laws, statements, or moral propositions," and that such "formations function in response to a specific urgency in a strategic manner."[96] Legg's working interpretation of apparatus theory could be understood to indicate that an apparatus is intentional or manufactured in its existence, in addition to its utilization as a response tool. Comparatively, as outlined earlier, assemblages exist at infinite intersections, and their existence is continuous and unbound. Further, the Foucauldian perspective of the surveillant assemblage functioning as disciplinary applies here, given that "discipline organizes an analytical space".[97] Discipline also functions as an array, or "an anatomy" of power that cannot be associated with a specific institution or apparatus, but rather operates from, and within, a vast assemblage of mediums, technologies, and processes.[98] An analytical space, like the reservation system, requires processes of surveillance, containment, and comparison.

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[95] Kai Eriksson, "Foucault, deleuze, and the ontology of networks," *The European Legacy* 10, no. 6 (2005), https://doi.org/10.1080/10848770500254118.

[96] Stephen Legg, "Assemblage/apparatus: using Deleuze and Foucault," *Area* 43, no. 2 (2011).

[97] Foucault, *Discipline and Punish: The Birth of the Prison*.

[98] Ibid, Foucault.

Biopower

      As noted by Monaghan, the settler colonial project as observed in western 'Canada' rests heavily upon the reservation system which functions as a biopolitical strategy of population management.[99] Biopower here can be understood as the governing of subjects as populations, or in effect, the management of life. Foucault writes that, "such a power has to qualify, measure, appraise, and hierarchize," thus, biopower embodied alongside disciplinary practice acts as "factors of segregation and social hierarchization…guaranteeing relations of domination and effects of hegemony."[100] Biopower mobilized with discipline, works to diffuse, enforce, and maintain state constructed norms and categories for the purpose of control, containment, and governance.

Racializing Surveillance

      Simone Browne notes the important connections between colonial constructions of race and practices of surveillance, emphasizing that the naming of colonial surveillance practices as "racializing surveillance" works to "categorize both historical and contemporary practices where surveillance shapes boundaries, bodies, and borders along racial lines."[101] As previously noted, creating space for comparison is necessary to the functioning of the surveillant assemblage; the creation of such space is inseparable from the process of containment. Subjects of surveillance must, in some way, be held within a container — whether they are contained within social categories, demarcated as only belonging to certain

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[99] Jeffrey Monaghan, "Settler Governmentality and Racializing Surveillance in Canada's North-West," *Canadian Journal of Sociology* 38, no. 4 (2013).

[100] Michel Foucault, *The History of Sexuality Vol. 1*, trans. Robert Hurley (New York: Vintage Books, 1990).

[101] Simone Browne, "Race and Surveillance," in *Routledge Handbook of Surveillance Studies*, ed. Kirstie Bell, Kevin D. Haggerty, and David Lyon (Routledge).

areas of residence or certain kinds of work, or any other number of observable – and often constructed - attributes. In the context of the settler state, assemblages of racializing surveillance end up establishing both an identity to be contained – such as a 'Status Indian' rather than a Musqueam, or Mi'kmaq, or Tsawout person – as well as a frame for comparison – such as being contained within the borders of an Indigenous reserve. Browne further notes that racializing surveillance "fulfills prefabricated stereotypes and prejudice held by colonial authorities" and creates a "social hierarchy defined by normative standards and signifiers of whiteness."[102]

Colonial logics create systems of categorization, identity (re)production, and registry that build surveillant infrastructure for the management of colonial populations. These structures of surveillance are informed by the biases, prejudice, and racialized stereotypes which in turn are upheld and reinforced by colonial surveillance strategies. Settler colonial structures of surveillance, such as the reservation system, actively serve the imperatives of white supremacy and Indigenous erasure that are central to the colonial project. The surveillant assemblage, thus, is used to produce the biased data and information which itself reinforces pre-configured social constructs. Foucault points to this idea when saying a "real subject is born *mechanically* from a fictitious relation."[103] Data created in this context operates as a form of pragmatics; instead of resulting decisions being based on the accuracy of identity perception, data is mobilized based on how well it can enable institutions to control populations. Keith Smith also affirms that the colonial "knowing [of] Indigenous peoples and their territories, was facilitated and fashioned by means of

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[102] Ibid, Browne.
[103] Foucault, *Discipline and Punish: The Birth of the Prison*. Emphasis added.

surveillance."[104] This colonial knowing was built from settler practices of categorization, containment, and surveillance that were then institutionalized with the reservation system.

Containment as Practice and Result

As Fanon writes plainly: "the colonial world is a compartmentalized world."[105] State governance is reliant on the ability to direct and control the variables that exist within its territory or population. Because of this, as Monaghan highlights, "practices of surveillance and categorization are indispensable in the development of direct rule."[106] Further, Haggerty and Ericson note that the state form is realized through the ability to "striate the space over which it reigns," a process that they say creates "breaks and divisions into otherwise free-flowing phenomenon."[107] As an application of disciplinary power, the surveillant assemblage is mobilized for the arrest and regulation of movements, as in the case of the reservation system and surveillance of Indigenous peoples.[108]

I argue that these processes of categorization,[109] striation, and breaking of flow[110] converge into an understanding that state formations need a degree of surveillance, and that this surveillance requires some form of containment of what it is being surveilled.

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[104] Keith D. Smith, *Liberalism, Surveillance, and Resistance: Indigenous Communities in Western Canada 1877-1927* (Athabasca University Press, 2009).

[105] Franz Fanon, *The wretched of the earth* (New York: Grove Press, 1963).

[106] Monaghan, "Settler Governmentality and Racializing Surveillance in Canada's North-West."

[107] Haggerty and Ericson, "The surveillant assemblage."

[108] Ibid, Foucault. Foucault, *Discipline and Punish: The Birth of the Prison*.

[109] Ibid, Monaghan.

[110] Ibid, Haggerty and Ericson

After all, the very idea of a nation-state is about containing populations within its borders and surveilling those borders and the people that seek to cross them. Haggerty and Ericson touch on this notion when they say that "surveillance commences with the creation of a space of comparison and the introduction of breaks and flows."[111] In other words, the establishment of state governance requires some form of surveillance over populations that are deemed threats to state control and rule. Such a surveillance requires containment of potentially/actually threatening populations. Foucault cites enclosure as a key element of disciplinary strategy designed to "establish presences and absences, to know where and how to locate individuals, to set up useful communications" as well as "to be able at each moment to supervise the conduct of each individual, to assess it, to judge it, to calculate its qualities or merits."[112]

Observed physically in the implementation of Indigenous reservations, criminal incarceration, psychiatric and medical incarceration, churches, school systems, etc., as well as in perhaps less materially-observable social categories, data management, societal norms, racialization, and more, containment has, and continues to exist in many different forms. This is precisely because the surveillant assemblages are not fixed or stable entities, but rather constantly expanding, shifting, and changing. As a tool of biopolitical population management and an exercise of the surveillant assemblage, the reservation system operated for the purpose of affirming racialized perceptions of Indigenous populations, containment of those perceived as a threat to colonial settlement, and as a fundamental tool of the colonial project. Jeffrey Monaghan writes that the "central element of the surveillance system

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[111] Ibid, Haggerty and Ericson. Haggerty and Ericson, "The surveillant assemblage."
[112] Ibid, Foucault.

that was implemented in Western Canada involved the establishment of the reserve system."[113]

Surveillance as a Recursive Visibility

Robert Nichols outlines a recursive logic as one that is "self-referential and self-reinforcing" and as a type of procedure that will "loop back upon [itself]…such that each iteration is not only different from the last but builds upon or augments its original postulate."[114] Colonial surveillance mechanisms can be understood as following a recursive logic by creating visibility through the reification of socially constructed racialized identities. As Foucault highlights, "disciplinary power…is exercised through its invisibility; at the same time it imposes on those whom it subjects a principle of compulsory visibility."[115] As mentioned prior, state establishment necessitates the ability to contain and analyze flows within the spaces it wishes to rule; to do this requires creating what Haggerty and Ericson refer to as "spaces of comparison."[116] Spaces of comparison require categories or identities with which to create comparisons, this is made possible through a racializing surveillance. Colonial practices of racializing surveillance work to reify or reinforce the social constructions of race through intentional surveillance informed by predetermined bias founded in white supremacy. As Simone Browne highlights, "surveillance at various moments and by particular means reifies the social construct that is race."[117]

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[113] Monaghan, "Settler Governmentality and Racializing Surveillance in Canada's North-West."

[114] Nichols, *Theft is Property!: dispossession and critical theory*.

[115] Foucault, *Discipline and Punish: The Birth of the Prison*.

[116] Haggerty and Ericson, "The surveillant assemblage."

[117] Browne, "Race and Surveillance."

Socially constructed colonial ideas of race and racialized identity, within the context of targeted surveillance, could then be understood as points of visibility. However, as Mamers notes, "the settler bureaucratic gaze is designed to only see 'Indians' and not comprehend how Indigenous peoples live their lives."[118] The recursive reinforcement of Indigenous identity in the settler colonial imaginary produces visibility in the sense that the racialized and racist identifiers of Indigenous peoples are necessarily surveilled. Settler colonial practices of racializing surveillance work to reproduce the identity that the colonial project is seeking to erase or render invisible.

Conclusion and Discussion

The colonial project seeks to erase, or make invisible, the vast and heterogeneous expressions of Indigenous identities and resistances. Practices of containment and surveillance are predominant tools of settler colonial governance that seeks to dominate Indigenous spaces, places, and lives. However, the production of socially constructed categories of race and other comparisons against whiteness, is a recursive process of identification and targeted surveillance. The recursivity of a racializing surveillance raises the question: what does it mean for a colonial project founded on the erasure of Indigenous peoples to be consistently reliant on a tool that produces and reproduces colonial constructions of Indigenous identity? If state systems of identity construction and reconstruction are bound within the colonial imaginary, what is the potential for mobilization within the could-be-called 'gaps' of state assemblage and apparatus? While a state-constructed identity is being surveilled and re-created, what possibilities rest in the inhabited imagination; what does that mean for the everyday iteration of otherwise worlds? More work could be

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[118] Mamers, "Identifying "Indians": Racial Taxonomy as Settler Colonial Politics of Knowledge."

done to expand the analysis of this paradox by settler thinkers and writers. Specifically, expanding the depth of a gendered analysis. It is complicated to advocate for more study of settler colonialism, but I believe there can be a power in naming and telling the story of state processes by a strategy of unraveling in order to deconstruct.

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Pathways to Victory: The Creation of Canada's Emissions Accountability Law (Bill C-12)

Emily Lowan

Abstract

After three decades of international climate action gridlock and domestic target failures, there is an emerging policy focus on the passage of national emissions accountability legislation. Emissions accountability legislation is an attempt to safeguard science-based emissions reductions plans from changing political winds. This article presents a peer-reviewed case study of Bill C-12, Canada's first emissions accountability legislation, passed in June 2021. While Bill C-12 was strengthened through the amendment process, the final legislation remained significantly weaker than the "gold standard" UK Climate Change Act (2008). The author analyzes the interests, institutions, and political context that enabled Bill C-12's passage, tracking the ways in which these forces interacted to both weaken and strengthen the legislation.

Acknowledgements

Introduction

Canada has failed to meet every climate target it has ever set (Croome 2019). In an attempt to correct this poor track record, on June 29, 2021, the House of Commons passed Bill C-12, an Act respecting transparency and accountability provisions to support Canada's climate target of net-zero emissions by 2050. Emissions accountability legislation is designed to ensure that current and future governments commit and implement a science-based emissions reductions plan. This article treats Bill C-12 as a single case study that analyzes the interests, institutions, and political context that enabled its passage, tracking the ways in which these forces interacted to both weaken and strengthen the bill. I argue that the strengthened provisions in Bill C-12 were a result of policy access from a professionalized Environmental Non-Governmental Organization (ENGO) coalition, as well as half-hearted advocacy from the Conservative Party and oil and gas industry, while its weaknesses are best explained by key political interests, procedural dynamics, and a lack of public interest. I begin by providing an overview of the paper's analytical framework and methodology. In the following sections, I analyze the role of lobby groups, characteristics of government institutions, and Member of Parliament (MP) advocacy, primarily drawing on the Hansard record of committee discussion and House debate as well as anonymous interviews with key policy stakeholders. I conclude this paper by discussing the broader implications of this case study.

Overview of Bill C-12

Bill C-12 is the first-ever emissions accountability legislation in Canada, preceded by a failed attempt at a similar bill by former NDP Leader Jack Layton in 2009. From that point, the political context evolved to support the creation and passage of Bill C-12. For instance, Bill C-12 aligns with Canada's obligation to report its Nationally Determined Contribution (NDC) to the Paris Agreement targets. Further, in the 2019 Federal Election, the Liberals promised

to legislate a net-zero carbon by 2050 target, with a set of legally-binding five-year targets (Croome 2019). This net zero accountability legislation was also mentioned in the mandate letter for the Minister of Environment and Climate Change (Jonathan Wilkinson), requiring him to set "...legally-binding, five-year emissions-reduction milestones based on the advice of experts and consultations with Canadians" (Government of Canada 2019).

Bill C-12 requires the Minister of the Environment to set increasingly ambitious national GHG reduction targets for 2030, 2035, 2040 and 2045. This holds future governments to a higher level of accountability to mitigate climate change. To support the Minister in achieving net-zero emissions, Bill C-12 includes an advisory body with representatives from Indigenous, ENGO, industry, and climate science communities. Bill C-12 requires the Commissioner of the Environment and Sustainable Development to audit and report on the federal government's progress on climate change mitigation every five years. The emissions reduction plan for 2030 must include an interim greenhouse gas emissions (GHG) objective for 2026, to be comprehensively reviewed in 2026. This 2020 emissions reduction plan, announced on March 29, 2022, set this interim GHG 2026 objective to 20% below 2005 levels by 2026. Bill C-12 was introduced in the House of Commons through a first reading on November 19, 2020, then was debated and amended through the Environment and Sustainable Development (ENVI) committee from May 17 to June 9 (a total of eight public meetings). Committee discussions were followed by a second (June 11, 2021) and third reading (June 22, 2021). Bill C-12 finally became law on June 29, 2021.

Bill C-12 was criticized by political parties (Bloc Québécois (BQ), New Democratic Party (NDP) and Green Party) and ENGOs for having "no teeth" or mechanisms to ratchet early ambition (Hansard HC Debate., 25 November 2020; WCEL 2021). Prior to

the committee amendment process, their major recommendations were: the first milestone target to be 2025; binding provisions; carbon budgets and provincial responsibility designation[119]; a more ambitious emissions target for 2030; more power and funding for the Commissioner of the Environment and Sustainable Development; and greater advisory body independence. While none of these recommendations were included in the final Act, important amendments included: the incorporation of Indigenous knowledge in the Net-Zero Advisory Body; more frequent progress reports; a 2026 emissions "objective"; stronger report requirements; and a plan due in early 2022 for how the 2026 emission objective and 2030 target will be achieved (Woodside 2021). These amendments fell short of advocate's expectations, failing to create binding provisions (i.e., serious accountability) and delaying milestone targets, both of which are essential to supporting the deep cuts in emissions needed in this decade. Despite the clear compromise of these amendments, an examination of these policy gains and losses will help inform future federal climate policy advocacy.

Analytical framework and methods

This section develops an analytical framework to assess the enabling socio-political factors that strengthened and weakened Bill C-12 (Table 1), drawing on scholarship on Canadian environmental policymaking. This paper will focus on the role of interest groups, adopting an understanding of climate policy as the result of distributive conflict and the relative influence and effectiveness of interest groups (Aklin and Mildenberger 2020; Harrison 2010). In Canada, the interests of the oil and gas industry have been particularly powerful in constraining climate policy (Carter 2021).

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[119]The provinces, territories and federal government have varying jurisdiction to regulate GHG emissions, all levels of government have the power to impose a carbon tax for instance. Provinces are primarily responsible for the regulation of natural resources (e.g. fossil fuel production), which has challenged the federal government's ability to effectively regulate emissions and meet climate targets.

However, as Harrison suggests, well-resourced oppositional forces (such as ENGOs) can gain influence particularly when public opinion is aligned with their interests (Janzwood 2021). The interests of MPs can also bolster this environmental coalition, with progressive, climate-focused ridings electing MPs that embody these interests and are often held accountable to this type of issue representation.

As a federation, institutions have a powerful effect on Canadian politics. Harrison's (1996) book stresses the hesitancy of the federal government to test the boundaries of their jurisdiction on environmental issues, often "passing the buck" to provinces with vested interests in growing their extractive industries. Harrison's discussion on the contributing factors toward the federal government's symbolic but hollow environmental action offers vital lessons for my study on Bill C-12, specifically in my analysis of government institutions. Winfield and Macdonald (2020) develop Harrison's arguments through terms such as the "cooperative federalism norm", which describes the federal government's tendency to favour intergovernmental harmony over policy effectiveness. In doing so, they outline the limitations of Canadian climate policy in the context of federalism.

Table 1: Influencing factors in the development of Bill C-12

Source	Description	Key Literature
1. Interests *NGO and industry groups and coalitions* *House debate, MP advocates and*	The relative strength and effectiveness of actors external to the state, engaged in the policy development process. Measures include: organizational	- Carter (2020) - Harrison (1996) - Hansard and interview

opposition	networks, number of government lobby meetings, and policy impact on C-12.

Identification of Bill C-12's MP champions, based on their frequency of committee and debate participation, and positional power to influence outcomes. | data |
| 2. Institutions *Government bodies* | The facilitative, or inhibitive, properties of federalism and the committee amendment process. | ● Harrison (2010)
● Harrison (1996)
● Winfield and Macdonald (2020) |

This article uses process tracing as its primary method, which allows for causal inferences (e.g., Collier 2011). Interviews with constituency office staff and Canadian climate organization staff involved in Bill C-12 helped inform my research question (3 interviews total, conducted in August 2021). I rely on the Hansard (Standing Committee on Environment and Sustainable Development (ENVI) and house debate) and federal lobbyist registry data. For the federal lobbyist registry, I quantify the number of Bill C-12 lobby meetings from opposition and advocate groups. This approach has some methodological weaknesses, as not all groups include the

names of policies discussed in their monthly communication report; however, since the registry was cross-referenced with interviews and media statements, this method still provides a strong indication of the policy community involved in the development of Bill C-12.

Findings
Interests — NGO and industry groups

The political context was that all parties, the federal government, and environmental and business coalitions were unable to effectively focus public attention on Bill C-12, which resulted in a more concentrated and polarized policy-making environment (Canadian climate organization staff person, personal communication, August 10, 2021). However, the political space for this type of legislation was favorable; during final House Debate of C-12, Abacus Data and Clean Energy Canada (2021) reported that almost three out of four people in Canada (72%) think that countries which set more ambitious climate targets will end up with a stronger economy than those who let weak targets.

In this section, I show how ENGOs participated extensively in the development of Bill C-12, whereas the only major opponent, fossil fuel industry associations (e.g., the Canadian Association of Petroleum Producers (CAPP)), were relatively weak in their lobbying efforts (Standing Committee on Environment. Minutes of Proceedings; Canadian climate organization staff person, personal communication, August 10, 2021). ENGOs participated in Bill C-12 through the ENVI committee amendment process (meetings 32-34), and did not list any meetings with MPs and public servants in the federal lobbyist registry, unlike fossil fuel industry actors. In these ENVI committee meetings, there was strong ENGO representation from groups such as West Coast Environmental Law (WCEL), Equiterre, Climate Action Network Canada (CAN-RAC), David Suzuki Foundation, The Transition Accelerator, and Mothers Step In. However, within this group there was a clear alliance among a

professionalized class of ENGOs including, CAN-RAC, WCEL, Equiterre and EcoJustice, exhibited by their joint brief submission to the ENVI committee. 38 environmental groups, not including individuals, submitted briefs for the ENVI committee's consideration, contrasted by the meagre participation from industry, submitting only nine briefs. These industry groups included: CAPP, Saskatchewan Mining Association, Ontario Power Generation Inc, Fertilizer Canada, Canadian Nuclear Association, Prospectors and Developers Association of Canada, Canadian Electricity Association, Chemistry Industry Association of Canada, and the Global Automakers of Canada. However, most of these briefs were from industry associations, which collectively represent a larger number of groups than the proponent side. That said, the lack of coordination among industry through a centralized coalition signals a lower interest in weakening C-12.

There was clear unity in demands among environmental groups involved in the committee amendment process, which strengthened Bill C-12 in the revision process. In their brief, the ENGO coalition put forward 22 amendments, three of which were directly incorporated. The coalition successfully advocated for a provision that requires the Net-Zero Advisory Body to hold expertise in climate change science and energy policy, Indigenous knowledge, and relevant technologies. While relatively insignificant, their recommendation to include immediate and ambitious action language into the purpose of the Act was also adopted. The oil and gas lobby made numerous language recommendations for the Act's purpose and preamble, but none were adopted, a further indication of the ENGO coalition's greater policy influence on C-12. During the second reading, before the committee amendment process, it became clear that despite multi-party pressure, the Liberals were unlikely to move on a 2025 target. In response, the ENGO coalition abandoned their advocacy on this target, and instead recommended in their brief that future climate plans state the emissions levels for each year, as

well as an expectation for where emissions should be in 2025. The Liberal's pivot on this point contributed to the amendment made by a coalition of Liberal and NDP MPs that established the 2026 "objective" target (Canadian climate organization staff person, personal communication, August 10, 2021). The ENGO coalition also laid out ways to strengthen the section on reporting, which led to the addition of four subsections on report detail requirements. In their brief, the coalition also recommended progress reports in 2023 and 2025, both of which were included in the final Act. Ecojustice's Alan Andrews claimed this as "a major improvement" (Woodside 2021).

While none of the initial major recommendations progressed (e.g., 2025 target, binding provisions), the success factors that led to the inclusion of stronger language are worth examining. I argue that the leading success factors were the cultivation of policy access through climate legislation expertise, coalition capacity and unified demands from a diversity of groups across civil society. Several members involved in the lobby process remarked that a key success factor on the ENGO side was the legal expertise of WCEL, positioning environmental advocates as valued advisors in the eyes of the government (Canadian climate organization staff person, personal communication, July 15, and August 10, 2021). Further, CAN-RAC's Catherine Abreu was well-respected and influential in the process, as she was selected by Minister Wilkinson to serve on the Net-Zero Advisory Body, even prior to the committee amendment process. This policy access allowed for a timely mobilization for the committee amendment process. For example, in House Debate, Green MP Paul Manly stated that many of the ENVI committee briefs were received after the committee amendment process was over, and expressed concern about this hollow citizen engagement process (Hansard HC Debate., 22 June 2021). However, the joint ENGO submission appeared at the committee one week before other environmental group submissions, indicating their

insider status and strong position to shape C-12. The ENGO coalition was also a professionalized group, with paid staff lobbyists and policy experts, which helped level the playing field. The coalition-based organizational structure of CAN-RAC was also seen as a key asset by an ENGO staff member involved in the lobby process, as it catalyzed the swift participation of a diverse range of organizations (e.g. faith, business-focused clean energy, and youth climate groups). This ENGO resourcing, expertise and policy access enabled the coalition to wield significant influence over Bill C-12.

The oil and gas industry took a different approach with their advocacy, largely through personal meetings with MPs and government agencies, rather than through the transparent committee process. In total, the oil and gas industry submitted nine briefs to the committee (compared to the ENGOs' 38), and met with government officials approximately 12 times, whereas there were no registered ENGO meetings (Federal Lobbyist Registry 2021). As the representative of upstream oil and gas producers, the Canadian Association of Petroleum Producers (CAPP) generated the most substantial brief, detailing 23 proposed amendments to C-12. CAPP was concerned about the lack of clarity on how net-zero strategies would interact with existing provincial plans, advocating for the addition of a section that "acknowledges and respects the measures taken by provincial and territorial governments within their own jurisdiction to address [emissions]" (Joseph 2021, 2, 4). CAPP lobbied for the inclusion of economic performance targets alongside emissions targets, claiming that this would help decision-makers balance the positive and negative economic impacts of achieving its climate targets (Joseph 2021, 2). CAPP also advocated for the distribution of oversight power, removing the Minister of Environment as the sole entity responsible for the development of targets and supportive policies. CAPP further proposed a greater role for the Governor-in-Council and Minister of Finance, and a "balanced" membership on the Net-Zero Advisory Body (Joseph

2021, 2). While these amendments would have weakened C-12 specifically in its implementation, it is notable that most amendments offer minor reforms, rather than outright opposition or structural changes to emissions targets. Nevertheless, none of these language and policy amendments were passed by the ENVI committee. This is an interesting contradiction in the usual climate policy-making process, which typically privileges well-resourced oppositional forces (Harrison 2010, 172). However, the ENGO coalition was equally professionalized and had an enduring interest in strengthening the legislation, whereas industry was relatively toothless in their approach, opening a pathway for ENGO success. Considering the CAPP's relatively modest amendments and lobbying interactions, it also indicates that C-12 does not significantly challenge the fossil fuel production levels of industry. CAPP maintains the position that the Canadian oil and gas industry should expand production capacity through new pipelines, and claims their ability to meet emissions targets through other "green" reforms, such as the costly and unproven Carbon Capture Utilization and Storage (CCUS) technology (Hatch 2022; Hughes 2020). This "emissions decoupling" perspective is challenged by even historically moderate agencies, such as the International Energy Agency, who stated last year that there is no place for any new coal, oil or gas exploration or supply (IEA 2021; Muttitt 2016). Even Conservative MP Matt Jeneroux raised that "The energy sector is not pushing back against [Bill C-12, unlike] Quebec and environmental groups. It is essentially working toward this target already" (Hansard HC Deb., 26 November 2020). In summary, the oil and gas industry's lack of success on Bill C-12 appears to be a result of limited motive and dedicated resources. Since C-12 only addresses emissions, rather than supply-side fossil fuel production, the oil and gas industry is able to continue producing while evading any real accountability by referencing their aligned climate targets.

Interests — MP Advocacy

In this section, I will examine the role of MP champions to shape Bill C-12, as well as the relative strength of party-based opposition. To identify the most influential MP advocates on Bill C-12, I will select MPs with the highest participation in committee and house debate, as well as consider their positional power to influence outcomes. This discussion will be largely based on a comprehensive review of the Hansard transcript for House Debate and ENVI committee.

Members of the ENVI committee, responsible for the amendment process and engaging with stakeholders, held the largest degree of power over C-12. The 11-member committee held a balance of power favouring the Liberals, with five members, compared to the four Conservative members, 1 NDP member, and 1 BQ member, with the Greens notably excluded. The Liberal and Conservative members almost exclusively voted alongside their parties. While there was an appearance of unity among the Greens, NDP and BQ during the House Debate, this alliance splintered during the committee process. The NDP member established a strong voting alliance with the Liberals, whereas the BQ member had a mixed voting record. For several key amendments, passage hinged on the support of the NDP member. Many of the amendments passed when raised by the NDP member, supported by the Liberals, whereas the BQ's and Green MP Elizabeth May's amendments were consistently rejected. MP May and the BQ submitted the highest volume of amendments to the ENVI committee, which received very limited support (0-1 votes in favour), despite their alignment with NDP stated amendments during House Debate (e.g. 2025 target, more frequent reports) (Hansard HC Debate., 26 May 2021). The Greens and BQ amendments were largely supported by civil society, including the 2025 milestone target and carbon budgets. This enduring division across party lines illustrates the strength of the

NDP-Liberal voting alliance for C-12, within the context of a minority government.

Among Bill C-12 champions, there was a range of efficacy, based on their party status and positional power in committee. MP Laurel Collins, despite being absent for the committee review process, was a vocal advocate for strengthening Bill C-12. As NDP Environment Critic, she was allocated a major speech in the second reading, where she detailed many provisions to strengthen the legislation. In her absence, MP Taylor Bachrach occupied her position as a voting member of the ENVI committee. One strengthened provision was the 2026 progress report, an amendment struck between the NDP and Liberals. MP Bachrach was the only NDP member on the ENVI committee and raised the 2026 "objective" amendment, where it passed 7-4. MP Elizabeth May fiercely advocated to strengthen Bill C-12 both in committee and House Debate. As mentioned above, MP May raised the largest number of amendments during committee; however, without a seat on the ENVI committee, she lacked the positional power necessary to garner votes. The BQ initially took a different approach by proposing their own piece of legislation, Bill C-215, which included binding provisions and closer near-term targets. However, after the failure of this bill, they continued to advocate for similar provisions alongside the Greens and NDP. As Vice-Chair and member of the ENVI committee, Monique Pauzé also proved to be an asset to the passage and strengthening of C-12, as she was positioned as a swing vote similar to MP Bachrach.

In terms of opposition to C-12, there was a diluted attempt from the Conservatives to resist its passage, while the Liberals managed to diffuse the passage of strengthened provisions through Ministerial force. The Conservatives attempted to "kill the bill" through legislative delay tactics, which significantly shortened the ENVI committee amendment process and reduced the citizen

feedback window (Woodside 2021). Further, in House Debate, the Conversative amendment proposals were not substantial, and instead largely focused on adding praise for the energy sector into the preamble of the bill.

The Liberal Party played a key role in shaping C-12. House debate revealed the extent to which this bill was locked-in from the beginning, displaying its top-down, Ministerially-driven nature and relatively hollow committee amendment process. In the second reading, MP May expressed pessimism about the ability to change the bill in committee, as all the significant amendments raised by the Greens, NDP and BQ had been effectively shut down by Minister Wilkinson during discussions outside the House. MP May also raised that before the second reading, Minister Wilkinson had already appointed the 14-member advisory body. The advisory body membership was a key area of debate for parties and advocates, further illustrating the top-down nature of this Bill. The findings in this section demonstrate the importance of positional power, in committee and within the party system, to either improve or enforce limitations on Bill C-12.

Government Institutions

In terms of government institutions and processes, federalism, and the procedural style of the ENVI committee, had a discernible influence over the nature of this bill. Bill C-12 provides a classic example of the limiting effects of federalism on climate policy. A core criticism from WCEL, a leading advocacy group, was that Bill C-12 leaves the question of provincial responsibility and accountability wide open. Essentially, if a province does not act in alignment with the purpose of C-12, the legislation does not establish when the federal government would step in (Woodside 2021). WCEL staff lawyer, Andrew Gage, noted in an interview that considering Canada's decentralized federation, the bill should address the division of responsibility between provinces, and

explored provincial carbon budgets to establish expectations about where the reductions need to come from (Woodside 2021).

The scope of the amendment process was also relatively narrow, making it challenging to significantly amend Bill C-12. In contrast, the UK's Climate Change Act 2008 was frequently referenced by advocates as the "gold standard" of climate accountability legislation, and includes carbon budgets, which was excluded from Bill C-12. WCEL saw provincial carbon budgets as an essential way to circumvent responsibility avoidance and strengthen C-12. However, when the Greens raised this amendment in a ENVI meeting, Liberal chair Francis Scarpaleggia ruled that it was "out of order" because the concept wasn't included in earlier drafts of the bill (Woodside 2021). During earlier stages of the bill's passage through the house, Liberal members urged the House to approve C-12 to committee, so their (Green, NDP, BQ) substantial recommendations could be considered. However, these significant provisions were then denied on the grounds of scope and committee procedure, demonstrating the limiting effects of the ENVI processes.

Discussion and Conclusion

Bill C-12 was both strengthened and constrained by lobby groups, government institutions and MP advocacy. Across interest groups, the ENGO coalition's amendment proposal was the most successful, with three of their 22 amendments directly incorporated into the Act. I argued that this relative success was a product of the ENGO coalition's positioning as climate legislation experts, enabling a greater degree of policy access, which was further facilitated by the tepid lobbying approach from the fossil fuel industry and Conservative Party. While these amendments were positive, many advocates on this file remarked on their disappointment at its end product, which is considered a far weaker piece of legislation than the UK's 2008 Climate Change Act by the Green Party and several ENGOs in the coalition. To explain this

discrepancy between the leading standard and the final version of C-12, I argued that Bill C-12 was constrained by Liberal's ability to dictate and narrow its scope, the norm of cooperative federalism, a lack of public interest, the rushed committee amendment process, and the Liberal-NDP voting alliance in the amendment process. The NDP chose to negotiate with Liberal committee members on amendments, rather than risk being overpowered by significantly weaker Conservative amendments.

The dynamics of C-12 echoes an enduring trend in Canadian politics. In *Passing the Buck*, Harrison (1996, 16) cites Baumgartner and Jones, remarking that politics often exist in a state of 'punctuated equilibria', with public indifference facilitating policy battles between a minority of interest groups and politicians, only broken during flash points of broader engagement that often strengthen policy and redefine issues. In C-12, this dynamic was expressed through its limited public buy-in. It is likely that C-12 failed to capture broader public attention because of the technical emissions target focus of the legislation, and the dominance of other pressing political issues such as the COVID-19 crisis, and systemic racism in colonial institutions such as the police. Simultaneously, there was an absence of concentrated, region-specific benefits and perceived high political costs that contributed to the government's reluctance to strengthen the legislation by differentiating provincial responsibilities (Harrison 1996, 17). This particular policy issue is underscored by the norm of cooperative federalism, where the federal government values national harmony over effectiveness. Climate policy, in particular, often necessitates heavy-handed provincial regulation (Winfield and MacDonald 2020, 388). The Liberals had a tight hold on C-12's amendment process from the outset, and used committee procedure to rule that key provisions, such as provincial carbon budgets, were out of the legislation's scope. According to Harrison (2010, 175), this federalism challenge has only been surmounted by heightened public interest in

environmental issues, which transformed both provincial and federal electoral incentives to act.

This case study of Bill C-12 has revealed the limited extent to which advocacy groups and critical MPs are able to substantially strengthen climate legislation when facing rigid opposition from the Liberals. However, the strengthened provisions still demonstrate that the specific nature and advisory-capacity of coalitions can have a significant impact, particularly in the absence of a robust fossil fuel lobby. The recent 2030 Emissions Reductions Plan, a plan mandated by C-12, relies heavily on unproven, costly Carbon Capture Utilization and Storage (CCUS) technology to cut 13% of the oil and gas sector's emissions. Many environmentalists and academics fear that this approach supports escalating fossil fuel production and "carbon lock-in," raising questions about C-12's ability to help align fossil fuel production levels with a 1.5 degree pathway (Hoicka et al., 2022). C-12's lack of binding accountability measures positions the law as a symbolic measure, but will undoubtedly be used in the future as an advocacy tool to hold the government to account.

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The Role of the Canadian Settler-State in Facilitating Flows of Transnational Extractive Capital

Lena Price

Abstract

What does the neoliberalization of extractive and border infrastructures by the Canadian settler-state illuminate about its relationship to transnational extractive capital? To answer this question, I first examine how neoliberalism has shaped border and extractive policies. In the second section, I look at how flows of transnational extractive capital are made flexible by Canadian settler-state policies, while simultaneously securitizing colonial borders against racialized migrants. In the third, I investigate how material and epistemological challenges to extractive infrastructures from Indigenous land defenders and racialized migrants challenge the legitimation by accumulation processes the Canadian settler-state employs. Ultimately, I argue the settler-state selectively securitizes pipeline and border infrastructures to facilitate the flow and accumulation of transnational extractive capital as a means of self-legitimation that relies on normative imaginings of a white Canadian nationhood. Furthermore, these imaginings rely on upholding certain logics of racial capitalism that construct a white Canadian nationhood, such as white supremacy, colonialism, and hetero-patriarchy.

Introduction

The rise of global neoliberal capital has had a profound effect on the functioning of the Canadian settler-state and its economy. In particular, the Canadian settler-state has adopted neoliberal policies that facilitate flows of extractive capital between and across borders. As a result, the settler-state has also reinforced its backing of a series of pipeline projects. At the same time, the rise of global migrant movement due to environmental catastrophe, economic crises, and unstable social and political regimes has contributed to the settler-state securitizing its borders. These policies, however, have not been enacted without resistance from both Indigenous land defenders and migrant justice activists. This paper attempts to answer the question: what does the neoliberalization of both extractive and border infrastructures by the Canadian settler-state illuminate about its relationship to transnational extractive capital? I argue that the settler-state selectively securitizes pipeline and border infrastructures to facilitate the flow and accumulation of transnational extractive capital as a means of self-legitimation that relies on normative imaginings of a white Canadian nationhood. Furthermore, I argue that these imaginings rely on upholding certain logics of racial capitalism that help construct a white Canadian nationhood, such as white supremacy, colonialism, and the hetero-patriarchy.

This paper thus follows three key dynamics that are prevalent in the accumulation and flows of transnational extractive capital: domestic versus cross-border processes, commodity flexibilization versus border securitization processes, and settler-state accumulation versus legitimation processes. In the first section, I examine the ways in which neoliberalism has generally shaped Canadian settler-state border and extractive policies. In the second section, I look at how flows of transnational extractive capital are made flexible by Canadian settler-state policies, at the same time colonial borders are securitized against racialized migrants, thus creating a vulnerable labour pool. By drawing parallels between extractive and border

infrastructures and the policies that govern them, I argue that the state creates these networks not only to facilitate the flow of transnational extractive capital, but also to legitimate itself through its accumulation by securitizing extractive and border infrastructures in a way that targets Indigenous peoples and racialized migrants. I argue that these material infrastructures have an ideological component, and that the systems of white supremacy, colonialism and hetero-patriarchy that facilitate flows of transnational extractive capital also constitute the systems that reproduce the settler-state. In the third section, I look at how material and epistemological challenges to extractive infrastructures from Indigenous land defenders and racialized migrants challenge the legitimation by accumulation processes the Canadian settler-state attempts to use when facilitating flows of transnational extractive capital. Then, I briefly analyze the ways the Canadian settler-state responds to these challenges, particularly through using securitization measures to both surveil and incarcerate Indigenous land defenders and racialized migrants.

Section I: Neoliberal Securitization and Transnational Extractive Capital

The Canadian settler-state's turn to neoliberal policies is essentially a response to the increasingly globalized nature of capital and has profoundly shaped the relationship between the state and transnational extractive capital. I begin this section by outlining my use of the term 'transnational extractive capital.' I then briefly touch on the impacts the rise of global capital has had on neoliberal policies within the Canadian settler-state. Next, I turn to the effects neoliberal frameworks have had on border policies and the flow of capital across borders. I end by discussing the contradictions inherent in neoliberal infrastructures, which rely on a process of selective securitization of infrastructure policies, many of which increase the security measures against Indigenous people and racialized migrants.

The term 'transnational extractive capital' invokes here a series of connections between extractive capital and the settler-Canadian economy, and the recent series of neoliberal policies that have been enacted to facilitate capital flows across and within colonial borders. While this paper is primarily concerned with the flow and accumulation of transnational extractive capital as it relates to pipeline infrastructure, such commodity flows are by no means limited to petroleum products. Indeed, I often reference transnational trade policies and infrastructural changes that facilitate flows of other types of extractive capital and commodities, in addition to petroleum products. The material nature of extracting bitumen and petroleum products is distinguishable as a type of commodity capital, rather than a type of money or investment capital. These policies are often enabled using the same ideological structures (such as white supremacy, settler-colonialism, and the hetero-patriarchy) that are used to build and secure pipeline and border infrastructures. Additionally, most transnational extractive capital is secured and regulated under the same governmental initiatives, such as the Canadian Infrastructure Bank (CIB) and the same security apparatuses, like the Royal Canadian Mounted Police (RCMP).[120] [121] The facilitation of transnational extractive capital through both pipeline and border infrastructure, in addition to the role border securitization against racialized migrants plays into facilitating these flows, will be expanded on in the following section.

While the effects of neoliberalism can be empirically defined by its key characteristics, such as its tendency to privatize and deregulate state policy, it can also be conceptualized as advancing an

[120] Winona LaDuke and Deborah Cowen, "Beyond Wiindigo Infrastructure," *The South Atlantic Quarterly* 119, no. 2 (2020).

[121] Deborah Cowen, "A Geography of Logistics: Market Authority and the Security of Supply Chains," *Annals of the Association of American Geographers* 100, no. 3 (2010).

ideology that promotes extractivism and capitalist accumulation. Scholars such as Rossiter and Wood look at neoliberalism's "other-than-economic-restructuring-aspects," and its effects on the actions of state and non-state actors.[122] Here, Rossiter and Wood point to the various ways neoliberalism expresses itself, including but not limited to "the production of a discourse of national economic power and its corresponding 'good citizen"; the opening of public resources to private development; efforts to reduce the regulatory oversight of the state; and the reconfiguration of property rights."[123] Such a definition of neoliberalism, while broad, encompasses both the ideological and material practices that have shifted government and industry policy in recent years, which often valorize processes of extractivism and market dominance. Equally important are the ways in which neoliberal imaginings of the 'good citizen' are used by the Canadian settler-state to legitimate securitization against 'bad citizens': ones that pose a threat to these processes of extraction.[124] These logics play an important role in shaping the processes the settler-state uses to facilitate the flow of transnational extractive capital over and within colonial borders.

The transnational nature of extractive capital flows means that settler-state neoliberal logics have been implemented at its borders. Border infrastructure is no longer confined to spaces along the margins of colonial territories: instead, they have expanded to

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[122] David Rossiter and Patricia Burke Wood, "Neoliberalism as Shape-Shifter: The Case of Aboriginal Title and the Northern Gateway Pipeline," *Society & Natural Resources* 29, no. 8 (2016): 900.

[123] David Rossiter and Patricia Wood, 904.

[124] Andrew Crosby and Jeffery Monaghan, *Policing Indigenous Movements: Dissent and the Security State* (Winnipeg: Fernwood Publishing, 2018).

incorporate a network of systems that act to protect transnational commodity flows. In *The Deadly Life of Logistics: Mapping Violence in Global Trade*, Deborah Cowen uses the Customs-Trade Partnership Against Terrorism (C-TPAT) to exemplify state extension of borders past their traditional placement at the edges of colonial territories. Under this program, preferred companies can enter into agreement with the Canadian settler-state to secure their supply chains back to the "origins of the cargo," thus skipping long wait-times and regulatory processes at the border.[125] In this case, the settler-state is directly participating in helping to shape policy that securitizes capitalist logistics at the same time it aims to facilitate its movement over its borders. Cowen also argues that because both corporations and the settler-state play a role in securing supply chains, they are participating in a broader neoliberal shift towards private/public partnerships.[126] These changes in policy have also led to the increased flexibility and mobility of borders or border-like operations, which are set up to maximize and catalyze flows of transnational capital. By enacting policies that decrease state oversight of extractive capital and commodities, the settler-state plays a key role in facilitating transnational extractive capital exchange processes.

Here, a key contradiction has emerged within the rise of the neoliberal paradigm: the simultaneously increased and decreased role of the state. As demonstrated above, the Canadian settler-state has adopted neoliberal logics that expand border control and securitization processes past the traditional border while also deregulating extractive capital flows across colonial boundaries. This

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[125] Deborah Cowen, *The Deadly Life of Logistics: Mapping the Violence of Global Trade* (Minneapolis: University of Minnesota Press, 2014), 86.

[126] Cowen, 86.

contradiction is a direct result of a neoliberal settler-state logic *that is primarily concerned with facilitating the flow and accumulation of transnational extractive capital*. Notably, within the Canadian settler-state context, this accumulation of extractive capital also functions to dispossess Indigenous peoples of their lands and resources. This logic is made even more explicit when considering the active role state apparatuses, such as the RCMP, play in securitizing infrastructures and policies that support this flow of extractive capital. Nowhere is this contradiction more evident than in the proliferation of transnational pipeline infrastructures at the same time border infrastructures are securitized against migrant bodies, which I turn to now.

Section II: Pipelines and Border Infrastructures

The rise in neoliberal ideology within the Canadian state has supported a series of infrastructure development projects that are meant to facilitate the flow and accumulation of transnational extractive capital. I begin by looking at the ways in which pipeline infrastructure is used as both a material and ideological settler-state strategy to increase the flow of transnational extractive capital, reinforcing broader philosophies of extractivism and neoliberal policy within the settler-state. I then discuss border infrastructures, examining the contradictions that exist between the increased flexibilization of transnational extractive capital and the increased securitization of colonial borders against racialized migrants. By drawing parallels between extractive and border infrastructures, I argue that the state not only creates these networks to facilitate the flow of transnational extractive capital, but to legitimate its existence. It is worth noting that here I mean 'legitimation' in the normative sense: relating to a pattern of state behaviour that seeks to affirm crown claims to sovereignty and to continue the marginalization of Indigenous and racialized bodies upon which the process of extractivism relies. In the case of settler states, this occurs by dispossessing Indigenous peoples of their lands and by securing

its borders against racialized migrants. Similarly, I invoke the term 'securitization' to describe the selective porosity of the border, the simultaneous securitization of pipeline and border infrastructures to both facilitate transnational extractive capital flows and to protect the normative white Canadian settler-state against the "threat" of the racialized migrant. I end by examining the ways in which the securitization of pipeline and border infrastructures are connected.

Interestingly, Cowen uses the metaphor of a pipeline to illustrate how borders have been "reshaped [and] molded to fit transnational networks of circulation."[127] Indeed, pipeline infrastructures provide an excellent example of a transnational extractive commodity as they often transverse borders and exist in complicated transnational networks that constantly move petroleum products between and within borders. This form of moving transnational extractive capital is particularly important because once a pipeline is built, it has the ability to constantly and freely move commodity capital across colonial borders. Mazer et al. focus on the cross-border nature of the DAPL and its "transnational networks of infrastructure, commodity flows, and finance."[128] The ownership of the DAPL, for example, includes a plethora of international extractivist corporations from both sides of the colonial US-Canadian border, including Dakota Access, LLC, the Energy Transfer Crude Oil Company, and Enbridge Energy Partners.[129] The

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[127] Cowen, 90.

[128] Katie Mazer, Martin Danyluk, Elise Hunchuck, and Deborah Cowen, "Mapping a Many-Headed Hydra: Transnational Infrastructures of Extraction and Resistance," In *Standing with Standing Rock: Voices from the #NoDAPL Movement*, edited by Nick Estes and Jaskiran Dhillon (Minneapolis: University of Minnesota Press, 2019), 355.

[129] Mazer et al., 358.

oil itself exists as part of the Williston Basin, which crosses the borders between North Dakota, South Dakota, Montana, Saskatchewan, and Manitoba.[130] Here, the transnational nature of both extractive capital and the financial interests of extractivist corporations is clearly seen. Pipeline infrastructures not only help industry move extractive capital across borders, therefore, but also are implicated in larger transnational networks that help move capital flows over colonial borders.

Not only are pipeline infrastructures integral to facilitating the accumulation and flow of transnational extractive capital, they also play a key role in legitimizing the Canadian settler-state. They do this specifically by dispossessing Indigenous peoples of their lands and resources. Winona LaDuke and Deborah Cowen argue that extractive infrastructure has acted as the "how" of settler-colonialism, a process that relies on the settler-state accumulating Indigenous lands and resources in order to claim sovereignty.[131] Extractive projects, tellingly, are often portrayed as "nation-building projects," going back to the inception of the Canadian settler-state and the building of the Canadian Pacific Railway (CPR).[132] Since then, the Canadian state has continuously committed itself to expanding extractive infrastructure, despite resistance from Indigenous land defenders and their settler allies. For example, after it seemed that Indigenous-led resistance to the Trans Mountain Pipeline would halt the project indefinitely, the Justin Trudeau government nationalized the project, using $4.5 billion dollars in public funds to buy and complete the project.[133] A similar

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[130] Mazer et al., 358.

[131] LaDuke and Cowen, "Beyond Wiindigo Infrastructure."

[132] LaDuke and Cowen, 249.

[133] LaDuke and Cowen, 249.

commitment to the project of reinforcing extractive infrastructure can be found in the BC New Democratic Party (NDP) government sanctioning the deployment of the Royal Canadian Mounted Police in order to protect the building of the Coastal GasLink (CGL) Pipeline through Wet'suwet'en territory, despite not receiving consent from the territory's five hereditary chiefs.[134] In particular, the case of the CGL Pipeline reveals the ways in which the creation of extractive infrastructures is almost always racialized, as Indigenous communities and their practices are threatened by projects that facilitate the accumulation and flow of transnational extractive capital. To reiterate, these projects have been backed by the state, which has used its political and economic capital to dispossess Indigenous peoples forcibly of their land and resources. Especially in the case of these remote areas, where settler-state apparatuses are few and far between, the imposition of pipeline infrastructures allows the state to claim settler legitimacy and sovereignty on Indigenous lands by asserting a material, pro-accumulation presence.

Interestingly, these infrastructures that facilitate the movement of transnational extractive capital are enacted at exactly the same time as border security is reinforced against migrants. In *Undoing Border Imperialism*, Harsha Walia argues that the border "delineates and reproduces territorial, political, economic, cultural and social control."[135] Border imperialism is defined as "entrenchment and re-entrenchment of controls against migrants who are displaced as result of the violence of capitalism and empire, subsequently forced into precarious labour as a result of state

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[134] LaDuke and Cowen, 249.

[135] Harsha Walia, *Undoing Border Imperialism* (Washington: AK Press, 2013), 38.

illegalization and systemic social hierarchies."[136] Here, Walia is focusing on the interactions between the effects of neoliberal capitalist globalization and its parallel securitization of borders. Walia uses the former NAFTA agreement to exemplify this process, where policies that facilitate commodity trade over borders have led to increasingly poor living and working conditions for many Mexicans who attempt to migrate to the United States.[137] Here, border policies are explicitly prioritizing flows of transnational extractive capital at the expense of the livelihood of workers, especially in the Global South.

      While notably different in its governing policies and number of border crossings by racialized migrants, similar ideological processes are at work between and within the Canadian/United States border. Harsha Walia looks at two Canadian settler-state programs: the Seasonal Agricultural Workers Program (SAWP) and the Live-in Caregiver Program (LCP). Ultimately, Walia argues that these programs exploit the vulnerability of racialized, gendered, or otherwise marginalized migrants who are trying to gain admittance into the Canadian settler-state.[138] Both the SAWP and the LCP create precarious labour conditions with criminally low wages, long workdays, and unsafe jobsite activities without the proper equipment or training.[139] Within these programs, workers must continuously work or risk deportation, no matter how long they have been in the country.[140] Here, the Canadian settler-state is not only tightly

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[136] Walia, 38.

[137] Walia, 43.

[138] Harsha Walia, "Transient Servitude: Migrant Labour in Canada and the Apartheid of Citizenship," *Race & Class* 52, no. 1 (2010): 71-84.

[139] Walia, 72.

[140] Walia, 77.

controlling the flow of migrant labour through its borders, but is using the labour of gendered and racialized migrants without affording them citizenship rights. Walia argues that this policing of citizenship rights, which work alongside these racialized and gendered frameworks, is "part of the way in which the state determines and regulates who is part of the national community."[141] Processes of white supremacy, colonialism, and patriarchy, which are the very same processes that racialize Indigenous land defenders, are being used to police who is granted the right to be part of the "Canadian identity" from beyond its borders. At the very same time, state and industry actors commodify their exclusion to create a pool of vulnerable and cheap labour, perfect for using in an increasingly flexiblized transnational, neoliberal labour market that requires freeing financial capital to make extraction possible. It is also important to note the processes of racialization and border securitization that must take place to support the creation of this vulnerable labour market.

The expansion of extractive infrastructures and border infrastructures are inextricably linked. For example, within the New Building Canada Plan, a sub-initiative entitled the Canada Infrastructure Bank (CIB) is concerned with (among other things) reforming border policies to "enhance the transnational circulation of commodities."[142] CIB also includes an initiative to bridge the "infrastructure gap" that exists within the "'massive northern territory' heavily dependent on trade in energy and natural resources."[143] Such policies represent a continued physical and

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[141] Walia, 80.

[142] LaDuke and Cowen, "Beyond Wiindigo Infrastructure," 250.

[143] LaDuke and Cowen, 250.

ideological encroachment of the settler-state onto Indigenous lands, through the physical presence of extractive infrastructure along with a neoliberal logic that reinforces processes of accumulation by dispossession. In addition, activist-scholars such as Winona LaDuke argue that the expansion of border securitization and privatization away from traditional borders also extends the high-level securitization practices found at the border deeper into Indigenous territories.[144] Here, the connections between pipeline and border infrastructures are further revealed, as the Canadian settler-state enacts policies with the help of private actors that both facilitate and securitize flows of transnational extractive capital across and between colonial borders. Not only do these policies facilitate the material flow of transnational extractive capital across borders, but also aid in progressing neoliberal and extractivist logics onto remote 'frontiers' of the territories in which the Canadian settler-state claims sovereignty.

Not only are pipeline and border infrastructures connected by their impetus to facilitate the flows of transnational extractive capital, but the coercive forces that the settler-state uses to protect them are the same. Canada's Marine Transport Security Clearance program (MRSCP), for example, creates "secure areas" around ports and limits access to such areas.[145] Clearance and background checks of employees happen in cooperation with the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service (CSIS).[146] These are the same organizations that enact

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[144] LaDuke and Cowen, 250.

[145] Deborah Cowen, "A Geography of Logistics: Market Authority and the Security of Supply Chains," *Annals of the Association of American Geographers* 100, no. 3 (2010): 609.

[146] Cowen, 609.

violence against Indigenous land defenders who oppose the construction of extractive infrastructure. These organizations are also part of the Canadian-US Smart Border Declaration Program, which includes an "adoption of coordinated border surveillance technologies; increas[ed] arming of border guards; implement[ing] biometric programmes; and increased tracking of foreign nationals."[147] Tellingly, these forces are also connected in their disproportionate use of violence against Indigenous land defenders and migrants of colour. The securitization of these infrastructures once again demonstrates the extent to which the settler-state is willing to protect flows of transnational extractive capital, particularly in relation to the disproportionate use of state-sanctioned violence against racialized groups.[148] Further connections between state force and the surveillance and criminalization of Indigenous land defenders and racialized immigrants are in the following section.

Section III: Resistance and Criminalization

Because both borders and extractive infrastructure work to legitimize the settler-state project, they also become key sites of resistance for many Indigenous land defenders, migrant activists, and their allies. I begin this section by examining the ways in which Indigenous land defenders lead resistance to extractive infrastructure, disrupting the flows of transnational extractive capital. Next, I briefly analyze the ways the Canadian settler-state responds to these challenges, particularly through surveilling, criminalizing, and incarcerating both Indigenous land defenders and racialized migrants. I end with a discussion on the emergence of solidarity between the two groups.

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[147] Walia, "Transient Servitude," 78.

[148] Andrew Crosby and Jeffery Monaghan, *Policing Indigenous Movements: Dissent and the Security State* (Winnipeg: Fernwood Publishing, 2018).

Indigenous land defenders have long been at the forefront of disrupting flows of transnational extractive capital. The leadership of the Sioux Nation in opposing the Dakota Access Pipeline (DAPL), for example, was integral to the large amounts of media attention and mass-scale mobilization that accompanied the project's announcement. Frontline resistance to the DAPL was held extensively by water protectors from the Sioux Nation, despite brutalization from state-backed army forces, who sprayed the peaceful defenders with rubber bullets and tear gas.[149] Although the pipeline was ultimately built, Indigenous-led resistance continued to bring issues of environmental racism and Indigenous sovereignty claims to the forefront of mainstream environmental movements. Today, members of the Wet'suwet'en nation continue to block the construction of the Coastal GasLink (CGL) Pipeline, mobilizing allies and accomplices throughout Turtle Island and beyond.[150] Through refusing to leave their territories, Wet'suwet'en members have drawn attention to the ways settler-state infrastructures contribute to land dispossession and destruction, often displacing Indigenous communities in the process. Such examples demonstrate how settler-state policies that facilitate dispossession and advance extractivist and colonial logics are not merely imposed upon these

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[149] Chiara Sottile, "Police Fire Rubber Bullets as Pipeline Protesters Try to Protect Sacred Site," NBC News, NBCUniversal News Group, November 4, 2016, https://www.nbcnews.com/storyline/dakota-pipeline-protests/police-fire-rubber-bullets-pipeline-protesters-seek-protect-burial-site-n677051.

[150] Dhillon and Will Parrish, "Exclusive: Canada Police Prepared to Shoot Indigenous Activists, Documents Show," The Guardian, Guardian News and Media, December 20, 2019, https://www.theguardian.com/world/2019/dec/20/canada-indigenous-land-defenders-police-documents.

communities without struggle: Both the Dakota Access Pipeline and the CGL Pipeline exemplify the ways in which Indigenous land defenders lead the struggle against the injustices that often accompany flows of transnational extractive capital.

As a result of the real threat these material and ideological challenges pose to the Canadian settler-state's claims to sovereignty and to flows of transnational extractive capital, the Canadian settler-state has increased surveillance and policing practices that criminalize both Indigenous land defenders and racialized migrants. Field evidence from Unist'ot'en Camp, for example, points to the collusion between infrastructure building and increased state surveillance and securitization of Indigenous land defenders.[151] In Canada, ideas of critical infrastructure relate closely to ideas of "national security" and "economic well-being."[152] Importantly, the settler-state now styles threats to these critical infrastructure projects as a type of domestic terrorism,[153] and Indigenous land defenders are thus codified as 'national threats.' This allows the security apparatus of the settler-state to criminalize them disproportionately and harshly. Such rhetoric is eerily similar to the ways in which racialized migrants are codified as threats to the prosperity of the normative white Canadian settler, which reinforces policies that cheapen and make vulnerable their labour.[154] Through the concept of 'critical infrastructures,' securitization at the border can thus be extended and connected to increased securitization of extractive

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[151] Anne Spice, "Fighting Invasive Infrastructures: Indigenous Relations Against Pipelines," *Environment and Society* 9, no. 1 (2018): 43.

[152] Spice, 43.

[153] Spice, 43.

[154] Walia, *Undoing Border Imperialism*, 54.

infrastructure projects. This increased securitization runs contrary to the policies which help catalyze flows of transnational capital through the very same infrastructural networks. Importantly, such a contradiction exists insofar as racialized migrants and Indigenous land defenders are seen as threats to settler-state 'nation-building,' and, by extension, settler-nationhood.

The disproportionate criminalization and incarceration of migrants and Indigenous peoples relies on the same processes of racialization that help facilitate flows of transnational extractive capital. The increased incarceration of POC migrants and Indigenous peoples is usually justified by the state alleging some kind of criminal or illegal act.[155] In reality, the criminalization of both groups serves a political purpose rather than the purpose of terrorist prevention, where tightened immigration and security measures "ensure collective social discipline...by arbitrating who legitimately constitutes the nation."[156] As long as whiteness is connoted with the "Canadian identity", racialized migrants will be deemed undesirable and illegal within the settler-state's colonial borders. These logics that criminalize racialized migrants are a part of a larger carceral network, including both provincial and federal prisons on multiple security levels. This network also targets Indigenous land defenders and their domestic "terrorist" activities. As Crosby and Monaghan note in their book "Policing Indigenous Movements," the increased policing and subsequent incarceration of Indigenous peoples acts not only to remove Indigenous peoples from their lands but to "construe Indigenous movements as irrational,

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[155] Walia, 54.

[156] Walia, "Transient Servitude," 79.

violent, and extremist threats."[157] For both migrants of colour and Indigenous land defenders, processes of racialization aid the settler-state in justifying securitization measures, at the same time they remain a profitable endeavour for facilitating flows of transnational extractive capital.

Conclusion

Ultimately, the contradictions found in the policies that govern the Canadian settler-state's extractive and border infrastructures can be understood in terms of its desire to legitimate itself through facilitating the flow and profitability of transnational extractive capital. I began by connecting neoliberal state policies to the facilitation of transnational extractive capital, pointing to the contradictions within state policies that both engage and disengage in facilitating these flows. In the second section, I linked pipeline infrastructures with border infrastructures, demonstrating how the settler-state uses the two together to facilitate flows of transnational extractive capital. Policies that govern these infrastructures are often one in the same, often backed by identical state security apparatuses that in turn securitize and criminalized Indigenous and racialized migrant movement. I then argue that this contradiction can be traced back to the interest the state has in legitimating itself, particularly through continuing to dispossess Indigenous peoples of their land and by protecting the concept of a white Canadian nationhood. These processes legitimize the state because, like facilitating the accumulation and profitability of transnational extractive capital, the settler-state's legitimacy rests on infrastructures of oppression such as white supremacy, colonialism, and the hetero-patriarchy.

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[157] Andrew Crosby and Jeffery Monaghan, *Policing Indigenous Movements: Dissent and the Security State* (Winnipeg: Fernwood Publishing, 2018), 16.

In the final section, I outlined the ways in which the state's facilitation of transnational extractive capital has been met by both material and ideological resistance from Indigenous land defenders, migrant justice activists, and accomplices. In response to these challenges, the Canadian settler-state has drawn upon similar securitization and criminalization networks to police and incarcerate Indigenous land defenders and racialized migrants. Often, the disproportionate incarceration of these groups is directly related to the challenges they pose to flows of transnational extractive capital and to settler-Canadian nationhood, whether they be material or ideological. Interestingly, the interconnected nature of these oppressions as they relate to both extractive and border infrastructures means that solidarity between Indigenous land defenders and racialized migrants are likely a key way the flows of transnational extractive capital will be contested in the future.

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