

Why We Can't Afford Pipelines: State-Corporate Rentierism on Wet'suwet'en Territory

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TABLE OF CONTENTS

TABLE OF CONTENTS	ii
ABSTRACT	v
ACKNOWLEDGEMENTS	vi
Chapter 1: Introduction	1
1.1 The Wet'suwet'en Pipeline Protests	1
<i>1.1.1 The Wet'suwet'en Nation and Resource Extraction.....</i>	<i>5</i>
1.2 Research Objective and Questions.....	6
1.3 Chapter Summary.....	8
Chapter 2: Literature Review	10
2.1 Social Movements and Resistance: A Gramscian Perspective.....	11
2.2 A Critique of 'Crime' and Criminology	14
2.3 Canadian Extractivism	16
2.4 The Binary Logic of Settler Colonialism	19
2.5 The Criminogenic Corporation	22
<i>2.5.1. The Role of the State: Understanding Regulation.....</i>	<i>25</i>
<i>2.5.2 State-Corporate Crime Theory and Limitations.....</i>	<i>28</i>
2.6 Rentier Capitalism.....	30
<i>2.6.1 Neoliberalism.....</i>	<i>32</i>
<i>2.6.2 Exclusion, Primitive Accumulation, and Improperly.....</i>	<i>34</i>
<i>2.6.3 Earned and Unearned Income.....</i>	<i>36</i>
2.7 Conclusion.....	37
Chapter 3: Theoretical Framework	40
3.1 Theorizing the Capitalist State	41
3.2 Marxist Class Theory	44
3.3 Cannibal Capitalism: Beyond Class Struggles.....	46
3.4 Boundary Struggles.....	48
<i>3.4.1 Exploitation and Expropriation.....</i>	<i>49</i>
<i>3.4.2 Production and Social Reproduction.....</i>	<i>52</i>
<i>3.4.3 Human and 'Nonhuman' Nature.....</i>	<i>54</i>
<i>3.4.4 Economy and Polity.....</i>	<i>57</i>

3.5 Militarized Accumulation.....	59
3.6 Security and Liberal Pacification	62
3.7 Conclusion and Main Themes.....	64
Chapter 4: Methodological Approach.....	67
4.1 Methodological Challenges in Researching the Powerful	67
4.2 Marx's Conception of Language and Ideology	70
4.3 Ideology and Critical Discourse Analysis	71
4.4 CDA: Merging Theory and Method.....	74
4.5 Goals and Approach	75
4.6 Research Question and Objectives.....	76
4.7 Background to the Case Study	76
4.7.1 <i>Legal Documents</i>	77
4.7.2 <i>Hansard Transcripts from Three House of Commons Debates</i>	78
4.7.3 <i>Regulatory Records</i>	79
4.7.4 <i>Official Correspondence</i>	80
4.7.5 <i>Web-Based Publications</i>	81
4.8 Data Analysis.....	82
4.9 Conclusion.....	85
Chapter 5: Analysis	86
5.1 Racial Capitalism and Colonial Ideology.....	87
5.1.1 <i>Upholding the 'rule of law' and 'public interest'</i>	90
5.1.2 <i>Creating and profiting from divisions</i>	94
5.1.3 <i>Blaming 'radical activists'</i>	97
5.2 Cheap Nature.....	99
5.2.1 <i>Diminishing environmental concerns</i>	100
5.2.2 <i>Devaluing Indigenous knowledge claims</i>	104
5.3 Militarized Accumulation.....	107
5.3.1 <i>Prioritizing corporate interests over Indigenous lives</i>	110
5.4 Pacification.....	111
5.4.1 <i>Reconciliation and 'peaceful' negotiation</i>	112
5.4.2 <i>Pipelines as the only way forward</i>	115
5.5 Conclusion.....	117

Chapter 6: Conclusion	119
6.1 The State's Response to the Wet'suwet'en Pipeline Protests	120
6.2 The Coastal Gaslink Pipeline Conflict Today	123
6.3 Getting Rid of Rent	125
References	127
Appendices	147
Appendix A: Legal Documents	147
Appendix B: Regulatory Records	147
Appendix C: List of Hansard Transcripts in Chronological Order	147
Appendix D: Official Correspondence used as Empirical Material.....	148
Appendix E: List of Web-Based Publications	148

ABSTRACT

Using the Shut Down Canada movement as a case study, this thesis engages in a critical analysis of the *capitalist* state and its response to the Wet'suwet'en pipeline protests in February 2020. Much of the existing research tends to treat Indigenous resistance in binary terms (colonizer/colonized), which fails to situate Indigenous struggles within broader relationships of power, in this context rentier capitalism. This gap in the literature is addressed through Nancy Fraser's concept of *boundary struggles* to understand the Wet'suwet'en pipeline protests as a site of conflict between capitalism's economic and non-economic features, and which secures the conditions for rent extraction. This study also relies on Critical Discourse Analysis to examine the ideologies that influenced the state's response to the conflict, and how this response (re)produces unstable capitalist conditions. In doing so, this study found that dominant discourses overcame counter-hegemonic knowledge claims during the pipeline protests. These discourses relied on equity agreements signed by elected band councils and arguments of 'clean energy' to undermine Wet'suwet'en law and authority, and diminish environmental concerns. Taken-for-granted assumptions about the purported economic benefits of the pipeline further influenced which knowledge claims "won out". Although a memorandum of understanding was signed between governments and the Wet'suwet'en Hereditary Chiefs, the pipeline conflict was never resolved and the Wet'suwet'en continue to resist resource extraction projects. This study concludes that in order to target and adequately critique the capitalist state, we need to develop a broader understanding of social transformation.

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Chapter 1: Introduction

“If we begin to look at the constitutive relationship between states and corporations, then we begin to glimpse something much more fundamental than simply the production of crime and harm. If accusations of “crime” – and the odd prosecution – sometimes get in the way of governments and corporations in their daily business, they rarely disrupt this symbiosis of power.”

– *David Whyte (2014, p. 245)*

1.1 The Wet’suwet’en Pipeline Protests

In February 2020, a nationwide solidarity movement, known as the Shut Down Canada protests, erupted after the Royal Canadian Mounted Police (RCMP) enforced an injunction and arrested 28 Wet’suwet’en land defenders and their allies (Mendelin, 2025). The conflict centered on the construction of the 670-kilometer Coastal GasLink (CGL) pipeline, which cuts through approximately 190 kilometers of unceded Wet’suwet’en territory (Simmons, 2022). Although TC Energy (formerly known as TransCanada) and the British Columbia (BC) government signed agreements with 20 elected band councils along the proposed pipeline route, the company did not obtain free, prior, and informed consent from the Wet’suwet’en Hereditary Chiefs who maintain full jurisdiction and legal authority over unceded territories (Mendelin, 2025; Hume & Walby, 2021). Consequently, numerous blockades of roads, railways, and ports resulted in nationwide transportation disruptions, during which Crown corporations and other major industries reported thousands of layoffs and millions of dollars in losses (Mendelin, 2025; CBC News, 2020; Gollom, 2020).

Due to these major disruptions to Canada’s economy, the protests were framed as a national emergency, and Justin Trudeau’s Liberal government was heavily criticized for inaction. Despite its discourse of reconciliation and commitment to peaceful negotiations, the government was ultimately compelled to intervene to protect the interests of capital accumulation. In March 2020, the Trudeau government proposed a memorandum of understanding (MOU) to recognize

Wet'suwet'en land title rights. While the signing of this arrangement put an end to the nationwide protests, the Wet'suwet'en conflict over the pipeline was never resolved and TC Energy continued construction despite ongoing opposition from the Wet'suwet'en Hereditary Chiefs. Ever since, Wet'suwet'en peoples have reported permanent changes to their traditional way of life and negative impacts on wildlife and fish (Amnesty International, 2023). In addition, TC Energy has been repeatedly fined for the failure to protect natural habitats from erosion and sediment, and for providing false and misleading information in inspection records (Gomez, 2023).

This thesis uses the Wet'suwet'en pipeline protests as a case study to examine the role of the Canadian state in supporting and sustaining the extractive industry, at the expense of Indigenous sovereignty and climate stability. Much of the existing research on Indigenous protests analyzes the role of the state through the framework of settler colonialism (Preston, 2013; Crosby, 2021; Howe & Monaghan, 2018; Crosby & Monaghan, 2018; Hume & Walby, 2021; Spiegel, 2021; Perzyna & Bauder, 2023). In recent years, scholars have drawn on this framework to examine the racialized underpinnings of the state's response to Indigenous resistance to resource extraction projects (Crosby, 2021; Dafnos, 2013; Crosby & Monaghan, 2018). In particular, this work highlights how symbiotic relationships between states and corporations help frame Indigenous resistance as a threat to national security (Dafnos, 2013; Monaghan & Walby, 2017).

While settler colonialism is an important framework for understanding Indigenous land disputes, the Wet'suwet'en pipeline protests are more than just an abuse of police power, or another case study of state-corporate symbiosis. The state's attempts to 'resolve' the Wet'suwet'en protests speak to a growing body of scholarship that raises concerns about

Canada's reliance on resource extraction and the long-term viability of the sector (Graham et al., 2020; McCreary, 2022; McCormack & Gordon, 2020; Carroll, 2017; MacNeil, 2021). More specifically, McCreary (2022) argues the Canadian state is experiencing a "rentier dilemma". On one hand, the state is dependent on resource rents for profits through royalties, tax revenues, and economic growth (McCreary, 2022). On the other hand, the state's dependency constrains its ability to move away from resource extraction, especially in times of economic stagnation and climate crisis (McCreary, 2022; McCormack & Gordon, 2020). Since 2014, crashes in oil prices, related to a decrease in United States imports, have caused reductions in capital investment and lower employment rates (McCormack & Gordon, 2020; Janzwood, 2025). In response, the Canadian government has supported the development of extractive infrastructure projects, such as the CGL pipeline, as a part of a broader strategy to facilitate capital investment by exporting oil and gas to East Asia (McCormack & Gordon, 2020). At the same time, however, this strategy contradicted its recent promise to strengthen Canada's climate change policies, reduce greenhouse gas emissions, respect Indigenous rights and move towards reconciliation (McCreary, 2022; Graham et al., 2020; MacNeil, 2021). As many land defenders and environmental activists argue, the current climate crisis requires controlling fossil fuel consumption, not more pipelines (McCreary, 2022; Bradshaw, 2018; MacNeil, 2021).

Building on this literature, I will examine the state's response to the Wet'suwet'en pipeline protests as a case study of the rentier dilemma, a phenomenon that is fundamentally connected to capitalism's contradictions and its inherent crisis tendencies. As scholars of crimes of the powerful and corporate crime have argued, the state in a capitalist society is a capitalist state; therefore, it often responds to conflicts and dilemmas without directly addressing its underlying structural contradictions (Tombs, 2021; White & Kramer, 2015; Tombs & Whyte,

2015; Snider, 1987; Bittle, 2012; Soederberg, 2010). In *Cannibal Capitalism*, Fraser (2022) argues that capitalism's crisis tendencies are grounded in contradictions between its economic foreground features (i.e. private property and financial markets) and its "non-economic" background conditions that sustain it, including care work, nature, public powers, and processes of expropriation. Although capitalism relies on these non-economic conditions to create the material inputs necessary for production (i.e. creating a healthy workforce), its economic features threaten to destabilize or "cannibalize" its own conditions of possibility (Fraser, 2022, p. 23).

Moreover, Fraser (2022) argues that capitalism's crisis tendencies incite "boundary struggles", a form of social conflict over "gender domination, ecology, racism, and democracy" (p. 26). For this thesis, I will use Fraser's (2022) theoretical framework to empirically observe the Wet'suwet'en pipeline protests as a site of boundary struggles to understand the ways in which the state's response and acts of resistance are implicated in the reproduction of capitalism. While efforts to resist can challenge state and corporate domination and even disrupt unfettered fossil fuel development (Bradshaw, 2018), they can also reinforce the very thing individuals are trying to change (White & Kramer, 2015; Tombs & Whyte, 2019; Naegler, 2022). Therefore, we need a broader understanding of social transformation if we want to move beyond the reproduction of capitalist crisis (White & Kramer, 2015). The Canadian state provides an interesting point of inquiry, as its distinct brand of capitalism must be situated within the context of historical and ongoing dynamics of settler-colonialism and resource extraction. To provide context to the case study, I will outline a brief history of the Wet'suwet'en territory and its longstanding efforts to resist resource extraction.

1.1.1 The Wet'suwet'en Nation and Resource Extraction

The Wet'suwet'en are an Indigenous nation in northwest British Columbia (BC), with an ancestral territory spanning 22,000 square kilometers. Located in an area with an abundance of lakes and rivers, the territory has provided the Wet'suwet'en people with a source of subsistence since time immemorial (Daly, 2005). As such, Wet'suwet'en culture is deeply connected to the cycles of the salmon and other land-based resources like hunting, gathering, and trading (Daly, 2005; Gottesfeld, 1994; Mills, 1994). Additionally, the Wet'suwet'en have long practiced reciprocal relationships with the land, expressed through gift exchange and feasting, which have upheld their political and economic system since precontact times (Daly, 2005; Gottesfeld, 1994; Mills, 1994). However, with the arrival of the first European settlers, the territory has been subjected to extractive capitalism, beginning with the fur trade in the late eighteenth century, followed by the more recent industrial extraction of gold, salmon, timber, and mineral products (Daly, 2005). As a result of these activities, Wet'suwet'en peoples have a long history of resisting environmental destruction, lethal epidemics, land disposessions, and the loss of traditional knowledge systems (Daly, 2005; Frost, 2019).

Moreover, Wet'suwet'en land title rights have been a contested issue since British Columbia first became a colony in 1858 (Mills, 1994). Unlike other parts of Canada, the majority of British Columbia remains unceded, with the exception of some small parts of Vancouver Island (Mills, 1994; Kupis, 2023). At the time, Governor James Douglas (who also served as the chief factor of the Hudson's Bay Company) and the Crown were no longer willing to financially support new treaty making (Mills, 1994). As a result, the Wet'suwet'en territory remains uncaded, meaning the Wet'suwet'en people have never signed a treaty, nor surrendered or ceded their land rights to the Crown. Despite this, the Wet'suwet'en were still subjected to reserves,

colonial policies, residential schools, and the criminalization of traditional subsistence practices like fishing (Mills, 1994).

Disputes over Wet'suwet'en land title resurfaced in the 1980s, after conflict erupted when giant logging companies started an aggressive clear-cutting campaign on ancestral Wet'suwet'en land (Kupis, 2023; Mills, 1994). In 1984, after a series of blockades and failed negotiations, the Wet'suwet'en Hereditary Chiefs filed a lawsuit against the province of British Columbia for refusing to recognize Aboriginal Title rights (Kupis, 2023; Yurkowski, 2000). Known as the *Delgamuukw* case (1997), the Supreme Court of Canada affirmed that Aboriginal Title was not extinguished and that oral history could be used as evidence for land disputes (Yurkowski, 2000; Kupis, 2023).¹ The ruling also confirmed the government's duty to consult with Indigenous peoples before any activities that may infringe upon Aboriginal Title rights (Yurkowski, 2000; Kupis, 2023). While the *Delgamuukw* decision is considered an important victory in Canadian history, it has done little to prevent extractive companies from operating on Indigenous lands without free, prior, and informed consent.

1.2 Research Objective and Questions

As the citation at the beginning of the chapter indicates, this thesis is not about crime *per se*. Although TC Energy and Canadian government authorities (including the RCMP) were accused of human rights violations, harassment, and criminalizing Wet'suwet'en land defenders (Amnesty International, 2023), no powerful actor was convicted of any crime. So where does that leave us? Using the Wet'suwet'en pipeline protests as a case study, I will examine the complex relationship between the state, corporations, and Indigenous communities. Within the field of criminology, the overarching objective of this thesis is to move beyond a crime lens by

¹ For the full citation: *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010.

providing a critique of Canadian capitalism, which is predicated on an inherently harmful and unjust system of capital accumulation. As climate change continues to escalate and uncertainty for the future continues to grow, the need to focus on harms of the powerful is ever more important. Writing from this social justice perspective, this thesis has emancipatory goals insofar as it challenges the hegemonic belief that corporations and capitalism are the most efficient way of organizing production and the distribution of wealth (Bittle, 2015; Tombs & Whyte, 2015).

Thus, my research questions are:

1. What was the state's response to the Wet'suwet'en pipeline protests?
2. What knowledge claims were prioritized when attempting to 'resolve' the Wet'suwet'en pipeline conflict? Who do these knowledge claims benefit?
3. To what extent does the state's response to the Wet'suwet'en pipeline protests reproduce unstable capitalist conditions?

To answer my research questions, my theoretical framework will consist of Fraser's (2022) *Cannibal Capitalism*, which will be augmented by Neocleous's work on security and liberal pacification and Robinson's (2020) notion of militarized accumulation. Fraser (2022) argues that we need to look beyond class struggles to understand the broad range of boundary struggles between the 'economic' and 'non-economic' conditions of capitalist society. To expand Fraser's boundary struggles, I will use Robinson's (2020) concept of militarized accumulation to explain the role of states and corporations in maintaining or transforming these struggles. I will also use Neocleous's concept of pacification to explain how boundary struggles are being pacified through the logics of security.

Taken together, these concepts will help me understand how the state's response to the Wet'suwet'en pipeline conflict is (re)producing unstable capitalist conditions, causing harm to

humans and nonhumans. Notably, however, as a white settler writing about an Indigenous case study, my aim is not to prescribe solutions for Indigenous peoples. My aim is to study the Wet'suwet'en protests as an empirical exemplar of how the state responds to capitalist struggles and how this response is shaped by rentier interests. To date, virtually no research has analyzed Indigenous protests within the broader framework of rentier capitalism, a specific form of capitalism that derives income from the ownership and control of assets, such as land, resources and infrastructure (Christophers, 2020; Sayer, 2023; Standing, 2016; Birch & Ward, 2023). Although Fraser (2022) does not foreground the dominance of rent in contemporary capitalism, her framework will help me understand how capitalism's tendency to "cannibalize" its non-economic conditions of existence is being exacerbated by forms of rental income.

To support my theoretical framework, I will use Critical Discourse Analysis (CDA), informed by Marxist theory, to analyze how language creates meaning and materially shapes social life (Fairclough & Graham, 2010). In particular, I will look at parliamentary debates (Hansard), legal documents, regulatory records, news articles and official correspondence from TC Energy Corporation, the RCMP, and Indigenous groups. These sources will help me understand how hegemonic discourses are downplaying pipeline conflicts to be an 'Indigenous issue' while undermining the impact extractive activities have on all Canadians. They will also allow me to examine how hegemonic discourses prioritize economic development over human beings and the environment. Overall, my data analysis will support my argument that pipelines are not building a stronger Canadian economy, but reproducing unstable capitalist conditions.

1.3 Chapter Summary

The thesis unfolds in six chapters. In chapter two, I review the literature that examines social movements in relation to state-corporate symbiosis to build my argument that Indigenous

pipeline protests must be situated within the broader context of rentier capitalism. In chapter three, I outline my theoretical framework using Fraser's (2022) concept of boundary struggles and discuss its usefulness in explaining the state's response to the Wet'suwet'en pipeline protests. I also build on its limitations for understanding the symbiotic relationship between states and corporations through Robinson's (2020) concept of militarized accumulation and Neocleous's (2011) concept of pacification. In chapter four, I outline my methodological framework. Here, I explicate some of the limitations of researching the powerful and my decision to use Marxist Critical Discourse Analysis to analyze my five sources. In chapter five, I present my findings and discuss the four discourses that emerged during my analysis. Finally, in chapter six, I conclude by discussing this research's contributions to the discipline of criminology and its broader implications for social transformation. Although dominant discourses shaped the outcome of boundary struggles and ultimately the state's response to the Wet'suwet'en pipeline protests, counterhegemonic claims threatened the capitalist order and forced the state to 'resolve' the protests quickly. This reveals the fragility of capitalist social relations and opens the possibility for alternative ways of organizing life.

Chapter 2: Literature Review

Recent research on Indigenous protests have examined how Indigenous resistance to settler colonial projects are fostering new relationships between states and corporations (Crosby, 2021; Crosby & Monaghan, 2018; Bradshaw, 2018). Especially within the last couple decades, Indigenous protests have become sites of institutionalized collaborations between energy corporations, the police, and Canadian security agencies (Monaghan & Walby, 2017). These collaborations have led some scholars to identify this issue as a case of state-corporate symbiosis, drawing attention to how corporations are influencing police operations and suppressing the democratic right to protest (Dafnos, 2013; Monaghan & Walby, 2017). However, there is virtually no research that has analyzed this issue of state-corporate symbiosis within the broader context of rentier capitalism. To use Pearce and Tombs (1998) words, missing from the literature on Indigenous protests is an analysis of the “nature of states and economies within which corporations operate” (p. 34). Therefore, there is a need for more multi-disciplinary research that examines how settler-colonial and rentier states are (re)creating the conditions for corporate harm.

This chapter examines the phenomenon of rentier capitalism in relation to state-corporate harm in the context of Indigenous land struggles. In Section 2.1, I examine the role of criminologists in social movements and resistance using a Gramscian perspective. In Section 2.2, I provide a critique of criminology and crime, contending that we must move beyond a crime lens to understand the role of the state in facilitating (or initiating) corporate harm. In Section 2.3, I examine Canadian extractivism, focusing on the Alberta tar sands and the Enbridge Northern Gateway pipeline to analyze how Indigenous pipeline resistance has been discussed and conceptualized in criminology and related literature. In Section 2.4, I critically assess the

frameworks of settler colonialism for analyzing Indigenous protests. In Section 2.5, I explicate the dynamics of state-corporate symbiosis by breaking down the criminogenic corporation, the role of the state, state corporate crime theory, and its limitations for understanding broader relationships of power. Lastly, in section 2.6, I explicate the framework of rentier capitalism and its usefulness for understanding Indigenous land dispossession and the state's support for pipeline projects. Overall, this chapter will argue that situating Indigenous pipeline protests within the broader context of rentier capitalism is important for uncovering the ways in which states and corporations routinely inflict harm on people and the environment.

2.1 Social Movements and Resistance: A Gramscian Perspective

Since this thesis is focused on the role of resistance in challenging state and corporate power, a distinction must be made between protest and social movements. The term 'protest' is "mainly applied to the actions of non-dominant groups", such as the protest tactic of blockades during the Wet'suwet'en land defence movement (Mendelin, 2025, p. 47). In this context, the term "protestors" was evoked by public officials and the media to depict land defenders as dangerous and potentially criminal (Hume & Walby, 2021). The term also served to legitimize the authoritarian actions of the police, while obscuring the long history of social movements in sustaining Indigenous life (Mendelin, 2025; Hume & Walby, 2021).

The history of Indigenous grassroots activism can be traced to the mid-1960s when a generalized Indigenous movement began to emerge (Carlson, 2023). This period is marked by several key struggles, such as the Red Power movement in the late 1960s, the movement against the White Paper in 1969, and the Indian Rights for Indian Women movement in 1967 (Carlson, 2023). These struggles then laid the foundation for more radical and transformative strategies, including the resistance against the Canadian army at Kanehsatà:ke in 1990, Idle No More in

2012, the Land Back Movement in 2016, and Shut Down Canada in 2020 (Carlson, 2023; Abu-Zahra et al., 2025). Without such struggles, the broader Indigenous movement for Indigenous self-determination would not have been possible, nor would collective alliances between Indigenous and non-Indigenous peoples have been established (Carlson, 2023; Abu-Zahra et al., 2025).

Within the field of “critical” criminology, resistance as a concept and practice is central for challenging hegemonic power and furthering social justice (Ferrell, 2022; Ruggiero, 2021; Naegler, 2022). However, as many scholars argue, criminologists have largely failed to develop a theory of resistance or strategic recommendations for action (Naegler, 2022; White & Kramer, 2015; Stanley & McCulloch, 2012; Kramer, 2012). Particularly within the state crime scholarship, inadequate understandings of resistance can paradoxically reproduce the very structures it seeks to oppose, change, or transform (Stanley & McCulloch, 2012). This is in part because resistance “frequently demands action in collaboration *with* and *against* the state” (White & Kramer, 2015, p. 388). For example, building a critique of state crime through the criminal justice system “can simultaneously confirm the institutional basis of the state and reinforce the parameters of ‘the law’, as well as dominant ideologies that states are ‘good’, protective and democratic” (Stanley & McCulloch, 2012, p. 10). In this sense, acts of resistance are both shaped and restricted by political and economic contexts (White & Kramer, 2015; Stanley & McCulloch, 2012).

To develop a better understanding of social movements and resistance, it is important to understand that hegemony is never monolithic (Stanley & McCulloch, 2012; White & Kramer, 2015). As Italian Marxist Antonio Gramsci argued, hegemony is achieved when a leading class faction forms a ‘historical bloc’ through a combination of force (legal, economic, or military) and

consent (acceptance of ideas) (Gramsci, 1971; Tombs & Whyte, 2019; Carroll, 1997).

Importantly, Gramsci emphasized that consent does not arise spontaneously, but must be continuously won through ideological struggles (Carroll, 1997). In order to maintain its hegemony, a historical bloc must dominate through material power (i.e. controlling the means of production), and through ideas (i.e. controlling social institutions such as education, political organizations, public health) (Tombs & Whyte, 2019). Yet, this hegemony will never be complete because a historical bloc will always deal with the threat of counter-hegemonic movements (Carroll, 1997; Tombs & Whyte, 2019).

Moreover, Gramsci's writings on the formation of intellectuals are useful for understanding the role of criminologists within social movements and resistance (Tombs & Whyte, 2003, 2019). For Gramsci, "[a]ll men are potentially intellectuals in the sense of having an intellect and using it, but not all are intellectuals by social function" (Gramsci, 1971, p. 91). Intellectuals by social function are those whose status or position is "valorised" by their institutional context or intellectual labor (Tombs & Whyte, 2019, p. 49). The two types of *functional* intellectuals that Gramsci distinguishes between are organic and traditional intellectuals (Gramsci, 1971; Tombs & Whyte, 2019). In the university context, academics are positioned as traditional intellectuals because of their *apparent* autonomy and political neutrality from dominant groups, which gives them the "ability to produce value-free intellectual work" (Tombs & Whyte, 2019, p. 49). At the same time, however, academics also function as organic intellectuals because their academic research is implicated in the reproduction of class inequalities and hegemonic order (Tombs & Whyte, 2003, 20019). This is because the university is a "hegemonic apparatus" that controls who is hired, what classes are taught, and what research projects are funded (Tombs & Whyte, 2019, p. 47).

For critical criminologists, this does not mean that counter-hegemonic knowledge production within academic contexts is futile (Tombs & Whyte, 2019, 2003; Naegler, 2022). Conversely, counter-hegemonic struggles within the university opens the possibility for “organic” relationships between critical criminologists and social movements (Naegler, 2022). Though, as the next section demonstrates, in order to contribute to meaningful social action, critical criminologists must be first willing to critique their institutional origins.

2.2 A Critique of ‘Crime’ and Criminology

The concept of ‘crime’ is often a barrier for challenging injustice and inequality within capitalist societies. As many critical criminologists have argued, crime has no ontological reality because it is socially and legally constructed (Hillyard et al., 2004; Michalowski, 2009). From a socially constructed perspective, criminal law categories are “creative constructs” that change from time and place, and are designed to criminalize some behaviours while excluding others (Box, 1983, p. 7). From a legally constructed perspective, criminal law’s definition of crime is extremely narrow and tends to focus on individual acts and behaviours rather than structural harms (Hillyard et al., 2004). Both perspectives support the argument that criminal law categories reflect the interests of powerful groups in society (Box, 1983; Hillyard et al., 2004).

Moreover, Box (1983) uses the term ‘mystification’ to explain how state definitions of crime are “mystifying” of other forms of harms committed by powerful groups of people (p. 14). Importantly, it not only the state, but criminologists and the media that are complicit in reproducing a “mystic reality” (Bittle and Frauley, 2023, p. 84). According to Agozino (2004), criminology is theoretically underdeveloped because of its complicity with the imperialist project. As Agozino (2004) argues, it was precisely European colonialism that inspired the emergence of classical criminology and the development of Western crime control models as a

tool to control and conquer the ‘other’ (p. 346). Despite decolonial efforts, modern criminology lacks the ability to be critical of itself, or what Kitossa (2020) calls a “criminology of criminology” (p. 103). Therefore, a truly critical criminology requires challenging criminology’s metatheoretical assumptions around the legal definitions of crime (Michalowski, 2009).

To do this, several critical criminologists have urged for a social harm approach to crime and deviance (Hillyard et al., 2004; Michalowski, 2009; Canning & Tombs, 2021). The concept of social harm was developed by Hillyard et al. (2004) to examine harms that people experience “from the cradle to the grave” (p. 18). For Hillyard et al. (2004), this means considering how socio-demographic factors such as social class, gender, age, race and ethnicity, influence the types of harms people experience at different points in time (p. 19). It also means widening the investigation into who or what might be responsible for the types of harms people experience (Hillyard et al., 2004, 22). As Hillyard et al. (2004) point out, many social harms are the result of structural factors, at the hands of states and corporations, rather than individual factors. As such, the study of social harms has a real possibility of challenging structures of power embedded in state institutions, such as law and even criminology itself.

Of course, there are limitations to the social harm approach. These limitations arise when attempting to define and measure the broad range of harms both humans and non-humans experience (Hillyard et. al., 2004). For instance, these harms could be physical, emotional, psychological, financial, environmental, etc. The widespread nature of social harm categories provides one explanation as to why there is a “black box” of white-collar crime victims, who have been neglected and ignored (Dodge, 2020). However, as Hillyard et. al. (2004) argue, the difficulties of developing a means to define and measure social harm should not be viewed as an obstacle to studying social harms. Both criminology and a social harm approach have the

potential to create social change if there is a willingness to move away from individual notions of crime, to address broader structural problems that are excluded from the criminal justice system (Hillyard et. al., 2004).

Nonetheless, the concept of crime itself remains a persistent limitation for analyzing the role of the state in facilitating corporate harm driven by the pursuit of profit maximization, often at the expense of workers, consumers, and the environment (Tombs and Whyte, 2015; Bittle, 2015). To move beyond a crime lens, the next section will examine Canadian extractivism to highlight the historical and ongoing dynamics of settler-colonialism through which states and corporations produce harm.

2.3 Canadian Extractivism

As a settler colonial state and the fourth-largest oil and gas producer globally (Janzwood, 2025), Canada has a long history of extractivism, a form of capitalist production that involves the extraction of natural resources (Hall, 2023b; Fast, 2014). Although human beings have always been dependent on extracting raw materials for survival and development, the drive to extract without replenishment is utterly unique to capitalism (Fast, 2014; Fraser, 2022). Historically, capitalist extraction began in the seventeenth century, with the emergence of the fur trade and establishment of the Hudson's Bay Company (Comack, 2018; Huseman & Short, 2012; Preston, 2017). Notably, the Canadian state played an important role in supporting the extractive industry through treaty-making and the construction of the transcontinental railroad, both of which facilitated the appropriation of Indigenous land for colonial settlement and continued resource extraction (Comack, 2018; Preston, 2017).

The settler-colonial “discovery” of the Alberta tar sands played a significant role in shaping Canadian extractivism. Although historical evidence indicates that Indigenous peoples

used the tar sands to seal their canoes prior to European contact (Smandych & Kueneman, 2010), European settlers claimed to have “discovered” it in the nineteenth century when the Canadian government began exploration of the Athabasca region for settlement, resource extraction, and economic development (Preston, 2017; Huseman & Short, 2012). In 1870, the presence of oil deposits was officially confirmed by the Geological Survey of Canada, signalling the potential profitability of the area and motivating the Canadian government to initiate Treaty Six and Eight (Preston, 2017). For the Canadian state, treaties were a way to pressure and coerce Indigenous nations to relinquish their land and resources (Preston, 2017; Comack, 2018). For instance, during treaty negotiations, Canadian officials leveraged the provision and restriction of food to force nations into treaty agreements (Preston, 2017). This coercion occurred in the context of mass Indigenous starvation, which was largely the result of European disturbances of hunting and trapping grounds, particularly the near-extinction of the buffalo (Preston, 2017).

Nevertheless, the signing of Treaty Six in 1876 and Treaty Eight in 1899 ultimately facilitated government and corporate access to the petroleum and bitumen reserves in Alberta (Preston, 2017). However, tar sand production only became commercially viable by the turn of the twenty-first century, with technological innovations that reduced production costs (McCreary, 2022; Huseman & Short, 2012). For instance, “[t]ar sands production doubled from 653,000 barrels per day in 1998 to 1.25 million barrels in 2006, nearly doubling again to 2.31 million barrels by 2014” (McCreary, 2022, p. 32). Ever since, industrial activities have not only pushed Indigenous peoples off their lands, but have also exposed them to toxic pollutants that have contaminated water systems and wildlife populations (Huseman & Short, 2012).

Despite numerous studies that have documented the extensive ecological and human health harms caused by tar sands development (Smandych & Kueneman, 2010; Huseman &

Short, 2012), the Canadian government continues to support corporate efforts to expand production, especially through the construction of new pipelines. In 2002, the Enbridge Northern Gateway Pipeline (hereafter “Enbridge”) was one of the first major pipeline proposals to expand tar sands production (Crosby & Monaghan, 2018). However, the approval of the project was repeatedly delayed due to strong environmental and Indigenous opposition, and ongoing reports of Enbridge pipeline leaks (Preston, 2013; Crosby & Monaghan, 2018). For instance, it was uncovered that Enbridge was unequipped to deal with the Line 6B rupture which resulted in millions of litres spilt in Michigan’s Klamazoo River in 2010 (Preston, 2013; Crosby & Monaghan, 2018). In fact, it was found that Enbridge knew of the defect five years prior to the leak, but did nothing to resolve the issue (Preston, 2013). As a result, the “Michigan spill affected more than 50 kilometres of waterways and wetlands, while about 320 people reported symptoms from crude oil exposure” (Preston, 2013, p. 46).

In 2010, five Carrier Sekani nations (Nak’azdli, Takla Lake, Saik’uz, Wet’suwet’en, and Nadleh Whut’en First Nation) came together to form the Yinka Dene Alliance (YDA) with the goal of stopping the Enbridge pipeline (Hundley, 2024).² In response to protests, various collaborations emerged between the Canadian government, the RCMP, and Enbridge Inc. (Crosby & Monaghan, 2018; Preston, 2013; Monaghan & Walby, 2017). For example, a new RCMP-led anti-terrorism unit, known as the K Division Integrated National Security Enforcement Team (INSET), was established to protect the tar sands industry by criminalizing Indigenous resistance to the Enbridge pipeline (Preston, 2013). Using the framework of settler-

² The Carrier Sekani First Nations are located in North Central British Columbia (Carrier Sekani Family Services, 2024). The Wet’suwet’en First Nation, formerly known as the Broman Lake Indian Band, is a neighboring community and a member of the Carrier Sekani Tribal Council (CSTC) (Carrier Sekani Tribal Council, n.d.). However, the Wet’suwet’en people as a whole, represented by the Wet’suwet’en Hereditary chiefs are a distinct nation, separate from the Carrier Sekani First Nation.

colonialism, Preston (2013) argues that these new “public/private partnerships” demonstrate how settler-colonialism is not in the past, but a new neoliberal strategy to maintain and extend control.

From another perspective, Monaghan and Walby (2017) conceptualize these collaborations as a form of “state-corporate symbiosis”, by examining how intelligence sharing between Enbridge and Canadian security agencies facilitated the convergence of policing and corporate interests (p. 52). Monaghan and Walby (2017) argue that the fusion of Enbridge and Canada’s security agencies form part of a broader “petro-security apparatus” which refers to a networked system in which state security agencies and energy corporations work together to monitor, manage, and suppress dissent in order to secure critical infrastructure.

Notwithstanding state-corporate security efforts, in 2016 Prime Minister Justin Trudeau officially cancelled the Enbridge project on the grounds that the company neither adequately consulted nor received the consent of the First Nations affected by the pipeline (Crosby & Monaghan, 2018; Hundley, 2024). For some scholars, this victory demonstrates how Indigenous resistance can effectively challenge settler-colonialism (Preston, 2013; Hundley, 2024). Yet, shortly after Enbridge’s termination, the federal government announced plans to build several other pipeline projects (Crosby & Monaghan, 2018).

2.4 The Binary Logic of Settler Colonialism

As the literature above demonstrates, the majority of research on Indigenous protests has been analyzed using the framework of settler colonialism (Preston, 2013; Crosby, 2021; Howe & Monaghan, 2018; Dafnos, 2014; Crosby & Monaghan, 2018; Hume & Walby, 2021; Spiegel, 2021; Perzyna & Bauder, 2023). Settler colonialism is distinct from other forms of colonialism in that its primary focus is settlement and the establishment of a new settler society (Wolfe, 2006; Veracini, 2013; Crosby & Monaghan, 2018). As a theoretical framework, settler-colonialism is

often grounded in Patrick Wolfe’s concept of the “logic of elimination”, which conceptualizes colonialism as an ongoing structural process aimed at the dispossession and replacement of Indigenous peoples, rather than a single event of the past (Wolfe, 2006, as cited in Crosby, 2021, p. 414; Crosby & Monaghan, 2018, p. 8).

Within the context of Indigenous protests, the framework of settler colonialism is frequently used to examine the state’s response to Indigenous resistance through emerging trends in policing (Dafnos, 2013; Crosby, 2021; Crosby & Monaghan, 2018; Howe & Monaghan, 2018; Monaghan & Walby, 2017). One prominent trend is “national security policing” (Crosby, 2021), which involves the work of police in framing Indigenous resistance to settler colonialism as a threat to national security (Dafnos, 2013; Crosby & Monaghan, 2018; Monaghan & Walby, 2017). Notably, this national security framing is often linked to the securitization of “critical infrastructure”, which is viewed as essential to capitalist expansion and the maintenance of settler-colonial order (Dafnos, 2013; Crosby & Monaghan, 2018; Monaghan & Walby, 2017). Critical infrastructure, as defined by the federal government, is the ““processes, systems, facilities, technologies, networks, assets and services essential to the health, safety, security or economic well-being of Canadians and the effective functioning of government”” (Public Safety Canada, 2009, as cited in Dafnos, 2013, p. 65). Therefore, because critical infrastructure is defined as essential to the functioning of the state, land reclamations and blockades have been characterized as threats to national security due to their potential disruption of settler-colonial society.

The importance of critical infrastructure to national security has led many scholars to examine the increasingly institutionalized collaborations between the RCMP, security agencies, and private corporations (Dafnos, 2013; Crosby, 2021; Crosby & Monaghan, 2018; Monaghan &

Walby, 2017). For example, Crosby (2021) traced the emergence of these collaborations to the intensification of racialized surveillance practices associated with the war on terror and the creation of the RCMP's Aboriginal Joint Intelligence Group (JIG) in 2007. The JIG's mandate was to monitor Indigenous communities, manage threats to critical infrastructure, and share intelligence with law enforcement and energy corporations (Crosby, 2021). The JIG compiled weekly situation reports and produced an annual "Aboriginal communities of concern strategic intelligence report" to identify threats to critical infrastructure, which were then distributed to government, law enforcement, and private sector corporations (Crosby, 2021, p. 419). Here it is precisely the sharing of intelligence between public and private sectors that has led some scholars to characterize these collaborative relationships as a form of "symbiosis" between corporate entities and the Canadian government agencies (Dafnos, 2013; Monaghan & Walby, 2017).

However, these institutionalized collaborations are only one way in which state-corporate symbiosis operates. By focusing on the role of settler-colonial policing, these scholars risk falling into an empiricist way of looking at the complex relationship between states and corporations, which tends to focus on abstract "events" and "collaborations" rather than situating these relationships within broader relations of power (Tombs, 2012).

Furthermore, while settler colonialism is an important framework for understanding Indigenous protests, it is limited to a binary logic. Importantly, I am not denying that the binarism between Indigenous peoples and settlers is historically and structurally grounded. As Wolfe (2013) argues, the binarism is historically rooted in the concept of the "frontier", which produced and reinforces distinctions between Indigenous peoples and European settlers through processes of territorial invasion and ideologies of race, class, and gender (p. 257). However, for

this research, the settler-Indigenous binary is analytically insufficient because it does not capture the capitalist relations that structure the relationship between settlers and Indigenous peoples, nor the criminogenic structure of corporations (Comack, 2018). Therefore, to move beyond a settler-colonial binary, the next section will examine the symbiotic relationship between states and corporations to situate Indigenous protests within the broader dynamics of capitalism.

2.5 The Criminogenic Corporation

To understand the state's response to the Wet'suwet'en pipeline protests, it is necessary to unpack the criminogenic corporation created through law. In recent decades, a substantial body of research has exposed the vast and equally alarming social, economic, and environmental harm caused by corporations (see Tombs & Whyte, 2015; Bittle, 2012; Pearce & Tombs, 1998; Snider, 2014; Lynch, 2020). This research includes case studies of different forms of corporate crime, such as occupational health and safety crimes that led to the Westray mine explosion (Bittle, 2012), financial crimes connected to the 2008 sub-prime mortgage crisis (Snider, 2014), and safety and environmental crimes in the chemical industry, such as the gas leak disaster in Bhopal (Pearce & Tombs, 1998). While these case studies illuminate the tragic and devastating effects of corporate wrongdoing, these scholars argue that they are rarely treated as crimes, but instead mere "accidents" (Tombs & Whyte, 2015; Bittle, 2012; Pearce & Tombs, 1998). As discussed above, the tendency to downplay or outright ignore corporate crime can be attributed to ideological notions of crime and deviance. However, another explanation is rooted in the historical development of the criminal law and the corporate form.

Although the corporation as a mechanism for wealth accumulation dates back to the thirteenth century, the modern corporation emerged amid rapid social transformations in the eighteenth and nineteenth centuries (Tombs & Whyte, 2015; Bittle, 2012). Particularly in Britain,

the industrial revolution fostered new opportunities for wealth accumulation, which contributed to the growth of the British bourgeois class (Tombs & Whyte, 2015). As a result, several criminal law reforms were introduced to support a new social order that privileged industrial capitalism (Tombs & Whyte, 2015). One such development was the construction of “liberal individualism”, a criminal law concept that frames crime in terms of *individual* responsibility (Tombs & Whyte, 2015, p. 81). In this sense, crimes were thought to be a product of individual choice that could be prosecuted through the individual’s “*mens rea*” (guilty mind) (Tombs & Whyte, 2015, p. 82). Far from innocuous, conceptualizing crime in individualistic terms helps explain why collective and structural forms of harm frequently escape criminal punishment (Tombs & Whyte, 2015; Bittle, 2012). It also has important connections to the construction of the corporate “person” in law (Tombs & Whyte, 2015).

In corporate law, the term “incorporation” refers to the legal process of forming a separate legal entity, otherwise known as a “corporate personhood,” that is distinct from its owners (shareholders), directors, managers, and workers (Whyte, 2018; Tombs & Whyte, 2015). Historically, the main reason for incorporation was to reduce “the *commercial* risks or liabilities of the individual members of the organization” (Whyte, 2018, p. 99). Thus, a key advantage of corporate personhood is the principle of “limited liability”, which became fully established in law in the nineteenth century (Whyte, 2018; Tombs & Whyte, 2015). Limited liability allows shareholders to ‘limit’ their liabilities to the monetary sum (shares) they invested, while reducing their responsibility for any company debts or legal costs (Whyte, 2018; Tombs & Whyte, 2015). This separation is further reinforced by the “corporate veil,” a legal term that describes an “invisible barrier” between the individuals who control the corporation and the corporation itself (Tombs & Whyte, 2015, p. 85). In cases of corporate harm or wrongdoing, the corporate veil

often acts as a shield protecting higher ups in the corporation (shareholders, executives and senior managers) from legal punishment (Whyte, 2018; Tombs & Whyte, 2015).

As a result of these legal privileges bestowed upon the corporation, the vast majority of prosecutions are against *corporations* rather than the *individuals* that make up the corporation (Whyte, 2018; Tombs & Whyte, 2015). For example, in the beginning of the twenty-first century in the UK, “convictions of individuals for offences that result in the killing and injuring of workers, represented less than 3 per cent of all health and safety prosecutions” (Tombs & Whyte, 2015, p. 95). Similarly in Canada, criminal legislation to punish corporate wrongdoing, like the Westry law (Bill C-45) in 2004, has resulted in very few individual charges and convictions (Bittle & Stinson, 2019; Bittle, 2012). Moreover, when legal sanctions do occur, they are often in the form of fines, which are hardly a deterrent as they “typically represent (for large organizations) less than a fraction of the profits made each hour, and they are nothing more than ineffective slaps on the wrist” (Snider, 1987, p. 49).

As these examples show, legal challenges that arise with punishing corporate harm and wrongdoing are symptomatic of the corporate structure itself. Since the limited liability corporation is legally required to maximize profits for its shareholders, these interests are frequently placed above the health and safety of workers and the protection of human rights and the environment (Bittle, 2015, p. 136; Pearce & Tombs, 1998, p. 115). As such, these historical and legal factors explain why the corporation is inherently “criminogenic” (Bittle, 2015, p. 147). However, at the same time, it is important to recognize that corporate power is not absolute, as it is a “relatively recent invention” that is entirely dependent on the legal frameworks determined by states (Tombs & Whyte, 2015, p. 28). Therefore, the criminogenic corporation can be

punished, or entirely dismantled, and this is why the next section turns to the role of the state in creating the conditions for the abuse of corporate power.

2.5.1. The Role of the State: Understanding Regulation

As many corporate crime scholars have argued, recognition of corporate crime can only occur through understanding the role of the state and, specifically, its regulatory functions within the context of capitalism (Bittle, 2015; Snider, 1987; Tombs & Whyte, 2015; Pearce & Tombs, 1998). In capitalist societies, the state has two contradictory roles. On one hand, the state's primary role is to create the conditions for capital accumulation as "the survival of the national political system and all its programmes is dependent, both directly and indirectly, on the extraction of surplus" (Snider, 1987, p. 58). On the other hand, the state must maintain legitimacy by appearing neutral, through the creation and enforcement of laws that serve the "public interest" (Snider, 1987, p. 58; Fraser, 2015, p. 164). These roles are contradictory because capitalism's drive for endless accumulation is a constant threat to the state's legitimacy, particularly in cases of corporate harm and wrongdoing (Snider, 1987; Tombs & Whyte, 2015). For example, industrial capitalism in the eighteenth and nineteenth centuries threatened the legitimacy of the state when reports revealed how workers, including children, were literally worked to death in "crowded, filthy, and dangerously confined spaces" (Tombs, 2021, p. 115). In response to social unrest from working class resistance, the state played a central role in regulating the factory system through a series of Factory Acts legislation which primarily imposed limitations on the length of the working day (Tombs, 2021; Tombs & Whyte, 2015).

While the emergence of factory legislation was momentous insofar as it helped improve the lives of working men and women, regulatory intervention did not resolve the state's fundamental contradiction between accumulation and legitimation, since capitalism itself is

structured around a contradiction between profit accumulation and sustainability (Tombs, 2021; Tombs & Whyte, 2015). As Marx argued in his analysis of the Factory Acts in *Capital*, Volume I, regulation did not arise from bourgeois benevolence, but rather from the need to maintain and reproduce the conditions for capital accumulation (Tombs, 2021). Because labor is the source of all surplus value, the Factory Acts were necessary to ensure the reproduction of capitalism by forcing factory owners to “consider ways of extracting greater value from employees in shorter working hours and under ostensibly ‘safer’ working conditions” (Tombs, 2021, p. 116).

However, this does not mean that factory owners complied with these regulations, nor does it mean that regulation leads to a direct path of human progress. According to Snider (1987), changes to the mode of production can produce new hazards (i.e. chemicals and toxic wastes), new technologies that alienate workers, and new methods of expropriation that increase capitalist profits at the expense of workers (p. 55). Moreover, Marx’s analysis of the Acts’ implementation shows that noncompliance was common, and regulatory bodies were given discretionary power to apply the law selectively, which resulted in few criminal prosecutions (Tombs, 2021; Tombs & Whyte, 2015). For Tombs (2021), this demonstrates how state regulation is less about controlling corporate harms, than about reproducing the conditions of effective profit maximization under the guise of “liberal democracy” (p. 120).

With this understanding of the role of the state in regulating the carnage of industrial capitalism, it is possible to explain the influence of neoliberalism on state regulation, and how it led to the practical “disappearance” of corporate crime (Snider, 2000). First, it is necessary to define the term ‘neoliberalism’, as it is a contested analytical concept (see Ganti, 2014; Scribano et al., 2014; Dunn, 2017). According to Peck (2010), who has traced the historical geography of neoliberalism back to its ideological formulations in the 1920s, there can be no single definition

of neoliberalism because it has only existed in “messy hybrids” (p. 7). Since neoliberalism is a free market utopian project that will never reach completion (Peck, 2010), its current hegemony is not guaranteed, so “it must be renegotiated and relegitimized as a world-view on a constant basis” (Soederberg, 2010, p. 16). At the same time, however, neoliberalism can be identified empirically through several key distinguishing features such as privatization, deregulation, liberalization, deunionization, and individualism (Soederberg, 2010; Peck, 2010). For the purposes of this thesis, these features are useful for understanding neoliberalism as an ideology and mode of governance for states and corporations.

Neoliberalism rose to prominence in the 1970s during the restructuring of the Keynesian welfare state, which was blamed for crises of capital accumulation associated with government intervention in the economy and social protection programs (Snider, 2000; Peck, 2010; Pereira, 2025). According to neoliberal ideologies, “market systems can only operate at maximum efficiency when there are no artificial barriers such as government regulations, tariffs or subsidies, to impede them” (Snider, 2000, p. 182). As such, the role of the state in regulating corporate activities is considered a fundamental threat to economic efficiency and individual freedoms (Tombs & Whyte, 2015; Whyte, 2004; Snider, 2000; Bittle, 2015).

In a utopian neoliberal world, the state should act as a “nightwatchman”, only interfering in times of economic crisis or market failure (Clarke, 1988, as cited in Tombs & Whyte, 2015, p. 18). A prime example is the corporate bail-outs on behalf of the state during the 2008 financial crisis, which simultaneously exposes the neoliberal “myth of the autonomous corporation” (Tombs & Whyte, 2015, p. 16). Although corporate autonomy can never be complete because corporations depend on state regulation to ensure its survival, neoliberal ideologies have restructured and shaped how people perceive the corporation (Snider, 2000; Bittle, 2015; Tombs

& Whyte, 2015). For instance, by restricting the role of the state, neoliberal ideologies have propagated the belief that corporations are “*autonomously* efficient; that is, that their economic efficiency exists *outside* of the infrastructure of the state or without any assistance from states” (Tombs & Whyte, 2015, p. 14). These neoliberal claims support corporate arguments that state regulation is unnecessary, redundant, and even a threat to worker wages (Bittle, 2015; Tombs & Whyte, 2015; Snider, 2000). Consequently, state regulation, since it can never completely ‘go away’ without jeopardizing the entire system, became more about ensuring compliance and trusting corporations to ‘self’-regulate (Whyte, 2004; Bittle, 2015). Overall, this shift in state regulation helps explain the “disappearance” of corporate crime, in the sense that corporate harm and wrongdoing are no longer policed as ‘real’ crimes (Snider, 2000).

2.5.2 State-Corporate Crime Theory and Limitations

As seen above, the state plays an important role in reproducing the legal and political conditions for corporations to exist. As such, state-corporate crime scholars argue that the atrocities caused by corporations is a product of the symbiotic relationship between states and corporations. Developed by Kramer and Michalowski in the early 1990s, state-corporate crime theory emerged from examining how corporations and governments intersect to produce harm and crime (Kramer et al., 2002). Grounded in Marxian political economy, state-corporate crime theory recognizes the shared interests of capitalist accumulation between states and corporations (Kramer et al., 2002). Since the modern corporation emerged in the nineteenth century, “corporations and governments have been functionally interdependent” (Kramer et al., 2002, p. 270). On one hand, states create the legal, economic, and political conditions for corporations to exist (Kramer et al., 2002, p. 270). On the other hand, the state depends on corporate revenues in order to function (Kramer et al., 2002, p. 270).

Important for this discussion are the two types of state-corporate crime: state-initiated and state-facilitated corporate crime. State-initiated corporate crime occurs “occurs when corporations, employed by the government, engage in organizational deviance at the direction of, or with the tacit approval of, the government” (Kramer et al., 2002, p. 271). An example of state-initiated corporate crime is the space shuttle Challenger explosion, which was caused by direct collaboration between the U.S. government agency, National Aeronautics and Space Administration (NASA), and Morton Thiokol, Inc., a private business corporation (Kramer et al., 2002). The other type of corporate crime is state-facilitated, which “occurs when government regulatory institutions fail to restrain deviant business activities, either because of direct collusion between business and government or because they adhere to shared goals whose attainment would be hampered by aggressive regulation” (Kramer et al., 2002, pp. 271-272). An example of state-facilitated corporate crime is the explosion and fire at the Imperial Food Products chicken processing plant in North Carolina, which killed 25 workers and injured 56 others because of state inaction and negligence (Kramer et al., 2002, p. 277). According to Kramer et al. (2002), the tragedy could have been prevented if the state of North Carolina did not refuse to support the Occupational Safety and Health Administration (OSHA) and if regulatory agencies did not fail to report hazardous conditions inside the plant (p. 277).

Overall, although there is a tendency to compare corporate hegemony with the declining power of states, state-corporate crime theory is useful for understanding that the state is not powerless, but often complicit in corporate harm and crime (Tombs & Whyte, 2015; Whyte, 2014). As Whyte (2014) notes, the state-corporate crime literature is significant for “‘bringing the state back in’ to the study of the social harms caused by corporations” (p. 237). At the same time, however, scholars such as Tombs (2012) and Whyte (2014) have argued that state-

corporate crime theory is theoretically limiting because of its empiricist tendency to focus on specific events and collaborations, rather than on broader relationships of power within capitalism (Tombs, 2012; Whyte, 2014).

For example, within the state-corporate crime literature, there is a tendency to focus on “moments of rupture”, which are empirical conditions that make the state-corporate relationship visible, like the instances of regulatory collusion or regulatory failure described in the aforementioned case studies of state-initiated and state-facilitated corporate crime (Whyte, 2014). While not discounting the work of Michalowski and Kramer, Whyte (2014) argues that we need to move beyond moments of rupture to “the *a priori* conditions of the regulatory relationship” (p. 239, emphasis in original). This approach entails going back to the criminogenic structure of the corporation and the role of the state, which should now be recognized as a capitalist state (Tombs, 2021). When looking at the history of state regulation it becomes apparent that state-corporate crime cannot be reduced to empirical events because it does not explain how state regulation is a product of the *symbiotic* relationship between states and corporations (Whyte, 2014; Tombs, 2012). Therefore, when looking at Indigenous pipeline protests, it is not enough to focus on the collaborations between state regulatory agencies, the police, and corporations. To move beyond the framework of state-corporate crime, the next section will contextualize these relationships within the broader context of rentier capitalism.

2.6 Rentier Capitalism

In contemporary capitalism, wealth extraction in the form of rental income has become a major way in which states and corporations cause widespread harm. Rent, defined as the payment made to owners of property, has always been a parasitic feature of capitalism (Christophers, 2020; Hudson, 2021; Haila, 2016; Standing, 2016). For Marx, rent is a social

relation that originates in feudal property relations, through which a class of landlords is able to extract income from land without directly contributing to labor (Haila, 2016; Hudson, 2021). In Brett Christophers' (2021) words, the "corporate rentiers" in Marx's day were landowners and banks who "hired workers to enable land and interest-bearing capital, respectively, to 'earn' income" (p. 21). Marx, along with other classical economists, saw rent as a form of unproductive income that does not create value and is a burden for capitalists who must compete to lower the costs of production (Christophers, 2021; Standing, 2016). For these reasons, John Maynard Keynes, famously predicted that rentier capitalism would eventually disappear (Christophers, 2020; Standing, 2016).

However, both Christophers (2020) and Guy Standing (2016) argue that rent is far from dead, but instead a core feature of contemporary capitalism. Of course, rentier capitalism looks a lot different than Marx's analysis of ground rent in the nineteenth century (Christophers, 2021). With the rise of neoliberalism and technological innovations, modern day rentiers derive income from housing, natural resources, financial investments, intellectual property regimes (e.g. patents, copyright, brands), debt interest, digital platforms (e.g. Uber, Spotify, Netflix), and more (Standing, 2016; Christophers, 2021; Birch & Ward, 2023). Considering these new categories of rent-generating assets, a useful definition of rent is "*income derived from the ownership, possession or control of scarce assets and under conditions of limited or no competition*" (Christophers, 2020, p. xxiv). Although much literature has focused on assets owned by individuals, the bulk of society's rent-generating assets are owned by rentier corporations (Christophers, 2021). Therefore, to understand the prevalence of corporate rentierism in contemporary capitalism, below I outline several of its key characteristics.

2.6.1 Neoliberalism

Christophers (2020) argues that “the rentier’s resurgence” has been the result of the ideas and actions associated with the rise of neoliberalism (p. 21). While many have proclaimed the “death of neoliberalism” (Peck, 2010, p. 9; Christophers, 2025, p. 178), especially after the 2008 financial crisis, its material reality is important for understanding the proliferation of rent in contemporary capitalism. What is more, tracing neoliberalism’s history is important for understanding how the state was and still is deeply implicated in the intensification of rentier capitalism (Christophers, 2020).

As Pereira (2025) argues, the “Neoliberal Turn” was a *reaction* to low growth and falling rates of profit in the United Kingdom (UK) and the United States (US) in the 1970s (p. 161). Despite neoliberal arguments blaming Keynesian economics and the excess of public spending, the economic crisis was primarily caused by the collapse of the Bretton Woods Agreement in 1971, increased economic competition from developing countries, the mechanization of labor, and the first oil shock in 1973 (Pereira, 2025). In response, both the UK and US governments, under Margaret Thatcher and Ronald Reagan, carried out a series of radical economic reforms, including the slashing of welfare state programs, the weakening of labor unions, and the implementation of tax reduction policies (Pereira, 2025; Christophers, 2020).

This period was also marked by privatization, a key dimension of neoliberalism, which enabled the intensification of rent (Pereira, 2025; Christophers, 2020). For example, the privatization of British Petroleum (BP), a formerly state-owned oil and gas company, facilitated the privatization of natural resources and created conditions for rentiers to extract rents under limited or no competition (Christophers, 2020, 2025). If we return to Christophers (2020) definition of rent that was outlined above, the absence of competition is crucial because rentiers

depend on assets that are scarce or easily “monopolizable” to extract rent (Christophers, 2025, p. 177). Thus, contrary to neoliberal arguments, privatization did not make companies more efficient, rather it increased prices and exacerbated economic inequality (Pereira, 2025; Christophers, 2020).

Within the Canadian context, Canada has its own history of privatization linked to rentier capitalism (Hall, 2015). For instance, in 1969, former Minister of Indian Affairs and Northern Development Jean Chrétien and Prime Minister Pierre Elliott Trudeau proposed a privatization scheme in the *White Paper* to abolish the reservation system and assimilate Indigenous peoples into the white majority population (Hall, 2015)³. Although this proposal never came to fruition because of widespread criticism from First Nations leaders (see Coulthard, 2014), recent attempts to privatize Indigenous reserve lands have been brought forward by the Canadian government (Hall, 2015).

For example, in 2012, the Harper administration introduced the First Nations Property Ownership Act (FNPOA) as a voluntary piece of legislation that would introduce private property into First Nations reserves (Hall, 2015). This piece of legislation was again strongly opposed by Indigenous peoples as the concept of ‘ownership’, and the subsequent treatment of land as a ‘commodity’ that can be bought and sold as private property, is completely antithetical to Indigenous relationships to land (Comack, 2018; Hall, 2015; Haila, 2016). Yet, according to FNPOA advocates, the *Indian Act* prevents Indigenous peoples from fully participating in the capitalist economy (Hall, 2015). Underpinning this argument is the denial of alternative subsistence economies on First Nation reserves such as “hunting, trapping, fishing, gathering,

³ The *White Paper* was a Canadian government policy that attempted to abolish the Indian Act and “to dissolve First Nations as identities and to absorb their memberships into the larger society, albeit usually as a proletarian class” (Posluns, 2007, pp. 58-59).

small-scale farming, and craftwork” and the belief that there is no alternative to capitalism (Hall, 2015, p. 32). Thus, Hall (2015) argues that FNPOA is not simply a project of displacing Indigenous peoples, or way to include Indigenous subsistence practices into the economy, but a means to restructure communally held land into private property for the purposes of creating a new space of capital accumulation. Although the FNPOA was never enacted, conversations over the privatization of Indigenous lands remains an important issue for accruing rent in contemporary capitalism (Hall, 2015).

2.6.2 Exclusion, Primitive Accumulation, and Impropriety

Rentier capitalism is not only premised on extraction, but also on exclusion within capitalist property relations. Historically, capital accumulation was founded on the creation of exclusionary private property rights, often through the violent and brutal process of dispossession (Fast, 2014). Marx called this process ‘primitive accumulation’. For Marx, primitive accumulation refers to the historical separation of peasants from their means of production (i.e. land and resources), which was necessary to transform non-capitalist social relations into market and property relations (Paulson & Tomiak, 2022; Fast, 2014; Roberts, 2016). In *Capital*, Marx discussed how the law played an important role in advancing the process of accumulation by criminalizing those not involved in capital-labor relations (Roberts, 2016, p. 24). For instance, in Canada, not only were Indigenous peoples prohibited from owning private property, but traditional practices such as the potlatch were criminalized because they were “incompatible with capitalist values” (Paulson & Tomiak, 2022, p. 159).

Although Marx discussed primitive accumulation as a historic period of transition to capitalism, various scholars have argued that primitive accumulation is *ongoing* (Coburn & Thomas, 2023; Paulson & Tomiak, 2022; Coulthard, 2014; Harvey, 2006). Harvey (2006) prefers

to use the term “accumulation by dispossession” to emphasize that dispossession is not a part of a ‘primitive’ past, but rather an ongoing process related to capital accumulation. Given capitalism’s drive for endless profits, capitalism depends on ongoing forms of dispossession to solve crises of overaccumulation by creating new opportunities for investment (Harvey, 2006). For example, the Canadian state continues to rely on the ongoing dispossession of Indigenous land in order to address crises of accumulation, as seen with the state’s strategy to support the construction of oil and gas pipelines on the west coast (Graham et al., 2020; McCreary, 2022; McCormack & Gordon, 2020).

In contemporary capitalism, ongoing forms of primitive accumulation increasingly create the conditions for rent extraction, reinforcing the exclusionary nature of capitalist property relations. For Sayer (2023), the concept of ‘improperty’ is central for understanding such relations. For capitalists, improperty refers to the ownership over the means of production and the revenues workers generate from producing commodities (Sayer, 2023). For rentiers, improperty refers to the ownership of assets that both capitalists and workers either need or want (Sayer, 2023). While both capitalists and rentiers depend on forms of improperty as a source of income, the relationship between rentiers and capitalists is contradictory because rent takes away from the profits of both capitalists and workers (Sayer, 2023; Hall, 2015).

Despite this contradiction, property relations are normalized and rarely questioned (Sayer, 2023). This is why Sayer (2023) argues that we need to adopt a moral economic analysis and critique to challenge the fairness and legitimacy of such relations. Within the context of Indigenous land claims, moral economy is useful for examining how property relations are often obscured in capitalist reality. Marx refers to the ownership of land (ground rent) as fictitious capital because under the capitalist mode of production, only human labor can produce value

(Hall, 2015). As such, prices of land are “irrational because the price cannot be based on any quantifiable notion of abstract labour” (Hall, 2015, p. 35). In other words, there is an “illusion” that value can be derived from land itself (Hall, 2015, p. 35). In reality, the value of land is calculated based on anticipated profits from future labor (Hall, 2015). As the next section will demonstrate, a system built on the ability to anticipate future rents, has significant implications for wealth inequalities.

2.6.3 Earned and Unearned Income

Another important feature for understanding rentier capitalism is the distinction between unearned and earned income. Earned income refers to the wage workers receive for producing goods and services that have a use value (Sayer, 2023, p. 1474). Whereas unearned income refers to income derived from the ownership and control of assets, without directly contributing to the production process (Sayer, 2023). While corporations often receive both types of income, corporate rentiers primarily receive unearned income (Christophers, 2021; Sayer, 2023). For example, drug companies often receive more income from the monopoly control of medicine protected by a patent, than the labor involved in production and distribution of the product itself (Christophers, 2021). The same applies to corporate rentiers that have assets in oil and gas, digital platforms, financial markets, and housing (Christophers, 2021; Sayer, 2023).

Furthermore, Sayer (2023) argues that the distinction between earned and unearned income is crucial for understanding the moral economic implications of rentier capitalism. Wealth extraction in the form of unearned income is unjust, undeserved, and driving the growth of global inequalities (Sayer, 2023). As Sayer (2016) argues, the rich are not simply ‘getting rich’, they are getting rich from unearned income.

In Canada, unearned income is a major way in which the state and corporate rentiers are reproducing income inequalities. According to Fast (2014), there is a strong correlation between natural resource extraction and high levels of inequality in the primary distribution of income, which refers to “the distribution of market income between capital and labor” (p. 49). This is largely because the extractive sector is capital intensive not labor intensive, meaning large surpluses are produced with relatively little labor power (Fast, 2014; Graham et al., 2020; McCreary, 2022; McCormack & Gordon, 2020; Carroll, 2017). For example, Fast (2014), using Statistics Canada data, calculated that “oil and gas extraction directly accounts for 4.4% of total economic output but only 0.4% of total employment in Canada, giving the sector a score of 0.09” (p. 47). This means that extractive operations generate revenue for corporations and royalties for states, but offer few opportunities for employment (Carroll, 2017; Fast, 2014). Moreover, resource rents are increasing inequality in the primary distribution of income through weak corporate taxation, as a result of neoliberal policies (Fast, 2014). Fast (2014) found that “the percent of corporate income taxes (CIT) paid as a percent of corporate profits declined during the 1990s and 2000s” (p. 52). Overall, this data raises an important moral economic critique. Unlike the neoliberal argument that extractive operations will generate jobs and economic prosperity, extractive corporations are accumulating unearned at the expense of workers, the environment, and Indigenous peoples.

2.7 Conclusion

In conclusion, this chapter demonstrated that there is a lacuna of research that situates Indigenous struggles over resource extraction within the political-economic context in which the Canadian state and corporations operate symbiotically – namely, rentier capitalism. As discussed above, the majority of research on Indigenous resistance to Canadian extractivism operationalize

the frameworks of settler colonialism. While settler colonialism is important for understanding the state's ongoing "logic of elimination" (Wolfe, 2006), it is analytically insufficient for understanding the state's role in creating the conditions for capital accumulation through corporations. This symbiotic relationship between states and corporations is inherently criminogenic, as the legal structure of the corporation is mandated to maximize profits for its shareholders at the expense of humans and the environment (Bittle, 2015; Tombs & Whyte, 2015). However, in the case of Indigenous protests, the actions of states and corporations are rarely perceived as a crime socially or academically. Therefore, in order to understand the ways in which states and corporations routinely inflict harm, it is necessary to move beyond a crime lens.

This chapter has argued that Indigenous protests must be contextualized within rentier capitalism. Rentier capitalism relies on extracting value from the ownership and control of assets, without producing value for others (Christophers, 2021; Standing, 2016). While this chapter has focused on corporate rentiers, the state can also act as a rentier (Sayer, 2023). As a settler-colonial state, Canada exemplifies several key characteristics as a rentier economy through ongoing forms of primitive accumulation which is creating the conditions for rent to be extracted, primarily from Indigenous lands. Based on this understanding of state-corporate rentierism, the next chapter will outline my chosen theoretical framework inspired by Fraser's (2022) *Cannibal Capitalism*. Fraser (2022) argues that capitalism depends on various spheres of life that are considered 'non-economic' such as expropriated populations, social reproduction, nature, and public powers. Although Fraser (2022) does not foreground the dominance of rent in contemporary capitalism, her framework is useful for understanding how capitalism's tendency to "cannibalize" its non-economic conditions of existence is being exacerbated by forms of rental

income, which are putting unnecessary pressures on nature, care work, marginalized or disadvantaged communities, and democracy. From a Fraserian perspective, extractive rents are ‘eating’ the non-economic relations capitalism depends on to survive. As such, Fraser’s (2022) framework is useful for understanding how rentier capitalism is a core dilemma of contemporary capitalism.

Chapter 3: Theoretical Framework

This chapter will explicate the various theoretical perspectives I will use to form my analysis of the state's response to the Wet'suwet'en pipeline protests. First, I will provide a brief theorization of the capitalist state to explain the state's internal contradictions in regulating unfettered capital accumulation and corporate harm. Then to make a connection between the literature discussed in chapter 2 and my theory, I will explain Marxist class theory to show how the tendency to discuss Indigenous protests in binary terms (colonizer/colonized) is rooted in binary notions of class (bourgeois/proletariat). To move away from these binary terms, I will base my theoretical framework on Fraser's (2022) *Cannibal Capitalism* to understand the Wet'suwet'en pipeline protests as a site of conflict over capitalism's institutional boundaries, otherwise known as "boundary struggles" between its economic foreground features and its non-economic background conditions.

Within this framework, I will use other interrelated concepts to explore the ways in which boundary struggles are implicated in the reproduction of capitalism. While such struggles have historically redefined and transformed the divisions between capitalism's economic and non-economic spheres, they also inadvertently reinforce the very boundaries they seek to contest. Thus, I will use Robinson's (2020) concept of militarized accumulation to show how acts of resistance are increasingly provoking more repressive and authoritarian state responses. I will also use Neocleous's concepts of security and liberal pacification to explain how boundary struggles are contained and neutralized through the organizing logics of security. Overall, this theoretical framework will allow me to understand how the state's response to the Wet'suwet'en pipeline protests is shaped by the need to stabilize Canadian capitalism while also protecting its rentier interests.

Moreover, each theorist offers a revitalized conceptualization of capitalism that considers the non-economic conditions that sustain it. For instance, both Robinson and Neocleous emphasize the necessity of police power (what Fraser refers to as public powers) in suppressing dissent and creating the conditions for capital accumulation. Rather than existing outside of capitalism, both scholars explain how police work is historically constructed and a constitutive feature of capitalism. This is important because the literature on Indigenous protests often treats capitalism's non-economic conditions such as social reproduction, nature, and Indigenous expropriation as external to capitalism. In doing so, it overlooks how anti-capitalist struggles are both sources of critique and integral parts of capitalist order (Fraser, 2022). As this chapter will demonstrate, understanding capitalism's economic and non-economic conditions is essential for developing a critique of capitalism from within (Fraser, 2022).

3.1 Theorizing the Capitalist State

Marxist scholar Bob Jessop argues that Marx never developed a systematic theory of the state:

neither he nor Friedrich Engels provided coherent analyses of political parties, nations, nationalism, and nation-states; the strategy and tactics of revolution (especially whether it must be violent or could take a parliamentary form); and the transitional form of the “dictatorship of the proletariat” that would supersede the capitalist type of state and abolish the separation between the state and the community. (Jessop, 2020, pp. 266-267)

However, this does not mean that Marx ignored such issues; rather, he developed a variety of themes and historical materialist reflections on the state and state power (Jessop, 1982, 2020). The first and one of the most prominent themes is the “base-superstructure” model whereby the state is considered “a reflection of the economic base of society and that its interventions are a

reflection of the needs of the economy and/or of the balance of economic class forces” (Jessop, 1982, p. 9). Although this theme is prevalent in many of Marx’s works, Jessop (1982) argues that this model is susceptible to economic determinism as it implies that the economic base determines the political superstructure, thereby reducing the relative autonomy of the state (p. 11). But more importantly, it does not fully represent Marx’s analytical contributions regarding the capitalist state.

A second theme that is prevalent in Marx’s work is the state as an instrument of class rule (Jessop, 1982, 2020). From this perspective, the state apparatus is used by the dominant class to enforce economic exploitation and maintain its political control (Jessop, 1982, 2020). For example, as Marx and Engels expressed in the *Manifesto of the Communist Party*, “[t]he executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie” (Marx & Engels, 1976, as cited in Jessop, 2020, p. 268). Indeed, this instrumentalist approach can be construed as a form of economic reductionism, insofar as the state is treated as a passive instrument that obeys the interests of the class that controls it (Jessop, 1982, 2020). However, Marx’s writings make clear that he recognized the state’s relative autonomy (Jessop, 1982, 2020). For instance, Marx noted how sometimes the state will act against the interests of the dominant class, such as in the case of English Factory Acts, to ensure the reproduction of capitalism, in spite of bourgeois opposition (Jessop, 1982, p. 17).

Taken together, these themes and writings on the state and state power, albeit fragmented and incomplete, (Jessop, 1982, 2007, 2020), demonstrate that Marx made important contributions to our understanding of the capitalist state. Furthermore, drawing from the work of Nicos Poulantzas, Jessop (2007, 2020) argues that Marx implicitly viewed the state as a social relation. Although Marx did not state this explicitly, his treatment of the state parallels his

observation in *Capital*, volume I, that capital is “a social relation between persons, established by the instrumentality of things” (Marx, 1996, as cited in Jessop, 2020, p. 274). Poulantzas was the first to explicitly identify the state as a social relation (Jessop, 2007). From this perspective, the state is not merely an instrument to be controlled, nor a unified subject that represents a particular class or political party (Jessop, 2007). Instead, Poulantzas treats the state as an “institutional ensemble” whose power is derived from the social relations that structure capitalist society (Jessop, 2007, p. 37).

In this thesis, I will adopt the perspective that the state is a social relation because it is useful for understanding the capitalist state’s internal contradictions when it comes to regulating corporate harm. According to Jessop (2020), Marx was aware of the inherently contradictory nature of states in capitalist societies. He was particularly concerned with the institutional separation between the “public sphere” and “civil society”, arguing that states are incapable of representing the collective interest in societies dominated by private property and wage labour (Jessop, 2020, p. 271). In contemporary capitalism, these contradictions are especially evident in the regulation of corporate harm. For instance, while states are expected to intervene when corporate harm occurs, the various class relations embedded within the state have a vested interest in maintaining the viability of corporate capitalism (Bittle, 2015; Snider, 1987). While regulation and law reform is important for controlling corporate harm, they do not address the fundamental relations of exploitation in modern capitalism (Bittle, 2015). The next section will show how Marxian class theory is crucial for understanding the various class and non-class factors that are implicated in the reproduction of corporate capitalism.

3.2 Marxist Class Theory

The theorization of capitalist class processes is largely absent from political and academic discourses, particularly the discipline of criminology (see Lynch, 2015). While the previous chapter discussed how criminology is complicit in this theoretical underdevelopment, another reason for this absence is ongoing confusion around Marx's central concept of class. As some scholars have observed, Marxist class theory is often reduced to a dichotomy between two opposing groups (proletariat versus the bourgeoisie) (Resnick and Wolff, 2006; Norton, 2001; Bittle, 2015). From this binary perspective, Marx's class analysis centers on the relationship between workers who sell their labor power to capitalists who own the means of production (Bittle, 2015). For Marx, this relationship exposes the fundamental harm of capitalism, or what he called "exploitation", which is the appropriation of surplus value generated from the unpaid labor of workers and turned into profits by capitalists (Bittle, 2015; Resnick and Wolff, 2006). While acknowledging that this class relationship produces significant class antagonisms, Resnick and Wolff (2006) argue that Marx's class analysis is not simply a dichotomy between two opposing groups, but grounded in his value theory and the process through which surplus labor is produced, appropriated, and distributed.

In Resnick and Wolfe's (2006) interpretation of Marx's work, "class is one distinct process among the many that constitute life" (p. 92). In other words, class is not static but a dynamic process involving relationships between people that are interdependent with other historical, cultural, and political processes in life (Resnick and Wolfe, 2006). More specifically, Marx's theory of class distinguishes between two types of class processes: fundamental and subsumed (Resnick and Wolfe, 2006). Fundamental class processes refer to the relationship between workers and capitalists described above; whereas, subsumed class processes refer to the

people who receive surplus profits without directly producing or extracting surplus labor (Resnick and Wolfe, 2006). For example, within the corporation, managers often receive “subsumed class payments” for performing functions that help reproduce the capitalist production process (Bittle, 2015, p. 135). Moreover, in rentier economies subsumed class positions are also shaped by differentiated relations to the ownership of assets (Christophers, 2021). For example, lawyers working for rentier corporations are not directly involved in the appropriation of surplus value, but they facilitate the extraction of income through the protection of assets (Christophers, 2021).

Outside of the corporation, all other natural and social processes are termed “non-class processes”; however, they are just as important for the reproduction of capitalism (Resnick and Wolfe, 2006, p. 94). For instance, Resnick and Wolfe (2006) use the example of educating children, but these non-class processes can also include the reproductive labor that goes into raising a healthy workforce, which is overwhelmingly performed by women and racialized populations (Fraser, 2022). While it is known that Marx focused much less on non-class processes, he nevertheless recognized that class is not simply about a class position, as people can occupy multiple class and non-class positions at different points in time (Resnick and Wolfe, 2006; Norton, 2001; Bittle, 2015). Therefore, this fluid and changing notion of class demonstrates that class is an “adjective, not a noun” (Resnick & Wolfe, 1987, as cited in Bittle, 2015, p. 135).

In this thesis, it is vital to understand the various class and non-class struggles that are implicated in the reproduction of capitalism. Regulation of the firm (or the modern corporation) is a quintessential example (Tombs, 2021; Norton, 2001; Bittle, 2015; Snider, 1987). First, to clarify, the object of class struggle is over the process in which surplus labor is produced and

distributed (Resnick and Wolfe, 2006). For example, worker demands for higher wages and stronger health and safety regulations is a matter of class struggle that is inherently conflicting with the interests of owners and managers who seek to maximize profits (Tombs, 2021).

However, these class struggles “may only become visible when people are seriously injured, when there is a court case, or when campaigns and protests are brought out into public view” (Whyte, 2004, p. 143). In these situations, employees are often pressured into silence out of fear of losing their “job, career prospects, friends, prestige, status and power” (Snider, 1987, p. 52).

Another example of class struggle is the regulatory agency itself. Regulatory agencies are not monolithic, meaning they are made up of various employees, with different backgrounds, salaries, ambitions, and goals (Snider, 1987). And such differences are important because they may influence varying levels of enforcement (Snider, 1987; Whyte, 2004). From a traditional Marxist perspective, the outcome of these class struggles will determine the future of capitalist reproduction. However, the next section will show how Marxist class theory can be broadened to include struggles beyond the point of production, to develop a more comprehensive understanding of capitalist struggles that contribute to its reproduction.

3.3 Cannibal Capitalism: Beyond Class Struggles

In *Cannibal Capitalism*, Fraser (2022) argues that we need to expand our definition of capitalism from an economic system to an “institutionalized societal order” (p. 19). According to Fraser (2022), Marx’s account of capitalism does not adequately explain how “its economic foreground features depend on non-economic background conditions” (p. 17). For Marx, capitalism’s defining features include private property, proletarianization, the accumulation of “self”-expanding value and the distinctive role of markets (Fraser, 2022). Although Marx considered capitalism’s background conditions of possibility in *Capital*, he did not fully explain

how economic conditions are maintained through capitalism's non-economic social relations (Fraser, 2022). According to Fraser (2022), there are four non-economic background conditions for capitalism's economic system to function: expropriation, social reproduction, nature, and public powers. For Marx, these non-economic conditions represent contradictions internal to the capitalist economy and explain capitalism's crisis tendencies of self-destruction, or what Fraser (2022) refers to as "cannibalization" (p. 24). For orthodox Marxists, these contradictions and crises tendencies are what produce class struggles. However, Fraser (2022) argues that we need to look beyond the narrow lens of class struggles at "the point of production" (p. 24). In her view this framework is problematic because it excludes struggles that are not involved in wage labor (Fraser & Jaeggi, 2018, p. 166). For example, the reproductive work of women is excluded from the realm of class struggles as they are not considered "workers", even though their labor is socially necessary for the reproduction of capitalism (Fraser, 2022).

To expand Marx's framework, Fraser (2022) uses the concept of "boundary struggles" to examine capitalism's institutional struggles between its economic foreground features and non-economic conditions of existence (p. 24). A boundary struggle is a political contest over where society creates artificial boundaries between different spheres of life, including what counts as 'economy', 'nature', 'human', and 'non-human' (Fraser, 2022). Notably, boundary struggles are not natural. They are politically and socially constructed outcomes as a result of capitalism's structural dependency on expropriation, social reproduction, nature, and polity (Fraser, 2022). At the same time, however, boundary struggles are also not fixed. On the contrary, they are historically contingent and can mutate over time (Fraser, 2022). As such, this means that they can be contested and transformed. Below I will outline the different types of boundary struggles.

3.4 Boundary Struggles

Fraser's boundary struggles are both inspired by and build on Jürgen Habermas's colonization thesis (Fraser & Jaeggi, 2018, p. 173). While Habermas was interested in showing how systemic forces invade social life, Fraser is interested in showing how resistance to these invasions can shape or redraw capitalism's institutional boundaries.

According to Fraser, there are four types of boundary struggles. The first are *defensive* struggles, which are "aimed at repulsing an invasion, incursion, or slippage across a boundary, which is experienced as problematic" (Fraser & Jaeggi, 2018, p. 174). These struggles arise when people are determined to defend an existing boundary that was eroded or at the brink of falling apart. The second are *offensive* struggles, which occur when people try to redraw or expand boundaries between social spheres, in ways that extend domination (Fraser & Jaeggi, 2018, p. 174). For example, the neoliberal project was aimed at expanding zones previously treated as "non-economic" into the "economic" (Fraser & Jaeggi, 2018, p. 174). The third are *affirmative* struggles which seek to address social wrongs, without transforming the capitalist structure (Fraser & Jaeggi, 2018, p. 174). And lastly, the fourth are *transformative* struggles, which seek to address the boundary's very existence by redrawing or even abolishing it (Fraser & Jaeggi, 2018, p. 174).

Overall, while boundary struggles come in a variety of forms, they are not a product of conscious manipulation by any single actor. Instead, they arise as structural responses to capitalism's inherent tendency to destabilize itself. Especially in times of capitalist crisis, boundary struggles are important because they can help transform the institutional structure of capitalist society (Fraser, 2022). Yet, in order for boundary struggles to have emancipatory

potential, they must be nondominant, functionally sustainable, and democratic (Fraser & Jaeggi, 2018, p. 178). In the next subsections, I will outline Fraser's four boundary struggles.

3.4.1 Exploitation and Expropriation

From Marx's perspective, capitalist production is centered on class domination and the exploitation of free labor (Fraser, 2022, 2016). Marx saw capitalism as a unique social system because unlike slaves or serfs, workers are legally 'free' to enter the labor market and sell their labor power in exchange for wages (Post, 2023; Fraser, 2022, 2016). Despite appearing as an "exchange of equivalents," Marx argued that capital's contractual relations disguise exploitation by producing the illusion of equal freedom for all human beings (Post, 2023; Fraser, 2022, 2016). In reality, however, workers are compelled/forced to sell their labor power because they have been separated from the means of production, depriving them of any independent means to secure their own subsistence (Fraser, 2022, 2016). Thus, Marx introduced the concept of 'primitive accumulation' to explain the historical genesis of capitalist property relations through the violent expropriation of peasants from their land (Fraser, 2022, 2016). Although Marx recognized that expropriation is a necessary precondition for capitalist accumulation and exploitation, Fraser (2022) argues that he failed to theorize the *ongoing* nature of expropriation or provide any structural explanation for racial oppression with which it is linked. Therefore, Fraser (2022) argues that the connection between expropriation and racial oppression is not just historical and contingent, but a structural feature of capitalism.

According to Fraser (2022, 2016), capitalism's persistent entanglement with racial oppression is rooted in the way economic and political institutions separate expropriation and exploitation. Unlike Marx's conception of exploitation described above, "expropriation works by *confiscating* human capacities and natural resources and *conscripting* them into the circuits of

capital expansion” (Fraser, 2022, p. 34, emphasis in original). The economic argument for expropriation is that it creates the conditions for capitalist accumulation by supplying cheap or unpaid labor and resources, which reduces production costs and increases surplus value (Fraser, 2022, 2016). However, less theorized by Marx is how expropriation also creates social divisions between (doubly) free workers and unfree or dependent subjects (Fraser, 2022, p. 36). For Fraser (2022), it is precisely the political distinction between *free subjects of exploitation* and *dependent subjects of expropriation* that reveals the structural fabrication of ‘race’ in capitalist society (p. 37).

Thus, following Fraser’s (2022) political argument of expropriation, it is political agencies (states) that play a central role in constructing exploitable and expropriable subjects by creating legal distinctions between citizens and ‘others’ (p. 38). Moreover, the capacity for states to define ‘expropriable’ subjects is shaped by historical regimes of racialized accumulation (Fraser, 2022, p. 40). With each capitalist transformation, capitalism’s dependence on exploitation and expropriation mutates. For instance, in the era of primitive accumulation that Marx identified, expropriation was more prevalent than exploitation (Fraser, 2022, p. 41). Regardless of race, virtually everyone without property had the status of subjects and were was subjected to expropriation (Fraser, 2022, p. 41). Whereas, in the regime of liberal-colonial capitalism, the division between the “two exes” appeared wholly separate (Fraser, 2022, p. 41). In this regime, the expropriation of the racial subjects was restricted to the periphery, meanwhile the rise of factories in the core ensured the exploitation of ‘white’ citizen workers (Fraser, 2022, p. 42). In the following century, the rise of state-managed capitalism caused the “two exes” to mutate again (Fraser, 2022). As more racialized populations joined the workforce, exploitation and expropriation no longer appeared so separate. Nevertheless, racialized workers continued to

be expropriated through low wages and a lack of protections compared to the exploited ‘white’ worker (Fraser, 2022, pp. 43-44).

In our present regime of ‘financialized capitalism’, the distinction between expropriation and exploitation has only become more blurred (Fraser, 2022). According to Fraser (2022), debt is the major culprit driving new waves of expropriation, which is now cannibalizing exploited workers who were once protected by their political status as “citizen-workers” and ‘free’ individuals (p. 46). Instead of producing solidarity between expropriated and exploited subjects, the competitive dynamics of financialized capitalism has intensified antagonisms between racialized and non-racialized subjects (Fraser 2022; Post, 2023). These tensions have fueled the rise of right-wing authoritarian populism and political discourses that insist the system is racially ‘fair’, while extending forms of expropriation (Fraser 2022; Dantzler & Hackworth, 2025). Consequently, racialized populations continue to be disproportionately subjected to forms of “hyper-expropriation” such as mass incarceration, corporate land grabs, unpaid or underpaid social reproductive labor, neighborhood austerity, predatory lending practices, etc. (Fraser, 2022; Dantzler & Hackworth, 2025; Issar, 2021).

While these forms of hyper-expropriation show how racial domination remains a structural feature of contemporary capitalism, Fraser’s concept of expropriation has been subject to critique. Issar (2021) argues that Fraser homogenizes experiences of racialized expropriation, by overlooking how Indigenous colonization is fundamentally different from the accumulation and hyper-exploitation of African Americans (p. 31). Moreover, Issar (2021) argues that Fraser’s definition of expropriation is primarily focused on expropriation’s relationship to labor, rather than land. Using the example of Indigenous colonization, Issar (2021) explains how expropriation is “uniquely oriented towards the seizure of Indigenous *lands*, rather than the

labor-power of Indigenous peoples” (p. 31). Therefore, drawing insight from this critique, I will expand Fraser’s concept of expropriation by examining the dispossession of Indigenous lands as a means of capital accumulation.

3.4.2 Production and Social Reproduction

Although Marx did acknowledge the importance of reproductive labor for capitalist accumulation, he did not fully explain how capitalism’s inherent social contradictions are connected to crisis of care (Fraser, 2022). As Marxist-feminist scholars have argued, economic production is not possible without social reproduction (Fraser, 2022; Munro, 2019; Roberts, 2016; Hall, 2023a). Social reproduction involves the work of creating social bonds and sustaining human life such as birthing, breastfeeding, child-rearing, cooking, teaching, and caring for the elderly (Fraser, 2022; Hall, 2023a). In capitalist societies, most of this work is under-valued and not considered a part of the production process or wage labor (Fraser, 2022; Munro, 2019; Roberts, 2016). However, without the work of social reproductive activities, capitalist production would cease to exist. This reveals a deep seated contradiction within capitalism. Although capitalist production relies on social reproductive activities, capitalism’s drive for endless accumulation “cannibalizes” the very social reproductive activities on which it relies on (Fraser 2022, p. 54).

Historically, the division between social reproduction and commodity production has always been a gendered process (Fraser, 2022; Roberts, 2016). While patriarchal social organizations have always existed, capitalism has exacerbated women’s subordination and gendered forms of violence, especially toward racialized populations (Fraser 2022; Roberts, 2016). The transition to capitalism in Marx’s discussion of primitive accumulation was more than just a process of proletarianization, but a violent gendered division of labor which involved

the criminalization of women's bodies (Roberts, 2016). With this gendered division of labor, social reproduction became relegated to the 'private' sphere and economic production to the 'public' sphere (Roberts, 2016; Fraser, 2022). Consequently, the boundary dividing social reproduction from economic production became a site of major social struggle. Over time, as social actors have challenged and fought against the gendered order of capitalist society, the divide between social reproduction and economic production has mutated (Fraser, 2022). With each capitalist transformation, women have been given more opportunities to participate in the economic production process by participating in wage labor. While today it may seem like the sphere of economic production has become gender egalitarian, the sphere of social reproduction remains a gendered process that is negatively impacting the most vulnerable populations.

As such, Fraser (2022) argues that in our current era of "financialized capitalism" debt has intensified the contradiction between social reproduction and economic production (p. 68). Debt is encouraged by rentier states and corporations who are profiting from the ownership of assets rather than wage labor (Sayer, 2023). Thus, states are participating in this process by cutting social spending and prioritizing private rent seeking behavior (Fraser, 2022; Sayer, 2023). As a result, debt is cannibalizing human labor and natural resources which in turn, is cannibalizing social reproduction (Fraser, 2022, p. 68). In other words, debt is contributing to low wages and the inability for workers to provide the basic necessities for households, families, and communities to grow and live. Overall, this example demonstrates that social reproduction is at the heart of capitalist crisis because it is inherently linked to expropriation, nature, polity and economics.

3.4.3 Human and ‘Nonhuman’ Nature

Marx’s engagement with nature can be found in his theory of value and underproduction crisis (Moore, 2011; 2018; Conroy, 2022). In Marxian theory, nature is a source of use values because it forms the material basis for labor to create value or surplus value (Vlachou, 2001; Moore, 2018). Although Marx never used the term ‘underproduction’, he was acutely aware that capitalism’s need to expand is greater than the input of raw materials (Moore, 2011, p. 21).⁴ For instance, the major crisis of capitalism from the fifteenth to nineteenth century was “the insufficient flow of food, energy, and materials relative to the demands of value production” (Moore, 2011, p. 21). Thus, Marx recognized that capitalism’s greatest problem is its dependence on finite natural resources, which contradicts its endless drive for capital accumulation (Conroy, 2022; Moore, 2011; Fraser, 2022). However, Fraser (2022) argues that Marx did not fully explain how capitalism’s ecological contradiction is embedded in its non-economic social relations. Moreover, Fraser (2022) argues that it is impossible to discuss nature’s contradiction to capital without discussing its relationship to exploitation and expropriation, production and social production, and polity and economy (Fraser, 2022).

To understand how these social relations are entangled, it is important to understand how capitalism separates society from nature. Drawing from Jason W. Moore’s work, Fraser (2022) explains how “capitalist society makes ‘economy’ *depend* on ‘nature’ while *dividing* them ontologically” (pp. 83-84). According to Moore (2017), capitalism did not invent the distinction between nature and society, but it did turn the Nature/Human binary into a violent organizing principle. Since the beginning of evolution, humans have differentiated themselves from their

⁴ As Moore (2011) indicates, while Marx frequently used the term ‘raw materials’, the category itself is problematic because all materials have been altered by human and world-ecological relations. Capitalism creates ‘raw materials’ through classification, extraction, human labor, technology, etc.

environments (Moore, 2017; Patel & Moore, 2017). The inventors of Nature with a capital ‘N’ were philosophers, conquerors, and profiteers (Patel & Moore, 2017; Moore, 2017). In 1641, René Descartes’ philosophy of the mind and body dualism contributed to the idea that Human beings were thinking things and Nature was something external that could be controlled and dominated (Patel & Moore, 2017, p. 52). For Moore (2017), it is no coincidence that capitalism emerged during the same century as the Cartesian intellectual movement. The invention of Nature and Society legitimized colonial conquests and expropriation of humans and nonhumans (Patel & Moore, 2017). Meanwhile alternative forms of knowledge about Nature, such as witchcraft and Indigenous knowledge were extinguished because they were considered a threat to capitalism’s epistemology and ontology (Patel & Moore, 2017, p. 61). Therefore, Moore (2017) argues that the capitalist revolution in the sixteenth century was not merely an economic process, but was made possible with the revolution in ways of thinking and seeing the world.

At the same time, the capitalist revolution was also driven by two other historical processes, or what Moore (2017) calls ecological crises. First, capitalism emerged out of an *epochal* ecological crisis between the years 1450 and 1750, which radically changed the landscape in feudal Europe (Moore, 2017, 2011). For example, new technologies and technics of science, power, and machinery permitted the rapid deforestation of large parts of western and central Europe (Moore, 2017, p. 609). Second, since the sixteenth century, “capitalism has developed through successive *developmental* ecological crises” (Moore, 2011, p. 11). In other words, capitalism uses ecological crises as engines of transformation and expansion (Moore, 2011). For instance, the era of primitive accumulation was more than just a violent process of instilling private property and proletarianization, but it marked the origins of ‘Cheap Nature’ (Moore, 2017, p. 611).

Moore's (2017) concept of Cheap Nature refers to the capitalist accumulation strategy that "operationalizes" the Human/Nature binary to devalue and appropriate human and nonhuman work as low-cost inputs (p. 601). Notably, this cheapening process applied to many humans, mostly racialized populations and women who were excluded from the category of Humanity (Moore, 2017, p. 600). As discussed above, these exclusions are not accidental, but an economic and political feature of capitalism. The political distinction between human and non-human nature simultaneously facilitates the expropriation of cheap or unpaid labor, while creating the conditions for exploitation of wage labor (Moore, 2017; Fraser, 2022). For Fraser (2022), this illustrates how the boundary struggle between human and non-human nature is entangled with other non-economic conditions such as expropriation, social reproduction, and polity.

However, Moore (2017) expands Fraser's theory of capitalism as an institutional social order by arguing that capitalism should be conceptualized as a *world-ecology*. As a world-ecology, capitalism is premised on the ontological separation between Humanity and Nature (Moore, 2017). Consequently, Moore (2017) argues that the Human/Nature binary "obscures our vistas of power, production and profit in the web of life" (p. 598). It does this by distorting how we see ourselves and human organizations in *nature* (with a lowercase 'n' because we are a part of nature). For instance, the Human/Nature binary prevents us from seeing how the corporation is driving the cannibalization of nature and ecological crises. As a corporate 'person', the legal construction of the corporation perpetuates the belief that corporate activities are outside of nature, rather within the "web of life" (Moore, 2017). As a result, the role corporations play in destroying and polluting the earth is effectively ignored in most scientific reports on climate change and global pollution (Whyte, 2020). Therefore, Moore's (2017) concept of Cheap Nature

is useful for understanding that boundary struggles are not only a conflict between the political-economic borders of capitalism, but socio-ecological relations.

3.4.4 Economy and Polity

Fraser (2022) argues that capitalism's current political crisis is rooted in the institutionalized boundary between economy and polity. To unpack this, it is important to understand the inherent political contradiction in the structure of capitalist society. According to Fraser (2022), "capitalism relies on public powers to establish and enforce its constitutive norms" (p. 119). In other words, capitalist accumulation would not be possible without a legal framework created by territorial states to control the activities of private enterprise and market exchange (Fraser, 2022, 2015). For example, accumulation depends on "public powers to guarantee property rights, enforce contracts, and adjudicate disputes; to suppress rebellions, maintain order, and manage dissent; and to sustain, [...] the money supply that constitutes capital's lifeblood" (Fraser, 2015, p. 161). Instead of "state power", Fraser uses the expression "public power" to signal that many transnational and non-state institutions have the power to govern and shape people's lives (Fraser, 2015, p. 162). For example, the ability for capital to operate across borders and to profit from the expropriation of subjugated workers is largely dependent on the military and organizational capacities of global hegemons (Fraser, 2015, 2022). Therefore, the capitalist economy relies on political conditions of possibility at both the state-territorial and geopolitical level (Fraser, 2015, 2022).

However, the maintenance of public power is rendered unstable because of capitalism's institutional separation between economic and political spheres. Capitalism differs from earlier forms of socio-economic organization like feudalism, in which political and economic power were fused, and the control over labor, land, and military force was concentrated in a single

lordship or monarchy (Fraser, 2022). In capitalist society, the economic realm of production, organized through privatized financial markets, is made to appear ‘nonpolitical’ and the political realm of governing public orders, which are essential for accumulation, is made to appear ‘non-economic’ (Fraser, 2022, p. 121). In reality, this distinction is artificially construed because markets (and large corporations) are not separate from political decision making processes, but have a significant influence over democratic governance (Fraser, 2022). Moreover, this separation severely destabilizes the legitimacy of public power by limiting collective decision making over the organization of economic production, thereby exposing the fundamentally anti-democratic structure of capitalism (Fraser, 2022). For Fraser (2022), it also reveals capitalism’s inherent tendency toward political crisis, because its ‘economic’ sphere threatens to destroy the political conditions on which capitalism depends.

Of course, capitalism’s artificial separation between economy and polity are “subject to contestation and to change” (Fraser, 2015, p. 166; 2022, p. 123). Especially in periods of political crisis, social actors will struggle to re-establish, redefine or transform the boundaries between polity and economy (Fraser, 2015, 2022; O’Kane, 2021). Although Fraser outlines how boundary struggles have been reconfigured through each historical phase of capitalism, some critics have argued that Fraser fails to adequately theorize how capitalist crisis is produced or resolved (O’Kane, 2021; Conroy, 2023).

According to O’Kane (2021) since Fraser has expanded Marx’s notion of class antagonisms, it becomes unclear whether capitalist crises are caused by particular actors, the market, or the system (p. 223). To address this problem, Conroy (2023) suggests returning back to Moore’s work and his theory of underproduction. Through his concept of ‘Cheap Nature’, Moore shows how the underproduction of cheap inputs generates crises by systematically undermining the

background conditions on which it relies on (Conroy, 2023). For Moore, crises are resolved through the “reorganization of the geography of capitalist (re)production” (Conroy, 2023, p. 1101). This entails securing new landscapes for accumulation by incorporating previously non-commodified or undercapitalized inputs (Conroy, 2023). While Moore’s work is one way to clarify and expand Fraser’s framework, it does not explain the often violent role states and corporations play in reproducing boundary struggles. Thus, the following sections explain how capitalist boundary struggles are (re)produced through the mechanism of militarized accumulation, security, and pacification.

3.5 Militarized Accumulation

According to Robinson (2020), capitalism is experiencing a global crisis, and in response the system is turning toward the construction of a “global police state”. To understand why, it is important to understand the fundamental contradiction of capitalism, which Robinson (2020) calls overaccumulation. Since capital accumulation is based on competition, in order for capitalists to maximize profits they must compete with one another to reduce labor costs and increase labor productivity through organizational or technological innovations (Robinson, 2020). Although less labor means that capitalists are able to accumulate more wealth, this wealth becomes stagnant when workers can no longer afford the commodities they produce (Robinson, 2020; Robinson & Rodriguez, 2020). Thus, overaccumulation occurs when large amounts of capital are accumulated, but is unable to be reinvested (Robinson, 2020; Robinson & Rodriguez, 2020). As such, overaccumulation is a structural contradiction of capitalism because wealth inequalities ultimately undermine the circulation of capital.

At present, overaccumulation is preventing the transnational capitalist class (TCC) from unloading large amounts of surplus it has accumulated, which is leading to a global crisis of

stagnation (Robinson & Rodriguez, 2020, p. 259). According to Robinson (2020), the TCC “is made up of the owners and managers of giant transnational corporations, or TNCs, and the financial institutions that drive the global economy” (p. 11). Rather than representing the interests of individual nation-states and the citizens within, the TCC and its TNCs prioritize the expansion of global markets and the accumulation of transnational capital (Robinson, 2020).

To resolve the crisis of overaccumulation, the TCC is turning toward states to create new opportunities for profit-making (Robinson & Rodriguez, 2020, p. 259). One mechanism is “militarized accumulation” which refers to the “development and deployment of systems of warfare, social control and repression simply as a means of making profit and continuing to accumulate capital in the face of stagnation” (Robinson & Rodriguez, 2020, p. 259). While war profiteering is not new, the concept of militarized accumulation is important for understanding how private accumulation has become increasingly dependent on state militarization, repression, and social control (Robinson & Rodriguez, 2020; Robinson, 2020). Especially since the post-War period, the capitalist project of Keynesianism sought to offset stagnation and create new opportunities for economic growth by expanding military budgets (Rodriguez, 2020; Robinson, 2020; Gilmore, 1999). For instance, states facilitated the expansion of the capitalist economy through facilitating the global sale of weapons by “military-industrial-security firms” (Robinson & Rodriguez, 2020, p. 263). Although the Keynesian model was dismantled because of a series of economic, social and political crises, militarized accumulation did not fade away (Gilmore, 1999; Rodriguez, 2020; Robinson, 2020). For example, in Gilmore’s (1999) work, she explains how the withering away of the Keynesian state gave rise to the construction of the U.S. prison industrial complex in California and the profiteering of racialized and criminalized bodies.

Beyond the U.S., the capitalist state is increasingly turning toward the TCC to lead the execution of militarized accumulation around the globe (Robinson & Rodriguez, 2020). For instance, Robinson and Rodriguez (2020) note how in the twenty-first century, a new global industry of private military forces (PMFs) has emerged to facilitate the exploitation of economic resources and corporate investment opportunities. While PMFs have been used in major conflict zones such as the Middle East, South Asia and Africa, they have also been deployed on behalf of extractive corporations (Robinson & Rodriguez, 2020). In Canada, this is similar to how the hiring of private security agencies has become a routine way of ‘opening-up’ Indigenous lands for extractive corporations (Crosby & Monaghan, 2018). Although historically, wars and new systems of repression have pulled the capitalist system out of crisis (as seen with the transition from Keynesianism), growing wealth inequalities and the inability for states to protect its citizens have caused a breakdown of state legitimacy (Robinson, 2020, p. 110-111). Similar to Fraser (2022), Robinson (2020) equates the current capitalist crisis with the political crisis of capitalist rule. Both view the present regime of accumulation as not only an economic crisis, but a political crisis because the economic sphere is ‘eating’ away at the public power on which capital depends. Amid this crisis, social actors are struggling to redraw the boundary between polity and economy (Fraser, 2022). The rise of the police state is a particular response to capitalist crises, and this can be seen during the RCMP raids and criminalization of Wet’suwet’en land defenders. Thus, for this thesis, militarized accumulation is a useful concept for understanding how capitalist boundary struggles are being reproduced. The next section will show how these boundary struggles are being pacified through the organizing logics of security.

3.6 Security and Liberal Pacification

Building on Marx, Neocleous (2008; 2011) argues that security is a fundamental concept of capitalist societies because of the inherent insecurity of private property and capitalist social relations. In other words, security is a political response to capitalism's structural tendency to "cannibalize" the very conditions it depends on (Fraser, 2022). Despite the centrality of security in capitalist societies, very little academic work has challenged the hegemonic belief that security is an inherently "*good thing*" (Neocleous, 2008, p. 4). This is partly because, in most democratic states, the prevailing doctrine of liberalism equates security with liberty (Neocleous, 2008). For Neocleous (2008), this liberal assumption is problematic because it hides the fact that security is historically and materially tied to the protection of bourgeois private property rights, which often prioritizes the security of capitalist order over individual liberties. For example, in settler-colonial societies, Indigenous liberties have been systematically excluded from state security practices precisely because their relationship to land is perceived as a threat to capitalist property relations (Greaves, 2018). Meanwhile, Indigenous peoples' security claims are silenced and ignored because they challenge the "ontological security" of settler-colonial states (Greaves, 2018, p. 109).

Furthermore, Neocleous (2011) argues that to understand security as mode of governing, we must turn toward the category of pacification. According to Neocleous (2011), pacification is a form of police power that works to secure the insecurity of capitalist accumulation. The concept of 'pacification' has a long history that dates back to the creation of capitalism, the first imperialist encounters and colonialism (Neocleous, 2011; Dafnos, 2013). Capitalism was founded on original accumulation, which involved the brutal and violent separation of

populations from the means of production (Neocleous, 2011). For Neocleous (2011), the violence that went into securing the insecurity of capital is the process of pacification.

While this historical materialist positioning of pacification is important, Baron et al. (2019) argue that pacification is not always an observable or direct form of violence. Using a phenomenological methodology, Baron et al. (2019) examine violence as not simply a thing, but “as a condition or context in which people function” (p. 204). In this sense, phenomenology is useful because it allows us to identify violence that exists within liberal capitalism, colonialism, postcolonialism and war (Baron et al., 2019). Unlike forms of direct or indirect violence that are overt, the violence of pacification is inconspicuous and diffuse (Baron et al., 2019). This is because liberal societies must obscure the centrality of violence to maintain the illusion of liberty, peace, and security (Neocleous, 2011). For instance, the pacification of Indigenous peoples involved more than forms of direct and indirect violence, but the violent “reordering of social relations” (Baron et al., 2019). By constructing some populations as threats to ‘civilization’ certain forms of violence were legitimized and rendered invisible (Baron et al., 2019). As such, for maintaining and reproducing liberal order, pacification is essential for obscuring the violence within colonial structures.

In the context of Indigenous protests, Indigenous resistance to settler-colonial projects and the repressive response of state agents, signifies the breakdown of pacification and liberal order (Dafnos, 2013). In Canada, pacification works to “eradicate existing Indigenous societies while establishing a new society on expropriated land that also erases its colonial past” (Dafnos, 2013, p. 59). From this description, pacification is *destructive* and *productive* because it works to destroy non-capitalist ways of life and produce a new social order around capitalist accumulation (Dafnos, 2013, p. 59). For instance, the expropriation of land and resources, the displacement of

Indigenous peoples, and the criminalization of resistance, are ways in which pacification works to disrupt and destroy Indigenous ways of life, while creating a new social order around capital accumulation (Dafnos, 2013). At the same time, however, Indigenous resistance to settler-colonial projects shows that pacification is “*on-going and constantly shifting*” (Dafnos, 2013, p. 59). Therefore, pacification is a useful concept for understanding how capitalist boundary struggles are fought and transformed from both sides of the struggle.

3.7 Conclusion and Main Themes

This chapter has provided an explanation of the theories and concepts that will be used to analyze my empirical material. I began by discussing theories of the capitalist state as a social relation. I then explained Marx’s theory of class in surplus terms. Marx’s underdeveloped theorizations of non-capitalist struggles, led me to Fraser’s (2022) expanded definition of capitalism as an institutional societal order. Moving beyond class struggles in strictly economic terms, I outlined Fraser’s four boundary struggles to show how capitalism is structurally dependent on divisions between different spheres of life, and these divisions create conflict over where the boundary is positioned between exploitation and expropriation, production and social reproduction, human and nature, economy and polity.

Additionally, this chapter builds on Fraser’s (2022) work by incorporating Robinson’s (2020) concept of militarized accumulation and Neocleous’s theories of security and liberal pacification. Both frameworks will be useful for analyzing how boundary struggles are not only sites of contestation, but also mechanisms through which capitalist order is stabilized and reproduced. While historically, boundary struggles have led to positive social transformation, in contemporary capitalism they are increasingly provoking more repressive and authoritarian state responses. For instance, Robinson’s (2020) militarized accumulation is important for

understanding how states, corporations, and the transnational capitalist class (TCC) are implicated in ongoing forms of dispossession to facilitate and protect capital accumulation. Meanwhile, Neocleous's pacification is important for understanding how states are deploying security and pacifying discourses to silence and suppress Indigenous dissent to resource extraction projects. However, in both cases, the state's failure to address capitalism's underlying structural contradictions not only stimulates crises of legitimation, but also produces new inequalities and boundary struggles.

On this note, the notion of reproduction is worth clarifying as it is a central focus throughout this thesis. Following Marxist epistemology, I use the term reproduction in a non-deterministic way, which rejects the claim that economic aspects determine non-economic aspects, or vice versa (Resnick & Wolff, 1982). To use Resnick and Wolff's (1982) understanding of overdetermination, I see the reproduction of boundary struggles as an overdetermining social process in which capitalism's economic and non-economic features both influence and contradict each other. This perspective aligns with Fraser's (2022) argument that capitalism's boundary struggles between economic and non-economic features are entangled and mutually enforcing.

Furthermore, four themes emerged within my theoretical framework that will be useful for my analysis of the Wet'suwet'en pipeline protests. The first theme that emerged was racial capitalism and colonial ideology. Recall that Fraser (2022) argues that colonialism and racism are structural features of capitalism because capitalism depends on the racialized expropriation of labor, land, and resources to generate the conditions for the exploitation of formally waged workers. Accordingly, the theme of racial capitalism and colonial ideology will help me identify the extent to which the boundary struggle between expropriation and exploitation is reproduced

in the case of the Wet'suwet'en. The second theme that emerged was Cheap Nature from Fraser's (2022) reliance on Moore's work. As Moore (2017) argues, capitalism is structurally dependent on the epistemological division between humans and Nature, so it can appropriate human and nonhuman work to produce cheap outputs and maximize profits. As such, the theme of Cheap Nature will help me identify the extent to which the boundary struggle between human and nature is reproduced in the case study. The last two themes that emerged were militarized accumulation and pacification from the need to examine how boundary struggles are reproduced, maintained, or transformed. More specifically, these themes emerged because Fraser (2022) does not explain the role of the capitalist state and corporations in the production of harm. Since this thesis is also interested in state-corporate symbiosis, these themes will help me identify the extent to which boundary struggles are maintained or reproduced through the mechanisms of militarized accumulation or pacification, often through the explicit collaboration between states and corporations.

As I will demonstrate in the following chapter, I will look for the extent to which these themes are prevalent in the discourses found within my empirical material. I am repeating the phrase 'extent to which' because I am not assuming these boundary struggles will always be present, just as capitalism is not absolute. However, at the same time, I anticipate these boundary struggles to appear, given that they represent structural outcomes of capitalist society.

Chapter 4: Methodological Approach

4.1 Methodological Challenges in Researching the Powerful

Various scholars have drawn attention to the methodological problems of researching the powerful (Aguilar, 2012; Alvesalo-Kuusi & Whyte, 2018; Tombs & Whyte, 2003; Rothe & Kauzlarich, 2016). A key problem arises when trying to define the object of study. The concept of the elite or what constitutes ‘the powerful’ has become increasingly fluid and hybrid, especially within the shifting social context of global capitalism (Aguilar, 2012). Despite these definitional issues, the concept of ‘power’ itself has been widely theorized as a social relation between different actors (Jessop, 1987, 2007). As such, some corporate crime scholars have adopted a *relational* approach to define the powerful (states and corporations) in relation to other less powerful individuals and groups (Alvesalo-Kuusi & Whyte, 2018).

Yet, in social science research there are still many methodological barriers when researching the powerful, or what is called “studying up” (Alvesalo-Kuusi & Whyte, 2018; Aguilar, 2012). This is partly because the empirical *methods* used in social science research have been historically developed to look downwards rather than upwards (Alvesalo-Kuusi & Whyte, 2018, p. 139). Although all social sciences have imperialist and colonialist origins, criminology is particularly theoretically and methodologically underdeveloped because of its intimate relationship with the state (Agozino 2004; Tombs & Whyte, 2003). Since crime is defined by the state, criminological research agendas are heavily influenced by state definitions of crime that target individuals instead of institutions (Tombs & Whyte, 2003; Michalowski, 2009). The lack of empirical research on crimes of the powerful is linked to the state’s unwillingness to fund academic research that draws attention to state-capital relationships (Tombs & Whyte, 2003; Michalowski, 2009). Although not all research depends on the funding of states, it is often

extremely difficult for researchers to access participants or data controlled by powerful corporations or institutions (Alvesalo-Kuusi & Whyte, 2018; Tombs & Whyte, 2003). This is because states and corporations have no legal obligation to provide information on request (Tombs & Whyte, 2003; Alvesalo-Kuusi & Whyte, 2018). Hence, the legal structure of the corporation poses a real obstacle for studying crimes of the powerful (Alvesalo-Kuusi & Whyte, 2018; Tombs & Whyte, 2003).

Many of these issues in studying the powerful have been encountered in this thesis. For example, the censorship of data was a challenge I experienced when accessing correspondence between TC Energy and the RCMP. While this was not detrimental for my empirical findings, this example shows how methods of generating data rely on the cooperation of states and corporations (Tombs & Whyte, 2003). Furthermore, it is difficult to challenge the secrecy of states and corporations because of ‘public’ and ‘national’ interests claims that are used to set the perimeters of academic research (Tombs & Whyte, 2003; Alvesalo-Kuusi & Whyte, 2018). For instance, states will use discourses such as “public safety”, “the prevention and detection of crime”, “national security”, or the “economic well-being of the nation” to justify the denial of requests for information (Tombs & Whyte, 2003, p. 33).

Consequently, Snider (2000) argues that the uncritical acceptance of knowledge claims advanced by powerful elites is contributing to the ‘disappearance’ of corporate crime as an object of study and brand of state regulation. Using empirical examples from the 1980s and 1990s, Snider (2000) shows how corporate crime has disappeared through neoliberal knowledge claims that have advocated for decriminalization, deregulation, and enforcement downsizing. While this has caused a growth in social inequalities, Snider (2000) challenges the widely accepted notion in academia that the acceptance of knowledge claims is an “equal opportunity game” (p. 171).

Claims-making is done by powerful actors who have the economic power to invest billions of dollars in sponsoring science so certain knowledges are produced to benefit hegemonic interests (Snider, 2000, p. 181). Although science does not produce truth, only social and political interpretations, natural science (in the form of numbers or statistics) is widely considered the only legitimate way to produce knowledge (Snider, 2000). In the case of corporate crime research, this is why counter-hegemonic claims of “mere words” struggle to win against claims of natural sciences (Snider, 2000).

Within the context of Indigenous land claims, Indigenous epistemologies have been historically marginalized because they threaten the capitalist interests of settler-colonial society (Lajoie-O'Malley, et al., 2023; Comack, 2018). In settler-colonial societies, hegemonic knowledge claims are able to ‘win out’ because of the presumption that Indigenous knowledge claims (based in traditional and cultural practices) are fundamentally different from the claims of science (neutral and universal) (Lajoie-O'Malley et al., 2023, p. 559). However, this does not mean counter-hegemonic claims can never be accepted or used to challenge the hegemony of states and corporations (Snider, 2000; Pearce & Tombs, 1998). Gramsci's concept of hegemony is important for understanding how hegemonic dominance is never complete because class based societies will always have a tendency for struggle and conflict (Snider, 2000; Pearce & Tombs, 1998). In the case of my research, examining the struggle between hegemonic and counter-hegemonic knowledge claims is important for understanding how capitalist boundary struggles are negotiated, maintained, or reproduced. As we will see in the next section, language and ideology are important for understanding how some knowledge claims ‘win out’ over others.

4.2 Marx's Conception of Language and Ideology

In *The German Ideology*, Marx critiqued the ideological claims that specific intellectuals attached to language and consciousness (Fairclough & Graham 2010; Jessop & Sum, 2018; Keat & Urry, 2011). Specifically, Marx rejected Hegel's idealist notion that language is an expression of abstract consciousness (Fairclough & Graham 2010; Jessop & Sum, 2018). From Marx's materialist perspective, language and consciousness arise together through human social relations (Fairclough & Graham 2010; Jessop & Sum, 2018). To cite Marx "language, like consciousness, only arises from the need, the necessity, of intercourse with other men" (Fairclough & Graham 2010, p. 315; Marx & Engels 1846/1972, p. 122). In this sense, Marx did not view language and consciousness as separate 'things', but an inseparable aspect of economic production and social cooperation (Fairclough & Graham 2010; Jessop & Sum, 2018). For example, Marx treated language as "an expression of practical consciousness" in order to critique the tendency to treat mental production as separate from material production (Jessop & Sum, 2018). From Marx's materialist perspective, the class who controls material production, also controls the means of mental production (Keat & Urry, 2011, p. 130; Jessop & Sum, 2018, p. 328).

Furthermore, Marx was interested in showing how language produces ideological effects that naturalize social relations of domination and exploitation (Jessop & Sum, 2018; Keat & Urry, 2011). For Marx, ideologies differ from ideas because they serve the interests of specific social classes (Jessop & Sum, 2018; Keat & Urry, 2011). However, this does not mean that dominant social groups consciously create ideologies (Keat & Urry, 2011). Rather, the organization of social relations naturally produces ideological views that reinforce and legitimize the interests of the dominant class (Keat & Urry, 2011). Ideologies are 'real' or 'material' in the

sense that they derive meaning from people's social and material experiences (Purvis & Hunt, 1993, p. 479). Yet, Marx also emphasized that our 'self-understanding' of society is itself distorted and ideological (Keat & Urry, 2011, p. 131). Therefore, ideology is not only a framework to explain how society works, but a force that shapes our widely accepted beliefs (Keat & Urry, 2011, p. 131).

According to Fairclough & Graham (2010), language critique is central to Marx's critical method and his critique of capitalism. Marx saw language as a mutually determining product and producer of changing material social relations that are necessary for the reproduction of capitalism (Fairclough & Graham, 2010). Therefore, given the centrality of language for all forms of socio-economic formation (not only capitalism), I will adopt Fairclough & Graham (2010) argument that any critical social analysis is incomplete without a critique of language. Language and ideology are important concepts for my research because I want to understand the extent to which certain ideologies shaped the discourses surrounding the Wet'suwet'en pipeline protests. To apply these concepts to my study, I will use critical discourse analysis (CDA) which is concerned with showing how discourse (language) produces, reproduces, or resists structures of power (ideology). In the following section I will explain the relationship between ideology and CDA.

4.3 Ideology and Critical Discourse Analysis

There are many contemporary debates over the definitions and usage of 'discourse' and 'ideology' (Purvis & Hunt, 1993; Fairclough, Mulderrig, & Wodak, 2011). Especially in the western Marxist tradition, there is "a tendency to blur or to conflate the concepts of ideology and discourse" (Purvis & Hunt, 1993, p. 479). This is largely because of Marx's treatment of language and consciousness in *The German Ideology*, and his epistemological framework that

relies on a true or false binary (Purvis & Hunt, 1993, p. 479-480). Consequently, Marx's critique of ideology has led some readers to assume that ideologies are a form of 'false consciousness' (Purvis & Hunt, 1993; Herzog, 2018). However, ideologies are not simply 'false ideas' as they are part of lived experiences, which do not require "thinking" (Purvis & Hunt, 1993, p. 479). For example, the notion of 'common sense', illustrates how ideologies are internalized and reproduced unconsciously (Purvis & Hunt, 1993, p. 479).

Despite these epistemological limitations of western Marxism, Purvis & Hunt (1993) argue that ideology theory can be supplemented and expanded with discourse theory by reframing ideology not as a form of 'false consciousness' but as a discursive process embedded in social practices. Unlike ideology, the concept of discourse "remains self consciously neutral or skeptical" as to whether language or non-verbal social practices are attached to class interests (Purvis & Hunt, 1993, p. 476). While discourse is focused on the *internal* features of communicative practices (their linguistic and semiotic dimensions), ideology is focused on the *external* features as they relate to dimensions of inequality or injustice (Purvis & Hunt, 1993, p. 476). The distinction between discourse and ideology is important for critical discourse analysis (CDA) because it provides an analytical framework to understand how language shapes reality, and how some discursive practices sustain and reproduce relations of domination and subordination. To use Purvis and Hunt's (1993) words, ideology provides "directionality" for my research that is interested in uncovering the effects of discursive practices, which they term "ideology effects". In the following paragraphs I will outline how CDA conceives of discourse and ideology.

The term 'discourse' in CDA refers to a particular view of language as an aspect of social life which is inseparable from other elements (Fairclough, 2003; 2010; Fairclough, Mulderrig, &

Wodak, 2011). In this sense, CDA views discourse as *relational* because its primary focus is not on entities or individuals, but on social relations (Fairclough, 2010, p. 3). What this means is that discourse is not simply an ‘entity’ or an ‘object’, but a complex set of networks between people, institutions, objects, texts, etc. (Fairclough, 2010). This is why CDA scholars prefer to use the word ‘semiosis’ rather than discourse to encompass the broad range of social practices (words, text, signs, symbols, etc.) that are used to make meaning (Fairclough, Mulderrig, & Wodak, 2011, p. 3). For some, this definition of discourse may seem quite broad; however, it is important to keep in mind that discourse is never fully referential (Purvis & Hunt, 1993, p. 485). What this means is language shapes meaning, but it does not determine; therefore, it can always be contested (Purvis & Hunt, 1993, p. 485). This is precisely where ideology comes into the picture.

Ideology is an important concept in CDA because it represents its evaluative and critical component (Fairclough, 2010). For Fairclough (2010), CDA is not just a descriptive analysis of discourse, but also a normative evaluation of them. The term ‘critical’ in CDA refers to a political agenda that is focused on what is wrong with a society based on a particular set of normative values (Fairclough, 2010, p. 7). While many people have different perspectives as to what constitutes a fair or just society, CDA’s critique seeks to identify potential remedies for positive social transformation (Fairclough, 2010, p. 7). CDA’s critical approach to discourse has its roots in western Marxism and the belief that ideologies serve powerful interests (Fairclough, 2010; Fairclough, Mulderrig, & Wodak, 2011). Thus, the primary focus of CDA is “on dialectical relations between discourse and power, and their effects on other relations within the social process and their elements” (Fairclough, 2010, p. 8). The objective goal of CDA is to explain why certain discourses are ideological and others are not (Fairclough, 2010, p. 8). For Fairclough (2010), the analytical distinction between discourse and ideology helps maintain CDA’s

explanatory power (p. 9). By treating discourse as a *process* and ideology as an *effect* (Purvis & Hunt, 1993, p. 496), “it provides a basis for determining which discourses (interpretations, explanations) are ideological” (Fairclough, 2010, p. 9).

4.4 CDA: Merging Theory and Method

What distinguishes CDA from other discourse studies is that it does not have a fixed theoretical or methodological framework (Fairclough, Mulderrig, & Wodak, 2011). CDA is best described as a transdisciplinary research methodology that can be applied to a variety of research topics, theoretical models, and research methods (Fairclough, Mulderrig, & Wodak; Fairclough, 2010, 2012). As such, Fairclough (2012) prefers to use the term “methodology” rather than “method” to emphasize how CDA is a theory-driven framework for constructing the “*object of research*” (p. 13). This reflects Fairclough’s (2010) rejection of the artificial divide between theory and method that is commonly found in social science research.

Fairclough and Graham (2010) argue that the role of language in Marx’s critical method “can be seen to be engaging in a form of discourse analysis” (p. 301). To unpack this, this section will explore the theoretical and methodological foundations of Marx’s critical approach to language. As discussed above, Marx’s theoretical approach to language and consciousness was informed by and builds on Hegel’s treatment of abstraction (Fairclough & Graham 2010, p. 309). Marx inverted Hegel’s theory of abstraction to explain why language is a product of material relations of production (Fairclough and Graham, 2010). Meanwhile, Marx’s methodological approach to language was informed by Aristotle’s concept of the ‘dialectic’ which “is a critical linguistic method formulated to challenge the dogmas of received wisdom” (Fairclough & Graham 2010, p. 309). According to Fairclough and Graham (2010) the aim of the dialectic is not to discover scientific truth, but rather to investigate and test accepted assumptions,

definitions, and understandings (p. 311). It is clear that Aristotle's dialectic method influenced Marx's conceptual analysis of language by the way he deconstructed the class nature of language, but also used language to help the masses develop their own political imaginaries to resist ruling class domination (Jessop & Sum, 2018). Overall, we can see how Marx merged theoretical and methodological tools from both Hegel and Aristotle to develop his own critical approach to language. Therefore, Fairclough and Graham (2010) claim that "Marx's method and the methods of CDA are identical" because both Marx and CDA merge theory and method by applying a critical-dialectical approach to language (p. 316). It is from this perspective that I developed my methodological approach.

4.5 Goals and Approach

This thesis aims to challenge the ideologies and discourses that were prioritized when attempting to 'resolve' the Wet'suwet'en pipeline conflict. More specifically, my research focuses on understanding the justifications and rationales behind the RCMP raids and criminalization of Indigenous and non-Indigenous land defenders. I decided to use a CDA methodological approach because it adopts both critical and descriptive goals support the "denaturalisation" of ideologies (Fairclough, 2010, p. 30). Moreover, CDA aligns with my emancipatory research goals because it seeks to critically explain why and how social wrongs occur, and contribute to strategies for positive social transformation (Fairclough, 2010). In addition, CDA pairs well with my theoretical framework because it allows me to understand how Fraser's (2022) boundary struggles are discursively constructed and maintained. Within these boundary struggles, CDA will allow me to analyze how certain discourses emerge as 'winners' and others become marginalized. Lastly, because I am integrating a semiotic critique into the critique of political economy, I have chosen to analyze texts broadly, in the form of paragraphs,

rather than analyzing each individual line of text. This allows me to explore the extent to which language shapes the outcome of struggles, without undermining my structural critique of Canadian capitalism.

4.6 Research Question and Objectives

My research critically analyzes the federal and provincial governments' responses to the Wet'suwet'en pipeline protests. To do this, my research questions seek to uncover the normative claims made within Canada's judicial and political spheres:

1. What was the state's response to the Wet'suwet'en pipeline protests?
2. What knowledge claims were prioritized when attempting to 'resolve' the Wet'suwet'en pipeline conflict? Who do these knowledge claims benefit?
3. To what extent does the states response to the Wet'suwet'en pipeline protests reproduce unstable capitalist conditions?

In the next section, I will provide a brief background of the case study before outlining the five sources that helped me answer my research questions.

4.7 Background to the Case Study

As discussed in the introductory chapter, the origins of the Wet'suwet'en land defense movement lie in the 1997 *Delgamuukw v. British Columbia* Supreme Court of Canada case (Mendelin, 2025). Although the *Delgamuukw* decision affirmed Wet'suwet'en Nation's Aboriginal rights and title to their territory, the Wet'suwet'en people continued to resist unauthorized resource extraction (Mendelin, 2025). Since 2007, Wet'suwet'en land defenders have campaigned against proposed pipeline projects, such as the Enbridge Northern Gateway, the Pacific Trail, and the Coastal Gaslink pipelines (Mendelin, 2025; McCreary & Turner, 2018). As part of these efforts, the Wet'suwet'en established several checkpoints and resistance camps. In

2009, a Wet'suwet'en clan founded the Unist'ot'en Camp to assert Indigenous law and protect the land from the encroachment of extractive companies (Spiegel, 2021). According to McCreary and Turner (2018), the Unist'ot'en camp was instrumental in blocking territorial access to TransCanada (now TC Energy) employees, but it also became a vital healing center and space for community members to practice sustainable modes of living.

Despite ongoing opposition from the Unist'ot'en and other land defenders, the CGL pipeline was approved by the British Columbia Environmental Assessment Office (BCEAO) in October 2014 (McCreary & Turner, 2018). When construction began in 2018, TC Energy applied for an injunction to remove the Unist'ot'en barricade obstructing access to construction sites (Hume & Walby, 2021). The enforcement of the injunction led to a series of RCMP raids and arrests of Indigenous land defenders in January 2019. A year later, the enforcement of another injunction provoked a series of nationwide protests in February 2020 (Hume & Walby, 2021; Mendelin, 2025). The arrest of 28 land defenders ultimately incited the solidarity movement known as Shut Down Canada (Mendelin, 2025). Overall, this case study encompasses a significant number of legal documents, Hansard transcripts, regulatory records, and official correspondence to analyze. The subsections below will detail each of these sources.

4.7.1 Legal Documents

This study uses legal documents from the British Columbia Supreme Court as a means of uncovering the rationales and justifications behind the authoritative measures used to suppress and dismantle the Wet'suwet'en protests and blockades. To obtain these legal documents, I conducted a key word search on the British Columbia Supreme Court website. The keywords included: Wet'suwet'en and Coastal GasLink. From there, I was able to download HTML copies

and save them to Zotero. I was also able to find PDF versions from TC Energy's website and the Aboriginal Peoples Television Network (APTN).

In total, I analyzed two court judgements and one judicial review. The first judgement, *Coastal GasLink Pipeline Ltd. v. Huson*, 2019 BCSC 2264 explains the court's decision to grant the interlocutory injunction order sought by the plaintiff, Coastal Gaslink Ltd., against the defendants, "Freda Huson, Warner Naziel, John Doe, Jane Doe and all other persons unknown to the plaintiff occupying, obstructing, blocking, physically impeding or delaying access at or in the vicinity of the area in and around the Morice River Bridge or the area accessed by the Morice West Forest Service Road". This judgement is 51 pages long. The second judgement, *Canadian Pacific Railway Limited v. Doe*, 2020 BCSC 388, explains the court's decision to grant a temporary injunction order sought by the plaintiff, Canadian Pacific Railway Limited (CP), against various unnamed defendants interfering with CP's operations during the nationwide protests in February 2020. This judgement is 18 pages long. Lastly, the judicial review, *Wet'suwet'en Treaty Office Society v. British Columbia (Environmental Assessment Office)*, 2021 BCSC 717, explains the court's decision to dismiss the Office of the Wet'suwet'en's petition to quash the Environmental Assessment Office's decision that granted a five-year extension of the Environmental Assessment Certificate for the CGL pipeline. This document is 47 pages long.

4.7.2 Hansard Transcripts from Three House of Commons Debates

This study also uses Hansard transcripts from three House of Commons Debates to examine the state's framing of the nationwide solidarity protests and the state's efforts to resolve the conflict. To obtain these transcripts, I conducted a key word search on the House of Commons website. The keywords included: Wet'suwet'en pipeline protests and Coastal GasLink pipeline protests. As the protests and blockades span several years, I specifically looked for

transcripts from when the nationwide protests started in February 2020. This decision allowed me to narrow my analysis to a pivotal moment in the Wet’suwet’en land defense movement. All three transcripts were downloaded directly from the House of Commons website and saved as PDF in Zotero.

The first transcript I analyzed was an emergency debate on relations with Indigenous peoples, held on February 18th, 2020, in light of rising tensions following RCMP arrests of land defenders and the nationwide protests in solidarity with the Wet’suwet’en Hereditary Chiefs. The debate was requested by Peter Julian (New Westminster–Burnaby, NDP) and Alain Therrien (La Prairie, BQ), who argued that the economic impact of the blockades required an urgent government response. The debate lasted five hours. In the second transcript, the Wet’suwet’en conflict was addressed during an opposition motion titled “Coastal Gaslink Project” that took place on February 20th, 2020. The motion was brought forward by the Conservative Party of Canada, led by Todd Doherty (Cariboo–Prince George, CPC). In the third transcript, dated February 21th, 2020, the ongoing Wet’suwet’en pipeline protests were a central topic during the Oral Questions and Government Orders.⁵

4.7.3 Regulatory Records

As the approval to build the CGL pipeline involved years of conflict between the Wet’suwet’en and the British Columbia Environmental Assessment Office (BCEAO), I also analyzed regulatory records to understand whose knowledge claims were given value and

⁵ Key speakers included: Garnett Genuis (Sherwood Park–Fort Saskatchewan, CPC); Hon. Steven Blaney (Bellechasse–Les Etchmins–Lévis, CPC); Hon. Candice Bergen (Portage–Lisgar, CPC); Gary Anandasangaree (Parliamentary Secretary to the Minister of Crown-Indigenous Relations, Lib.); Marilène Gill (Manicouagan, BQ); Joël Lightbound (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.); Alistair MacGregor (Cowichan–Malahat–Langford, NDP); Leah Gazan (Winnipeg Centre, NDP); Mumilaaq Qaqqaq (Nunavut, NDP); Martin Shields (Bow River, CPC); Tako Van Popta (Langley–Aldergrove, CPC); Todd Doherty (Cariboo–Prince George, CPC).

prioritized during the approval process. To obtain these records, I conducted a project name (Coastal GasLink Pipeline) search on the BCEAO's Project Information Centre (EPIC) website. From there, I was able to find a list of inspection records, certificates, assessment reports, notices of non-compliance, issues of administrative penalties, letters of warning from First Nations and letters of communication between the Office of the Wet'suwet'en and the BCEAO. The oldest document is dated December 11, 2012 and the most recent is dated July 25, 2025.

4.7.4 Official Correspondence

To gain additional insight into the role of public officials working in collaboration with TC Energy, I submitted an Access to Information and Privacy (ATIP) online request. In my request I asked for any correspondence between RCMP E Division, TC Energy, and government officials in regards to Wet'suwet'en pipeline protests and the construction of the Coastal Gaslink Pipeline, from December 2019 to December 2022. This date range roughly reflects the three years of RCMP raids and surveillance on Wet'suwet'en territory. In August 2025, I received 193 pages of email correspondence between RCMP officers and TC Energy.⁶ Although many email addresses, sentences, and pictures were censored, I was nevertheless able to discern a few issues that were relevant for my analysis. Additionally, I also searched the BC's Open Information catalogue for information on the Wet'suwet'en Matriarchal Coalition (WMC). The keyword search included: Wet'suwet'en Matriarchal Coalition. Here, I found a response package containing emails, photocopies of notes, project details, and cost breakdowns pertaining to the funding and establishment of the WMC.

⁶ RCMP officers included: John Brewer, Chief Superintendent and Gold Commander of the RCMP C-IRG; Brenda Lucki, Commissioner of the RCMP; Dave Attfield, Chief Superintendent and Gold Commander of the RCMP C-IRG.

I also analyzed four letters of correspondence. The first was written by the Executive Director of the British Columbia Civil Liberties Association (BCCLA), Harsha Walia, to the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC). It was signed on behalf of the Wet'suwet'en Hereditary Chiefs, the Union of BC Indian Chiefs (UBCIC), and supported by a couple legal bodies.⁷ The letter listed several reasons explaining why the CRCC should initiate a policy complaint under the *Royal Canadian Mounted Police Act*. The second letter was the CRCC's response, refusing to initiate a policy complaint. I obtained both of these letters from the BCCLA's website. The third letter was written by Chief Roland Willson of the West Moberly First Nations to Rich Coleman, Minister of Natural Gas Development and Mary Polak, Minister of Environment. And lastly, the fourth letter was addressed to the same Ministers, written by spokespersons and members of the Doig River First Nation.⁸ Both letters were found on the BCEAO's Project Information Centre (EPIC) website, raising concerns over the British Columbia Environmental Assessment Office's (BCEAO) Assessment Report of the CGL pipeline. In particular, both First Nations raise concerns over inadequate funding to support their participation in the consultation process and deficiencies in the report's findings.

4.7.5 Web-Based Publications

Finally, I analyzed 11 web-based publications to form an understanding of the differing perspective and discourses on the state's response to the pipeline protests. These publications

⁷ Signatories include: Wet'suwet'en Hereditary Chief Smogelgem, SunHouse, Likhts'amisyu Clan; Wet'suwet'en Hereditary Chief Woos, C'asyikh (Grizzly House); Wet'suwet'en Hereditary Chief NA'Moks; Wet'suwet'en Hereditary Chief Gisday'wa; Wet'suwet'en Hereditary Chief Lay'oh; Wet'suwet'en Hereditary Chief Knedebeas (Warner William); Wet'suwet'en Hereditary Chief Kloum Khun, Owl House; Chief Grand Chief Stewart Phillip, UBCIC President; Chief Don Tom, UBCIC Vice-President; Kukpi7 Judy Wilson, UBCIC Secretary-Treasurer; Jessica Clogg, Executive Director and Senior Counsel of West Coast Environmental Law; Lyndsay Watson, Legal Director of Pivot Legal Society.

⁸ Signatories include: Chief Norman Davies; Councillor Kelvin Davis; Councillor Shirley Acko.

include news articles from CBC News, APTN National News, The Narwhal, and The Martlet. I also consulted several online statements published on the websites of BC Gov News, the Union of BC Indian Chiefs and Coastal GasLink. Last, but not least, I utilized an investigative report conducted by Amnesty International. Overall, these online sources were helpful because they directed me to some of the legal documents, official correspondence, and regulatory records that informed my analysis, and they provided further insight into the debates regarding conceptualizations of, and responses to the protests.

4.8 Data Analysis

In this section, I will outline how I conducted my data analysis. Fairclough's (2012) four-stage methodology offers a general guide for understanding the CDA approach employed in this thesis. *Stage one* involves focusing on the semiotic aspects of a social issue (Fairclough, 2012, p. 13). This stage includes two steps: (1) selecting a research topic and (2) the theoretical construction of a research object in a transdisciplinary way. *Stage two* involves identifying obstacles to address the social wrong (p. 14). This stage includes three steps: (1) the analysis of dialectical relations between discourse, texts, and other social elements; (2) the selection of texts related to the object(s) of research; (3) the analysis of selected texts. *Stage three* involves considering "whether the social order 'needs' the social wrong" (p. 15). For example, Fraser (2022) argues that racism is a social wrong inherent in the structure of capitalism, and that it can only be addressed by overthrowing the capitalist social order. And lastly, *stage four* involves identifying possible solutions for overcoming obstacles to addressing the social wrong (p. 15). For example, finding a solution to capitalist crises can occur through the dialectical formation of boundary struggles, whereby dominant ideologies are contested by counter-hegemonic discourses, narratives, and arguments.

While Fairclough's (2012) four-stage methodology can be a useful guide, CDA's methodology has been subjected to many criticisms (see Catalano & Waugh, 2020; McKenna, 2004). One of CDA's major methodological criticisms is its treatment of context (Catalano & Waugh, 2020, p. 225; McKenna, 2004, p. 16). More specifically, early work in CDA has been critiqued for decontextualizing language from its wider social context (Catalano & Waugh, 2020, p. 226). However, more recent studies have shown how CDA does not need to follow "rigid norms" in its approach to contextualize texts with specific contexts (Catalano & Waugh, 2020, p. 227).

To address these concerns, my data analysis does not follow Fairclough's (2012) four-stage methodology in a rigid or sequential manner. Nevertheless, I began by following step 2 of stage 1 by *theoretically* constructing my research object using Fraser's (2022) boundary struggles. To demonstrate how CDA aligns with my theoretical framework, I draw on a related study conducted by Fälton and Mels (2024), which examines the historical formation of Fraser's boundary struggles in Sweden's national parks. In their study, Fälton and Mels (2024) argue that Sweden's tourism and nature conservation policies are involved in constructing a "non-human world" in which Swedish national parks represent "a world separated from the human one" (p. 72). Using Fraser's terms, they describe how national parks are conceived as a place for capitalism's "background conditions" of possibility (i.e. social reproduction, nature and public power), which is distinct from its "foreground" conditions of commodity production (p. 75). According to Fälton and Mels (2024), these constructions of the non-human world give rise to boundary struggles as they remain both discursively and materially contested. In their analysis, they identify five discursive formations of the non-human world as sites of boundary struggles. For example, one such discursive formation is "The non-human world as ideological foreground

and raw material (1910-1939)” (Fälton and Mels, 2024, p. 75). During this period, the authors found that both conservation and tourism discourses contested the idea that national parks could be simultaneously preserved and commodified without ruining the romanticized ideal of the wilderness. As such, these contestations reinforced the boundary struggle between nature and society by further distinguishing the non-human world as something “fragile” that needs protection (p. 75).

Similar to Fälton and Mels’s (2024) study, my data analysis involved a back and forth process in which I oscillated between my empirical data, theoretical framework, and literature review. First, I began by reading through all the legal documents, Hansard transcripts, regulatory records, and official correspondence. Then using the highlight feature in Zotero, I highlighted passages and sentences that would help me explain the state’s response to the Wet’suwet’en pipeline protests. Specifically, I looked for legal, political, and economic decisions that justified the granting of court injunctions and the militarized raids on Wet’suwet’en territory. During this process I also made note of any counter or contradictory claims. For example, claims of Indigenous groups supporting the CGL pipeline challenged my understanding of capitalist boundary struggles. I was able to explain this counter-evidence by reading literature on colonial strategies of creating divisions within Indigenous communities, as a means of incorporating Indigenous peoples into capitalist relations.

Once I was done highlighting passages, I was able to separate and group distinct sub-discourses into four overarching discourses, which subsequently corresponded with the themes developed within my theoretical framework: (1) Racial Capitalism and Colonial Ideology; (2) Cheap Nature; (3) Militarized Accumulation; and (4) Pacification. Overall, this demonstrates how my analytical procedure was both theoretically informed and empirically driven, as my

categories of analysis emerged through an iterative process of moving between theory, existing literature, and empirical material.

4.9 Conclusion

In conclusion, this chapter outlined some of the methodological challenges in researching the powerful. It also explicated my methodological approach using Marxist informed CDA. As the next chapter will demonstrate, CDA was useful for determining the extent to which hegemonic and counterhegemonic discourses contributed to the (re)production of boundary struggles.

Chapter 5: Analysis

This chapter provides an analysis of the legal documents, transcripts, regulatory records, and correspondence concerning the Wet'suwet'en pipeline protests. In total, I identified four overarching discourses within the data. First, discourses of racial capitalism and colonial ideology are expressed within three sub-discourses: (1) upholding the rule of law and public interest, (2) creating and profiting from divisions, and (3) blaming radical activists. Second, discourses reflecting Moore's (2017) concept of Cheap Nature are expressed within two sub-discourses: (1) diminishing environmental concerns and (2) devaluing Indigenous knowledge claims. Third, discourses reflecting Robinson's (2020) concept of militarized accumulation are expressed in a sub-discourse prioritizing economic interests over Indigenous lives. Fourth, discourses reflecting Neocleous's (2011) concept of pacification are expressed within two sub-discourses: (1) reconciliation and 'peaceful' negotiation, and (2) pipelines as the only way of organizing the Canadian economy.

My analysis will show how each discourse helps reproduce Fraser's (2022) boundary struggles. In doing so, there are two key points to keep in mind:

- 1) *As Fraser (2022) emphasizes, boundary struggles are inherently intertwined.* This means that while each discourse illuminates a certain boundary struggle, they do not exist in isolation from other boundary struggles because they constantly influence each other.
- 2) *Boundary struggles are never one sided.* This means that there will be different opinions on both sides of the struggle. As the data will show, the CGL pipeline is an extremely controversial subject not only between Indigenous and non-Indigenous people, but within the Wet'suwet'en Nation itself. The purpose of this analysis is not to say one side

is wrong and the other right but instead to demonstrate how both sides are implicated in the reproduction of capitalism as an institutional societal order.

5.1 Racial Capitalism and Colonial Ideology

Racial capitalism is a contested concept because there is disagreement as to whether capitalism is *necessarily* racist (see Fraser, 2018; Go, 2021). Go (2021) argues that it is important to differentiate between “Marx’s *theory of capital* and his *theory of capitalism*” (p. 42, emphasis in original). When looking at Marx’s theory of capital, which centers on relations of wage labor, categories of race and ethnicity are not central features (Go, 2021). In contrast, Marx’s theory of capitalism, which refers to the historical development of capitalism as a social formation, does consider issues of race, slavery, and colonialism (Go, 2021). This distinction reflects Marx’s broader view that capitalism is not merely an economy, but a social system (Fraser, 2018, 2022). However, because Marx spent significantly less time on issues of race as a structural feature of capitalism, the concept of racial capitalism remains necessary for identifying systemic inequalities and structural harms within capitalism (Fraser, 2018, 2022).

As discussed previously, Fraser (2022) views racial oppression as not only a historical feature of capitalism, but a structural feature of the system’s reliance on expropriation and exploitation. Capitalism depends on the expropriation of doubly free labor or unpaid work for the exploitation of free labor (Fraser, 2022). Historically and still today, it is disproportionately racialized groups who are subjected to expropriation while others are subjected to exploitation (Fraser, 2022). Although the boundary struggle between exploitation and expropriation has mutated over time, it has remained an essential foreground and background condition of capitalist society (Fraser, 2022).

A major way in which the boundary struggle between exploitation and expropriation persists is through the embedment of colonial ideology in law. In Canadian jurisprudence, the ‘rule of law’ was founded on the liberal social contract and its metatheoretical assumptions of equality, peace, and freedom (Spiegel, 2019). However, Nichols (2013) prefers to use the term “Settler Contract” to explain how the social contract serves to displace historical and alternative political formations, while justifying ongoing settler-colonial relations of “conquest, genocide and land appropriation” (p. 168). This is because only those who are considered human are capable of entering the social contract and holding legal rights (Spiegel, 2019). Consequently, many Indigenous peoples have been denied the protection of the rule of law because of colonial ideologies that depict them as nonhuman or inferior (Spiegel, 2019). This indicates that rather than embodying a set of democratic ideals, the rule of law has historically functioned to protect capitalist property rights. As Pearce (1976) notes,

[t]he ‘rule of law’ only has meaning when there is a period of social quiescence when democratic debate takes place within a set of assumptions that includes the sanctity of capitalistic private property. Political movements which question these views, even if not illegal, will be liable to repression (p. 51).

In the context of Indigenous protests, the rule of law is frequently used to justify the granting of court injunctions (Spiegel, 2019). According to Ceric (2020), an injunction is a “court order issued by a judge after an application is filed by a party to a lawsuit and is meant to protect the interests or rights of that applicant while the case is pending” (p. 354). An injunction can be ‘interim’, meaning temporary, or ‘interlocutory’, meaning permanent until trial (Ceric, 2020, p. 354). While both types are equally damaging, temporary injunctions are granted most often as it

is the fastest way to involve law enforcement and circumvent Indigenous jurisdiction (Yellowhead Institute, 2021).

In recent years, extractive corporations and provinces have increasingly relied on injunctions to criminalize Indigenous resistance and maintain settler-colonial property relations (Ceric, 2020; Spiegel, 2019; Mendelin, 2025). For example, a 2019 study by the Yellowhead Institute examined 100 court injunctions involving First Nations in Canada and found that “from the years 1973-2019, 76 per cent of injunctions filed against First Nations by corporations were granted, while First Nations were successful against corporations only 19 per cent of the time” (Pasternak & Ceric, 2023, p. 8). In 2020, Yellowhead updated its findings and found that “[t]he percentage of injunctions successfully sought by corporations against First Nations climbed from 76 per cent to 81 per cent” (Pasternak & Ceric, 2023, p. 8). Meanwhile, the success rate of First Nations obtaining injunctions against corporations had not changed.

Moreover, in cases involving protests or blockades, injunctions are frequently granted on the basis of economic harm (Spiegel, 2019). However, the inability for courts to adequately calculate the extent of economic damage means that the decision to grant an injunction is “highly contextual” and entirely “at the court’s discretion” (Spiegel, 2019, p. 4). According to Spiegel (2019), “[t]he discretionary nature of injunction law means that significant power resides with settler Canadian courts to determine and embody the rule of law itself” (p. 4). As we will see in the next section, the discretionary power of courts is symptomatic of the “law’s bourgeois character” (Bittle & Stinson, 2019, p. 259) that makes it easier for extractive corporations to influence the outcome of legal decisions. While the bourgeois character of the law is not deterministic, meaning the law does not always favor powerful interests, it must be acknowledged that the logic of capital is historically embedded in law (Bittle & Stinson, 2019).

As such, the next section will demonstrate how discourses of the rule of law and public interest are implicated in the reproduction of capital and the status quo.

5.1.1 Upholding the ‘rule of law’ and ‘public interest’

Court injunctions played a major role in the Wet’suwet’en pipeline protests. As such, discourses of the ‘rule of law’ and ‘public interest’ emerged frequently in the data. In late 2018, Coastal GasLink Pipeline Ltd. (CGL) applied for an injunction in the Supreme Court of British Columbia against Wet’suwet’en land defenders blockading access to construction sites. Shortly after, Freda Huson (Chief Howilhkut) and Warner Naziel (Laksamshu Hereditary Chief Smogelgem) were served approximately 2,400 pages of CGL’s material to review before the injunction hearing on December 14, 2018 (Amnesty International, 2023, p. 7). Given only two weeks to review, both chiefs faced significant challenges in hiring legal representation (Amnesty International, 2023). At the hearing, the Honourable Madam Justice Church agreed to adjourn the proceedings to give the Wet’suwet’en land defenders more time to prepare a response. However, she still granted CGL an interim injunction, which remained in effect until the hearing on the interlocutory injunction application.

During the intervening period, the defendants Freda Huson and Warner Naziel submitted an application in opposition to the interlocutory injunction. They argued that the National Energy Board (NEB) did not consider outstanding jurisdictional issues and challenged whether the plaintiff had all the necessary regulatory permits (Coastal GasLink Pipeline Ltd. v. Huson, 2019). The position of the defendants was that regardless of the validity of NEB permits, the plaintiffs did not obtain Wet’suwet’en authorization before proceeding on their territory, which is a violation of Wet’suwet’en law and authority (Coastal GasLink Pipeline Ltd. v. Huson, 2019). In response, Justice Church ruled:

As a general rule, Indigenous customary laws do not become an effectual part of Canadian common law or Canadian domestic law until there is some means or process by which the Indigenous customary law is recognized as being part of Canadian domestic law, either through incorporation into treaties, court declarations, such as Aboriginal title or rights jurisprudence or statutory provisions: *Alderville First Nation v. Canada*, 2014 FC 747 at para. 40 (*Coastal GasLink Pipeline Ltd. v. Huson*, 2019, para. 127).

There has been no process by which Wet'suwet'en customary laws have been recognized in this manner. The Aboriginal title claims of the Wet'suwet'en people have yet to be resolved either by negotiation or litigation. While Wet'suwet'en customary laws clearly exist on their own independent footing, they are not recognized as being an effectual part of Canadian law. (*Coastal GasLink Pipeline Ltd. v. Huson*, 2019, para. 128).

As the above passages indicate, although Justice Church acknowledged the existence of Wet'suwet'en law, she ultimately concluded that Indigenous legal perspectives are beyond the scope of the trial. Not only does this decision threaten Wet'suwet'en autonomy and sovereignty, it also demonstrates how legal processes are implicated in the reproduction of boundary struggles. Recall that capitalism depends on public powers, such as legal frameworks to “establish and enforce its constitutive norms” (Fraser, 2015, p. 161). Especially in settler-colonial states, legal systems are crucial for establishing private property rights, managing dissent, and suppressing resistance (Fraser, 2015, 2022). While this does not mean resistance is futile, it is important to understand that Canada's legal system is not designed to resolve Indigenous land disputes, but rather reproduce a settler-colonial order predicated on capital accumulation.

After the hearing, the BC Supreme court granted CGL an interlocutory injunction ordering the removal of all obstructions blocking access to construction sites. Justice Church justified her decision by saying:

The defendants did not challenge the validity of the plaintiff's permits and authorizations through legal means but rather chose to pursue unlawful self-help remedies [i.e. the blockades] in furtherance of their goal of preventing construction of the Pipeline Project. Use of self-help remedies is contrary to the rule of law and is an abuse of process. (*Coastal GasLink Pipeline Ltd. v. Huson*, 2019, para. 220).

There is evidence to indicate that the defendants have engaged in deliberate and unlawful conduct, for the purpose of causing harm to the plaintiff and preventing it from constructing the Pipeline Project. There is a public interest in upholding the rule of law and restraining illegal behaviour and protecting of the right of the public, including the plaintiff, to access Crown roads. (Coastal GasLink Pipeline Ltd. v. Huson, 2019, para. 221).

In my view, the public interest must viewed more broadly than the public interest specific to Dark House. The public interest in this case weighs heavily in favour of granting the interlocutory injunction. (Coastal GasLink Pipeline Ltd. v. Huson, 2019, para. 222).

The discourses of the ‘rule of law’ and ‘public interest’ are not neutral or egalitarian terms, as they are invoked to protect the economic interests of TC Energy. By referring to the blockades as “unlawful” and “illegal”, the BC Supreme Court reproduces Fraser’s boundary struggle between exploitation and expropriation by keeping Indigenous peoples on the expropriable side of capitalism. Recall that boundary struggles emerge when subordinated groups challenge how capitalism defines who counts as a legitimate citizen and what counts as lawful labor, property, or political action. And it is largely political agencies (i.e., states) that “codify and enforce the status hierarchies that distinguish citizens from subjects, nationals from aliens, and entitled worker from dependent scroungers” (Fraser, 2022, p. 38). In this context, judicially labelling the blockades as “unlawful” and “illegal” racially codifies Wet’suwet’en actions as dangerous, which simultaneously justifies the expropriation of Indigenous lands.

Shortly after the interlocutory injunction was granted, an RCMP enforcement order was issued. Despite calls for reconciliation from the Canadian Government and demands to halt construction from the United Nations Committee on the Elimination of Racial Discrimination, the RCMP set up a checkpoint and exclusion zone at the 27-kilometer mark on the Morice West FSR (British Columbia Civil Liberties Association, 2020). In the following weeks, the RCMP enforcement and implementation of the exclusion zone resulted in the criminalization and restricted movement of “Wet’suwet’en people, invited guests of the Wet’suwet’en, media, legal

counsel as well as food and medical supplies” (British Columbia Civil Liberties Association, 2020).

On January 29, 2020, the British Columbia Civil Liberties Association (BCCLA) wrote a letter to the Civilian Review and Complaints Commission for the RCMP (CRCC) on behalf of the Wet’suwet’en Hereditary Chiefs and the Union of BC Indian Chiefs (UBCIC) “to initiate a policy complaint and public interest investigation under the *Royal Canadian Mounted Police Act*” (p. 1). In the letter, the BCCLA argued that the RCMP checkpoint and exclusion zone is an arbitrary exercise of discretionary power and a violation of the *Canadian Charter of Rights and Freedoms*. In response, the CRCC wrote:

It is in light of this previous report that, after careful consideration, I have decided not to initiate a public interest investigation into the matters you raise in your correspondence at this time. This is not because I do not consider these issues to be of significant importance. On the contrary, I have determined that it is not in the public interest at this time to commence such a process because the Commission has already provided extensive guidance to the RCMP, by way of the interim findings and recommendations made in the Kent County report and the 21 individual reports related to these events, about the very issues you raise with regard to the current situation in British Columbia. As such, it would not be in the public interest to possibly delay the resolution of the issues being raised by the individuals affected in this instance by conducting an extensive public interest process to examine the broader principles applicable, when the guidance already provided by the Commission in the Kent County matter can be applied to the allegations raised here (Civilian Review and Complaints Commission for the RCMP, February 13, 2020, pp. 2-3).

The CRCC’s refusal to initiate a public interest investigation prioritizes the public interest of TC Energy, over the public interest of Wet’suwet’en Nation. The CRCC’s response also reveals how discourses of public interest reproduce the boundary struggle between economy and polity. Capitalism depends on a structural separation between economy and polity in order to prevent public powers from interfering too much with capital accumulation (Fraser, 2015, 2022). For Fraser (2022), this artificial separation produces conflict because limitless accumulation threatens the legitimacy of the very public powers that sustain it. From this perspective, the

BCCLA's initial letter was an attempt to reposition the boundary between economy and polity, by arguing that Wet'suwet'en title rights is a matter of significant public interest. Despite these efforts, the CRCC's response reproduces such boundary struggles by treating Indigenous land claims as economic obstacles to pipeline construction, rather than a political issue of settler-colonial governance.

5.1.2 Creating and profiting from divisions

The CGL pipeline is a controversial topic between Indigenous and non-Indigenous peoples, but also within the Wet'suwet'en Nation itself. Although many Wet'suwet'en people stand in opposition against the CGL pipeline, there are those who support the pipeline for its economic promises, such as employment and community funding opportunities. Hence, both TC Energy and the BC provincial government signed community and project agreements with the 20 *Indian Act* band councils along the pipeline route, including five Wet'suwet'en *Indian Act* band councils (Wet'suwet'en First Nation, Skin Tyee Band, Witset First Nation, Ts'il Kaz Koh First Nation and Nee Tahi Buhn Band) (Amnesty International, 2023). According to Amnesty International (2023), these agreements explicitly state that "their purposes is to secure the band councils' support for the pipeline project and they include clauses in which the Band agrees not to participate in acts that oppose the pipeline's construction" (p. 29).

Despite these agreements, the construction of the pipeline was opposed by all five Wet'suwet'en Hereditary Chiefs who represent the five Wet'suwet'en clans (Gil_seyhu (Big Frog), Laksilyu (Small Frog), Gitdumden (Wolf/Bear), Laksamshu (Firewood), Tsayu (Beaver Clan). The failure to obtain the free, prior, and informed consent of the Wet'suwet'en Hereditary shows how the CGL and provincial consultation process is not only purposely ignoring the traditional and customary governance system of the Wet'suwet'en, but replicating an ongoing

colonial practice of division and erosion of Indigenous culture. According to interviews conducted by Amnesty International (2023), members of the Wet'suwet'en First have expressed that the consultation process caused divisions between Wet'suwet'en Hereditary Chiefs and their clan members, and the Wet'suwet'en *Indian Act* Band Councils (p. 29). When the Wet'suwet'en Hereditary Chiefs opposition to the pipeline gained national attention in February 2020, the federal government responded by emphasizing the Band Councils' agreements to justify the continued construction and dispossession of Indigenous land:

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):

The vast majority of members of the Wet'suwet'en people support the Coastal GasLink project. Every single band council on the Coastal GasLink route supports this project. Even the majority of hereditary chiefs support this project. The vast majority of first nations community members themselves support this project because of the massive benefits to their nation. A minority imposing its will on the majority is causing this problem. The democratically elected leadership of the Wet'suwet'en, who not only represent the people of the community but also the hereditary leaders, have signed off on this project. Why? It is because it is good for their community. It provides economic benefits, it will lift people out of poverty and it will provide the next generation of Wet'suwet'en with the resources to not only improve their own lives, but to build a strong, independent nation within Canada. (House of Commons, 2020, February 18, p. 1207).

Notably, the Indian Band System is a colonial creation established underneath the Indian Act of 1876. Still in force today, with some minor amendments, the Indian Act was designed to eliminate the traditional governance systems and assimilate Indigenous peoples into Canadian society (Comack, 2018). As such, the traditional Indian governance system was replaced by the 'band' system which imposed an arbitrary process for selecting chiefs and councils (Comack, 2018). In the case of the CGL pipeline protests, the continued emphasis on the Indian Band system shows how the Canadian state helps corporations accumulate profits by reenforcing the divisions within the Wet'suwet'en Nation.

Furthermore, TC Energy and the Canadian state have also exploited gendered divisions within the Wet'suwet'en Nation to ensure the construction of the CGL pipeline. As a matrilineal

society, Wet'suwet'en women have an important and influential role as leaders and transmitters of knowledge of their lands and culture (Mills, 1994; Daly, 2005). However, since the imposition of colonial laws, the Wet'suwet'en matriarchs have experienced significant gendered exclusion from political decisions. The *Indian Act* of 1876 disempowered Indigenous women by prohibiting women from participating in government imposed band system (Simpson, 2016). The *Indian Act* also revoked the 'Indian' status of Indigenous women who married a non-Indigenous man, which denied Indigenous women the right to live on a reserve or participate in political activities (Comack, 2018; Simpson, 2016; Coulthard, 2014). Despite amendments, its implementation has traumatized generations and destroyed many traditional practices. Consequently, Indigenous women continue to struggle with representation issues in Indigenous governance systems.

Prior to the construction of the pipeline, TC Energy and the BC government took advantage of the ongoing gendered divisions within the community by funding the Wet'suwet'en Matriarchal Coalition (WMC) without the consent of the Wet'suwet'en Hereditary Chiefs. In 2015, the WMC was incorporated as a corporation with the Ministry of Indigenous Affairs and Reconciliation and three Wet'suwet'en matriarchs: Gloria George, Darlene Glaim and Theresa Tait-day (Korte, 2020). According to the WMC funding request document, retrieved from a Freedom of Information Request search on the BC government Open Information Catalogue:

The Coalition's objective is to build trust through effective communication to facilitate clan engagement in discussions regarding natural resource development opportunities in the Territory. The Coalition wants to develop clarity around how clan members want to be communicated with and how they wish for their feedback to be incorporated into future decisions and planning for the territory. The goal is to increase capacity and develop the tools that youth and elders need to make major social and economic decisions about lands and resources. (Government of British Columbia, 2017).

Instead of building trust, the document's underlying message reveals that the WMC was mobilized to create divisions within the Wet'suwet'en Nation and advance the CGL project.

More specifically, by stating that the WMC's goal is to develop new decision-making processes, the group is effectively ignoring pre-existing traditional decision-making processes of the Wet'suwet'en Nation (Korte, 2020). Consequently, both the WMC (unwittingly) and CGL are implicated in the reproduction of the boundary struggle between production and social reproduction. On one hand, the WMC attempted to reposition the separation between production and social reproduction by confronting patriarchal structures and asserting matriarchal land stewardship as essential to reproductive labor that sustains households, communities, and ecological life. On the other hand, the WMC partnership with CGL reaffirms this boundary by supporting extractive activities that are known to be interconnected with violence against Indigenous women (Hall, 2023b; Frost, 2019). As Fraser (2022) argues, capitalist production depends on the ongoing, and often violent, appropriation of women's bodies. The documented relationship between industrial work camps and violence against Indigenous women illustrates how women's bodies continue to be devalued in resource extractive economies that prioritize production over the social reproductive labor necessary to sustain life (Hall, 2023b; Frost, 2019). Thus, the rhetoric of employment and economic opportunity perpetuated by the WMC and CGL is implicated in reproducing Indigenous women's struggles, instead of accomplishing its desired goal of women's empowerment.

5.1.3 Blaming 'radical activists'

The Canadian state has a long history of constructing Indigenous identities as dangerous in order to control, assimilate, and eliminate them (see Dafnos, 2013; Crosby, 2021; Crosby & Monaghan, 2018; Greaves, 2018). Especially within the context of resource extraction projects, Indigenous resistance has been characterized as "domestic terrorism" because of its potential to disrupt the Canadian economy (Van Rythoven, 2021). In response to public criticism, some

Canadian officials have developed strategies to distance themselves from racist or controversial claims (Van Rythoven, 2021). For instance, some officials will use euphemistic language to invoke the image of terrorism, without explicitly using the word “terrorism” (Van Rythoven, 2021, p. 265). For example, during the nationwide protests, the Conservative opposition frequently used the euphemism radical activists as a strategy to mobilize political support for dismantling the blockades:

Hon. Andrew Scheer (Leader of the Opposition, CPC):

Standing between our country and prosperity is a small group of radical activists, many of whom have little to no connection to first nations communities. They are a bunch of radical activists who will not rest until our oil and gas industry is entirely shut down. They may have the luxury of not having to go to work every day, and they may have the luxury of not facing repercussions for skipping class, but they are blockading our ports, railways, borders, roads and highways, and they are appropriating an indigenous agenda, which they are willfully misrepresenting (House of Commons, 2020, February 18, p. 1127).

Notably the term radical activists are applied to a small group of people, who are supposedly not affiliated with First Nation communities. Although this claim does not appear explicitly racist, it signals a blatant disregard for the Wet’suwet’en land defenders who are fundamentally opposed to the pipeline construction. According to Van Rythoven (2021), denials are another way in which public officials will attempt to distance themselves from racist or controversial claims. Denials are extremely harmful because they “work to erase any history of securitization and to ridicule actors who express legitimate concerns over being targeted” (p. 264).

As such, the term radical activists’ works to reproduce the boundary struggle between exploitation and expropriation. By labelling Indigenous land defenders as radical activists, the Canadian state frames resistance to land dispossession as irrational, extreme, or dangerous behavior, rather than a response to ongoing expropriation of Indigenous land, labor, and

resources. Consequently, this discursive practice simultaneously delegitimizes Indigenous land claims, while rendering expropriation invisible. At the same time, the term ‘radical activists’ functions as a way for the Canadian state to defend exploitative economic relations, by emphasizing the threat to industry workers, while obscuring the fact that critical infrastructure projects depend on the ongoing seizure of Indigenous lands. Ultimately, the discourse of radical activists reinforces Fraser’s (2022) argument that expropriation disproportionately targets racialized populations.

5.2 Cheap Nature

As discussed in Chapter 3, Moore’s (2017) concept of Cheap Nature describes how capitalism depends on making parts of Nature cheap by assigning value through the Humanity/Nature binary. According to Moore (2017), the Cheapening process is not merely about reducing labor costs, but also about treating the work of many humans and nonhumans as worthless or invisible. As a primary vehicle for capitalist accumulation, the modern corporation drives Cheap Nature by finding new ways to (re)organize certain human and nonhuman lives ‘outside’ of the market. In the case of the CGL pipeline, liquified natural gas (LNG) is an example of Cheap Nature because its production depends on the expropriation of First Nation communities, land, and resources. Although government officials and industry representatives have claimed that LNG is a “cleaner source of energy” that could reduce greenhouse gas emissions, many environmental experts disagree arguing these projects will negatively impact local ecosystems and natural habitats such as salmon populations (Beattie, 2017).

Despite these concerns, the legal privileges bestowed upon the corporation allow the Cheapening of Nature to continue. For instance, the corporate personhood and limited liability encourage environmental destruction by allowing corporate actors to externalize their liabilities

for the environmental damages caused by corporations (Whyte, 2020, p. 46). Another way in which Cheap Nature persists is through state regulation of markets and corporations. As discussed in previous chapters, states have a responsibility to protect us from the unpredictability of the market and harms caused by corporations; however, they also have a responsibility to ensure the reproduction of capitalist order. For Whyte (2020), this contradictory relationship is why government regulation is designed to both enable and control environmental harm (p. 109). At the same time, it also produces a “double movement” in struggles for better regulatory standards (Whyte, 2020, p. 116). According to Whyte (2020), the first movement is a struggle for better regulation from below, led by communities and those most affected by corporate harm (p. 116). The second movement comes from the top, whereby state actors and powerful groups impose regulation to ensure the “durability” of the capitalist system (p. 116). Consequently, this double movement rarely prevents the cheapening of Nature, as it does little to restrict the operations of the corporations that depend on cheap inputs to produce profits.

Moreover, for Whyte (2020) the main problem is that regulation is typically imposed at the “end-point” of industrial processes when harmful corporate activities have already occurred (p. 137). In the context of extractive projects on Indigenous land, for regulation to be effective, regulation means obeying Indigenous free, prior, and informed consent *before* extraction begins. Since this process was not respected in the Wet’suwet’en case, the next section will show how the states response to environmental concerns and Indigenous knowledge claims ultimately reproduces the boundary struggle between human and Nonhuman nature.

5.2.1 Diminishing environmental concerns

The *Environmental Assessment Act* requires the British Columbia Environmental Assessment Office (BCEAO) to prepare a report for the provincial ministers responsible for

making decisions on proposed projects (Coastal Gaslink Pipeline Project Assessment Report, 2014). As such, when the CGL project was first proposed in 2012 by TC Energy, the BCEAO conducted an environmental assessment of the CGL project from December 11, 2012 to October 8, 2014. During this time, both the BCEAO and TC Energy conducted consultations with Aboriginal Groups and Treaty 8 First Nations situated within 2 km and 30 km of the proposed pipeline (Coastal Gaslink Pipeline Project Assessment Report, 2014). Notably, however, many First Nations expressed problems with the consultation process (Proctor, 2020). One problem was that the majority of the consultations were conducted by TransCanada (now TC Energy), even though the “duty to consult” is the responsibility of the crown (MacPhail & Bowles, 2021, p. 501). In addition, many First Nations were unable to participate in the consultation process because of inadequate funding and time restrictions (Proctor, 2020). For instance, in a letter written by West Moberly First Nations to the Minister of Natural Gas Development and Minister of Environment:

Because of the inadequate funding and short timelines provided by the EAO, West Moberly has been unable to complete its Traditional Use Study within the timelines of the regulatory process, leaving the EAO without the critical information required to properly assess the impacts of the project on West Moberly’s rights and interests. In addition, these capacity limitations have meant that West Moberly has been unable to attend all Working Group meetings, which were the only designated opportunity for West Moberly to express its concerns. Additionally, the Working Group process itself was deeply flawed. The meetings consisted mostly of high-level discussions, and far too many groups were involved. When West Moberly was able to attend, West Moberly’s was unable to get answers to specific questions, and no follow-up on issues raised at the meetings occurred. At some meetings, West Moberly did not have the opportunity to speak at all. These meetings did not constitute effective and efficient consultation, and should not have been the only venue provided for that purpose. (West Moberly First Nations, 2014).

Regardless of these problems, the BCEAO released its final Environmental Assessment Report on October 8, 2014. The purpose of the report was to provide summaries and findings regarding the potential for the CGL project to have significant adverse environmental, economic,

social, heritage and health effects (Coastal Gaslink Pipeline Project Assessment Report, 2014).

Almost every First Nation that was consulted and had the means to provide feedback, raised specific issues in regards to the pipelines potential impact on their traditional subsistence practices. Interestingly, the discourses within this report tended to diminish environmental concerns based on the assessment that the majority of impacts would be temporary and reversible after construction. For instance, under the section “Resources or Values That May No Longer Be Available for Future Generations” the report states:

Traditional subsistence activities, such as hunting, fishing, gathering and trapping may be altered as a result of construction and operations activities of the proposed Project, which could manifest itself through changes to local harvesting locations, behavioural alteration or sensory disturbance of environmental resources, or through increased public access to traditional harvesting areas and increased pressure on environmental resources. Although EAO believes there could be potential impacts to resources or values of importance to Aboriginal Groups, the majority of this disturbance and impact would be expected to be short to medium term, during and following construction, and would be reversible shortly after construction. EAO is of the view that the Proponent has made efforts to demonstrably avoid greenfield, high value areas for Aboriginal Groups, by following previously disturbed areas and by making several routing alterations in response to feedback from Aboriginal Groups. (Environmental Assessment Office, 2014, p. 586).

This statement reveals how the BCEAO downplayed the negative impacts on Indigenous communities and the environment, so the CGL project would receive approval from the provincial ministers. However, prior to the report being released, many First Nations challenged the way in which the BCEAO measured the impacts and drew conclusions about the significance of adverse effects. According to a letter written to the BCEAO by Doig River First Nation:

[T]he revised draft Assessment Report drew conclusions about the significance of the adverse impacts on our land use that appear to be completely arbitrary. It has "ranked" impacts on various activities or values as "none", "negligible" or "minor" and we have no way of understanding how these determinations were made. We have written to the EAO asking it to explain this impact "classification" scheme as we need to understand it before we can comment on the revised draft Assessment Report. We have also provided a letter to the EAO (in collaboration with three other First Nations) containing our technical comments (Third Party Technical Review) on the Assessment Report. We have not yet

received a response from the EAO to either of these letters, which were submitted almost two weeks ago. (Doig River First Nation, 2014).

The BCEAO's failure to provide an adequate methodology or scientific reasoning shows that the BCEAO is not designed to prevent social or environmental damage but minimize it to an 'acceptable' level. Thus, despite numerous complaints from First Nations, the CGL project received an environmental assessment certificate (EAC) on October 23, 2014. However, this EAC came with several conditions, one requiring TC Energy to collect outstanding environmental and traditional land use data for the Morice River Technical Boundary Area (Environmental Assessment Office, 2014). The area was labelled a 'technical boundary' because of a blockade at Morice River Bridge that prevented TC energy from conducting ground surveys (Environmental Assessment Office, 2014). Here, the terminology of 'technical boundary' reflects a view of nature as something that can be controlled and dominated through ground surveys, thereby confining it to a space that appears external to the "web of life" (Moore, 2017).

In January 2020, the Morice River Technical Boundary Area was turned into a zone of militarized accumulation when the RCMP began enforcing the BC Supreme Court's December 31, 2019 injunction order. These orders were a violation of the CGL's EAC, as the BCEAO had not yet authorized the construction of the Morice River Technical Boundary Area (Cox, 2020). Despite demands for CGL to respect BC's environmental assessment process, environmental concerns were diminished by discourses of 'clean energy' promoted by public officials:

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Madam Speaker, we face a national crisis and we need strong leadership to address it. We have a natural gas pipeline project that will reduce greenhouse gas emissions by displacing coal with cleaner natural gas. It will create jobs and opportunity, and it has the support of all elected indigenous leaders in the area and a majority of the local hereditary chiefs. (House of Commons, 2020, February 20, p. 1339).

Contrary to discourses of clean energy, the BCEAO determined that the proposed project would emit significant greenhouse gas emissions (Environmental Assessment Office, 2014, p. 76). Yet,

as the above statement shows, these findings were diminished by public discourses that link natural gas projects with jobs and economic growth. Additionally, these discourses also show how society's relation with nature is fundamentally a class process (Fraser, 2022; Vlachou, 2001). As Fraser (2022) argues, since the capitalist class controls and organizes economic production, they are the ones who monopolize society's relation to nature (pp. 84-85). Although the Wet'suwet'en and several First Nations attempted to reposition the boundary between humans and nature, where the line is drawn between economy and nature is largely determined by corporations. As such, boundary struggles emerge over the state's unwillingness to regulate and control corporate elites who treat nature as a commodity that can be bought, sold, and ultimately disposed as waste. In sum, discourses that diminish environmental concerns reproduce the boundary struggle between human and nonhuman nature by treating nature as external and exploitable, rather than a constitutive part of social life.

5.2.2 Devaluing Indigenous knowledge claims

Prior to the construction of the pipeline, numerous letters and submissions to the BCEAO indicated that many First Nations expressed concerns that the proposed CGL project would infringe upon Aboriginal title and rights. As a member of the advisory Working Group established by the BCEAO, the Office of the Wet'suwet'en (OW) was deeply involved in the CGL review process. In a submission to the BCEAO, the OW stated that they were not opposed to commercial and economic development as long as Wet'suwet'en title and rights to self-governance and land, as affirmed in the Supreme Court of Canada Delgamuukw decision, are respected (Office of the Wet'suwet'en, 2014, p. 3). However, despite two years of negotiation between the Wet'suwet'en and TC Energy, the OW claimed that the proponent failed to address Wet'suwet'en interests. In particular, the OW raised significant concern that construction would

severely impact the sockeye and chinook salmon stocks, which are central to Wet'suwet'en cultural practices and economic livelihoods (Office of the Wet'suwet'en, 2014). Although the Wet'suwet'en proposed an alternative route for the pipeline, TC Energy rejected the proposal on the basis that it would increase environmental risks and financial costs (Kurjata, 2020). As a result of these failed negotiations, the OW rejected the Coastal GasLink application and declared the BCEAO process limiting due to "a mandate to receive information on Wet'suwet'en rights and title, but no mandate to address or resolve critical issues regarding rights and title" (Office of the Wet'suwet'en, 2014, p. 7). A couple statements in the BCEAO's assessment report reveal their response to this issue:

Upon review, EAO clarified to the OW that the purpose of the Province's analysis was not to provide a definitive determination of Wet'suwet'en's Aboriginal rights and title. It was simply intended to inform the level of consultation required for the proposed Project (Environmental Assessment Office, 2014, p. 486).

Based on the discussion of the possible effects of the proposed Project to asserted Aboriginal title, EAO's opinion is that the proposed pipeline Project would have low to moderate impacts on Wet'suwet'en's asserted Aboriginal title to the project area. EAO has addressed these potential impacts to Wet'suwet'en asserted Aboriginal title by ensuring that OW and other Wet'suwet'en groups are meaningfully consulted and accommodated around the potential effects of this proposed Project. The Province and the Proponent have approached OW and other Wet'suwet'en groups to discuss initiatives that would provide financial, environmental and training benefits as outlined above in section 2. To this end, economic benefits of the project are being discussed, including those arising on potential Aboriginal title lands. (Environmental Assessment Office, 2014, p. 489).

These statements reflect a disregard for Aboriginal rights and title, and a focus on providing financial incentives, rather than respecting and obtaining free, prior and informed consent. Nevertheless, TC Energy was granted an Environmental Assessment Certificate (EAC) and began construction in early 2019. Shortly after, the Wet'suwet'en Hereditary Chiefs demanded that a cease and desist order be issued to the CGL following the destruction of cultural heritage and archeological sites, and multiple non-compliance violations of Wet'suwet'en and

BC Provincial law (Hewitt, 2019). However, a cease-and-desist order was not issued. From this moment, the BCEAO had stopped replying to the Wet'suwet'en Hereditary Chiefs letters. In retaliation, the OW filed a petition in the BC Supreme court against the BCEAO, seeking a judicial review of Coastal GasLink's application for a project extension. The OW's position was the BCEAO was procedurally unfair in regards to aboriginal title and rights, unreasonable in its treatment of CGL's compliance record, and unreasonable in its treatment of potential gender-based violence and harms in light of new findings based on the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). With respect to the last argument, the inquiry report into the MMIWG specifically found a "correlation between resource extraction projects and violence" (as cited in Proctor, 2021). Despite this newfound knowledge, the judge, Justice Barbara Norell rejected the OW's petition:

There is no dispute that the Inquiry Report and its Calls for Justice are matters of significant importance to our governments and the people of Canada. The Inquiry Report has contributed to the understanding of the systemic causes of this serious problem. The Inquiry made recommendations to help end the violence. The findings in the Inquiry Report are relevant, but there are no findings with respect to the Project. (Wet'suwet'en Treaty Office Society v. British Columbia (Environmental Assessment Office), 2021, para. 127).

Although Wet'suwet'en knowledge claims were considered, they were ultimately dismissed in favor of the project's progression. Not only does this dismissal jeopardize the lives of Indigenous women, it also has important implications for the contestation of boundary struggles. As Fraser and Jaeggi (2018) discuss, social movements and their strategies to redraw or reimagine boundary struggles provide sources of critique. This critique is rooted in the different types of boundary struggles proponents engage in. As defined previously, there is an important difference between *affirmative* and *transformative* boundary struggles (Fraser & Jaeggi, 2018, p. 174). Affirmative boundary struggles aim to challenge capitalism's institutional

boundaries without changing the underlying structures that produce injustice (Fraser & Jaeggi, 2018). Whereas, transformative boundary struggles question the boundary's very existence and aims to change its structure, or abolish it altogether (Fraser & Jaeggi, 2018).

I see the OW's petition in the BC Supreme court against the BCEAO as an affirmative boundary struggle because they are contesting within legal and regulatory frameworks that are designed to reproduce capitalism's institutional boundaries. This is not to say resistance is futile. On the contrary, it is often necessary to engage with legal frameworks to invoke positive social change (White & Kramer, 2015). The OW's petition is important because it seeks to bring expropriated groups that are not protected by the 'rule of law', such as the MMIWG, into existing legal frameworks. At the same time, however, the OW's petition is affirmative because it does not transform legal frameworks that are embedded in colonial ideology (Spiegel, 2019), and government regulatory agencies that are structured to maintain capital accumulation (Tombs, 2021). This demonstrates that while existing institutional frameworks are important for challenging systems of oppression, their contestation can also inadvertently reproduce the very boundaries they seek to change.

5.3 Militarized Accumulation

As demonstrated in Chapter 2, states and corporations have a complex relationship that is both mutually dependent and beneficial, yet inherently conflicting. On one hand, states rely on corporations for economic growth and corporations rely on states for legal and political protection. On the other hand, the routine harms caused by corporations severely jeopardize the legitimacy of state institutions responsible for regulating and controlling corporate activities. Although it may seem like corporations are more powerful than states, governments play a crucial role in both constraining and enabling corporate harm through regulation (Tombs &

Whyte, 2015). In this sense, state-corporate crime theory is important because it illuminates how corporate crime often occurs with the direct or indirect permission of governments (Whyte, 2014). However, as previously discussed, state-corporate crime theory is limiting because it tends to focus on “empirical events” (Tombs, 2012), or “moments of rupture” (Whyte, 2014). For example, there is a tendency to focus on instances where public authorities have overstepped their public role through collusion, or failed to protect the public from corporate harm (Whyte, 2014, p. 239). In the case of the Wet’suwet’en pipeline protests, email correspondence obtained through an ATIP package I requested reveals that TC Energy heavily influenced RCMP operations. Several emails show that TC Energy routinely updated the RCMP on protest activities and pressured the RCMP to enforce the interlocutory injunction granted in December 2019 (ATI, p. 59 and pp. 26-27). The following email from TC Energy to RCMP Chief Superintendent John Brewer provides a clear example:

You have indicated that arrests will be made if the blockaders escalating illegality reaches the point of threatening public safety, however Coastal GasLink is not willing to wait for such escalation to see enforcement of the injunction – the risk to the public and our employees is just too great. While Coastal GasLink respects the right to engage in peaceful protest, the blockaders actions are creating significant risks to the safety of our workforce and the environment. Coastal Gaslink and its contractors require access to its worksite to complete critical aspects of the Project. Access cannot be obtained if the RCMP continues not to enforce the injunction order. We have received no indication from the RCMP that you intend to enforce the injunction, and you have stated that there is no present plan to undertake enforcement activities. Please advise if there is a need for clarification on any of the points raised in this letter or if you have new information for us regarding intention to enforce the injunction. In the circumstances we are left with little recourse but to make an application to the court to have direction provided to the RCMP to enforce, so that we may resume work on this critical aspect of our project. (RCMP, ATI, November 2, 2021, pp. 26-27).

This email clearly exemplifies what Whyte (2014) would call a “moment of rupture” as it reveals a direct collusion between TC Energy and the RCMP. At the same time, it does not fully capture the enduring and structural production of state-corporate harm, nor does it explain the

increasingly symbiotic relationship between states and corporations (Whyte, 2014; Tombs, 2012). It also risks obscuring how state power has historically produced the conditions necessary for capital accumulation and corporate harm (Whyte, 2014). Therefore, one way to address this limitation is by historicizing the role of the state in facilitating these processes (Whyte, 2014).

In Canada, the formation of the RCMP facilitated the beginnings of capital accumulation through the forceful removal of Indigenous peoples from their land and the enforcement of colonial policies such as treaties, the Indian Act and the residential school system (Bell & Schreiner, 2018; Comack, 2018). As Comack (2018) argues, these colonial practices should be considered crimes of the powerful because they enabled corporate extraction on Indigenous lands causing harm to both humans and nonhumans.

However, colonial practices on behalf of states and corporations are not confined to the past. Contemporary forms of land dispossession, like the Wet'suwet'en case, illustrate how violence on behalf of states and corporations is routinely mobilized to secure access to land and resources. Recall that Robinson's (2020) concept of militarized accumulation refers to how states and transnational corporations (TNCs) are increasingly resorting to violence and repression as mechanisms of capital accumulation, especially in times of capital crisis. Militarized accumulation helps explain the enduring and structural nature of state-corporate harm beyond discrete moments of collusion. It also explains how Indigenous resistance to extractive projects is producing a particularly violent state response. The discourse below will show how prioritizing corporate interests over Indigenous lives in court issued injunctions functions to normalize and encourage violence for capital accumulation.

5.3.1 Prioritizing corporate interests over Indigenous lives

During the nationwide protests, several federal and privately owned corporations, including the Vancouver Port Authority, CN Railway, and Canadian Pacific Railway applied for court injunctions against protestors obstructing roads, railways, and ports. In deciding whether to grant an interlocutory injunction, courts must follow a three-pronged test that was developed by the Supreme Court of Canada in the *RJR-MacDonald Inc v Canada (Attorney General)* [1994] 1 S.C.R. 311: (1) Is there is a serious issue to be tried? (2) Would the applicant suffer irreparable harm? (3) What is the balance of convenience? (*Canadian Pacific Railway Limited v. Doe*, 2020 BCSC 388, p. 10). According to Pasternak & Ceric (2023), various scholars have criticized the RJR-MacDonald test for disproportionate protections to business and property owners (p. 9). Notably in the Wet'suwet'en case, corporate and state arguments of “irreparable harm” played a huge role in granting interlocutory injunctions:

I am satisfied that these protestors have caused interference with CP's ongoing business. I am also satisfied that, as a result, CP has established irreparable harm, not only in terms of immediate economic loss or loss of revenue, but also more ephemeral harm with respect to safety risks, reputational damage, loss of good will and other harms that CP may experience by reason of these activities. (*Canadian Pacific Railway Limited v. Doe*, 2020 BCSC 388, p. 13).

As this court ruling shows, irreparable harm is determined when the plaintiff demonstrates immediate harm that cannot wait resolution at trial or compensation (Pasternak & Ceric, 2023, p. 14). Despite numerous studies that correlate corporate extractive activities with long lasting cultural and physical harm to Indigenous peoples (Frost, 2019; Beattie, 2017; Janzwood, 2025; Greaves, 2018), irreparable harm for the Wet'suwet'en was considered not as important. Thus, this legal response of sacrificing Indigenous lives for corporate interest reproduces the boundary struggle between exploitation and expropriation by pushing

Wet'suwet'en peoples outside the sphere of 'protected' exploitable citizens, into the sphere of racialized expropriated subjects.

5.4 Pacification

Pacification refers to the violence involved in securing the insecurity of capital, often through police work (Neocleous, 2011). Although pacification has a brutal and bloody history associated with colonialism and imperialism, it also operates through inconspicuous and diffuse forms of violence under contemporary capitalism (Baron et al., 2019). For example, in response to the growing frequency of Indigenous protests, blockades, and land reclamations, Canada has experienced a "shift" in public order policing toward strategies that emphasize communication and negotiation as a means of averting physical violence (Dafnos, 2013, p. 62). Although this 'shift' appears "progressive", it masks the enduring coercive power of liberal democratic policing, which increasingly relies on paramilitary and intelligence-led techniques to suppress Indigenous resistance and secure settler-colonial relations (Dafnos, 2013, pp. 62-63). Thus, rather than respecting Indigenous liberties and rights, Dafnos (2013) argues that the primary function of the police is to "keep the 'peace' of settler-colonial order" (p. 62). In fact, during the House of Commons emergency debate on the Wet'suwet'en pipeline protests, preserving the 'peace' was the paramount priority. As stated by the Minister of Public Safety and Emergency Preparedness Bill Blair, [Liberal]:

Let me share with the House the RCMP's procedure for dealing with this. The RCMP operating manual for dealing with aboriginal demonstrations says very clearly that their responsibility is to preserve the peace, to protect life and property and to uphold the law, and every enforcement action shall be measured, incremental and as non-confrontational as possible, and they shall always try to negotiate the conflict before taking enforcement action. (House of Commons, 2020, February 18, p. 1158).

The discourse of peace is central for this section of my analysis because peace itself functions as a form of pacification. As Neocleous (2014) argues, pacification is peace because it

involves the invisible work of police power that creates an illusion of protection while securing a capitalist social order. However, the language of pacification is not only in police work, but also appears across a range of ruling class and state documents (Neocleous, 2025, p. 9). The discourses examined below demonstrate how pacification operates through ideologies of peace that legitimize a social order around capital accumulation.

5.4.1 Reconciliation and ‘peaceful’ negotiation

In 2015, the Truth and Reconciliation Commission of Canada (TRC) released its reports on the horrifying history and ongoing trauma of residential schools, along with its 94 Calls to Action, which are actionable policy recommendations aimed at preventing such atrocities from ever happening again (Hird & Predko, 2023). After the reports were made public, the success of Justin Trudeau’s Liberal election campaign was in part because of his commitment to reconciliation and vow to implement all 94 recommendations from the TRC’s report (Hird & Predko, 2023). Despite this commitment, only 14 of 94 Calls to Action have been completed to date (Indigenous Watchdog, 2026). Consequently, many Indigenous and non-Indigenous peoples have criticized Canada’s reconciliation process for being government-led, “legalistic”, “past-focused” and “individual-change-oriented” (Hird & Predko, 2023, p. 13). More specifically, critics have pointed out that the Canadian government treats reconciliation as “a set of steps individuals can take” to fix wrongs situated in the past, rather than a process that begins with returning stolen land (Hird & Predko, 2023, p. 11). Of course, this type of reconciliation would require dismantling a system of capital accumulation predicated on the dispossession of Indigenous land.

Nevertheless, in the 2019 federal election, Trudeau repeated his commitment to reconciliation for Indigenous communities by stating that “Reconciliation ‘isn’t just a word’” (as

cited in Hird & Predko, 2023, p. 2). While this statement is an important step forward, Trudeau's affirmation stands in direct opposition to his plan to build pipelines on the West Coast for export to Asian markets (McCormack & Gordon, 2020). As such, these conflicting priorities between reconciliation and resource extraction came into direct conflict after the first RCMP raids and arrests of 14 land defenders on January 7, 2019. Shortly after the RCMP invasion, BC Premier John Horgan made the following comment, deeply misrepresenting the meaning of reconciliation:

LNG Canada has shown the importance of consultation and meaningful reconciliation with First Nations and that's why they have signed agreements with every First Nation along the pipeline corridor. (Union of BC Indian Chiefs, 2019).

According to the Union of BC Indian Chiefs (UBCIC), meaningful reconciliation is not only about consultation, but also consent. Furthermore, as many Indigenous peoples and non-Indigenous allies have argued, reconciliation cannot be achieved through force, threats or coercion. Thus, in response to public criticism, Premier Horgan issued an official statement on the reconciliation process in February 2019:

The Office of the Wet'suwet'en and Province of British Columbia are committed to explore a path forward together, government-to-government, that seeks to build trust over time and meaningfully advance reconciliation. This process has emerged from decades of denial of Wet'suwet'en rights and title. Both parties believe that the time has come to engage in meaningful nation-to-nation discussions with the goal of B.C. affirming Wet'suwet'en rights and title. (BC Gov News, 2019).

Again, while this statement is an important step forward, it did not prevent the second and third RCMP raids and criminalization of land defenders in February 2020 and November 2021.

Ultimately this demonstrates that reconciliation functions as a form of pacification, operating as an ideological tool that legitimates settler-colonial order, while securing access to and control over Indigenous lands for resource extraction. As such, during the Wet'suwet'en solidarity protests in February 2020, Wet'suwet'en supporters rejected governments efforts at

reconciliation and began using the slogan “Reconciliation is dead” (APTN National News, 2020).

In attempts to resolve this conflict, public officials turned toward the rhetoric of ‘peaceful’ negotiation. For example, Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Mr. Joël Lightbound [Liberal] stated:

Mr. Speaker, we understand that the current blockades are having a significant impact, particularly on propane supplies in the Atlantic provinces and Quebec. The conclusion reached at yesterday's meeting between the provincial premiers and the Prime Minister is that dialogue must be our preferred option in order to resolve this situation not just over the short term, but also over the long term. It is also clear that dialogue does have its limits, and the blockades must be lifted as soon as possible, but in a peaceful way. (House of Commons, 2020, February 21, p. 1381).

As this statement demonstrates, negotiation is positioned as the preferred course of action to achieve a peaceful resolution; however, the liberal myth of peace begins to unravel when analyzing the sense of urgency in the speaker’s tone. By stating that dialogue has limits, the speaker is ultimately revealing that negotiations must proceed quickly because private property and capitalist social relations are the primary concern. Therefore, regardless of the outcome, the blockades will be dismantled and pipeline construction will continue.

Furthermore, discourses of reconciliation and peaceful negotiation exemplify the boundary struggle between economy and polity. For Fraser (2022), the boundary struggle between economy and polity is rooted in the contradiction between public powers and capital accumulation, and how the economic sphere threatens to destroy the political conditions in which capitalism depends. The Wet’suwet’en pipeline protests show how the state’s responsibility to protect its citizens is overpowered by the state’s insatiable need for capital accumulation, led by TC Energy. In this context, the Canadian state is responding to the crisis by using discourses of reconciliation and peaceful negotiation as a means to make symbolic amends, while supporting

resource extraction projects that severely undermine Indigenous ways of life. Overall, this section shows how political discourses of reconciliation and peaceful negotiation are used to suppress efforts to transform or change capitalism's institutional boundaries that prioritize the economy over democracy.

5.4.2 Pipelines as the only way forward

The final pacifying discourses were those that championed resource extraction projects as the only way of solving political and economic crises. For example, the federal leader of the opposition, Andrew Scheer (Conservative), stated during an emergency debate on relations with Indigenous peoples:

We stand in solidarity with the elected councillors of the Wet'suwet'en First Nation. We stand in solidarity with the majority of hereditary chiefs from the Wet'suwet'en First Nation who recognize that these types of projects and investments are the only way to lift first nation Canadians out of poverty, give them hope and opportunity, and give the next generation of indigenous Canadians the same quality of life that everyone else in this country enjoys. (House of Commons, 2020, February 18, p. 1128).

Despite claims that propagate resource extraction as economically necessary, Indigenous peoples and the majority of non-Indigenous Canadians do not reap the rewards of the resource extraction sector, as the bulk of profits are accumulated in the coffers of the owners of large multinational corporations (Frost, 2019; Fast, 2014). Canada's colonial history shows that extractive profits are overwhelmingly diverted to non-Indigenous industry owners while environmental, social, health, and economic externalities are forced on Indigenous communities (Frost, 2019). As such, extractive activities are actually the root cause of endemic poverty, food insecurity, and cultural genocide in many First Nation communities (Frost, 2019). Although the government and TC Energy have promised economic benefits for First Nations willing to enter partnerships, it is doubtful that pipelines will improve the wellbeing of Indigenous lives considering that First Nation communities have very different conceptions of wealth. For the Wet'suwet'en Nation,

wealth is characterized by more than just monetary terms, but cultural connections to land, resources, tradition, and community (Frost, 2019; Daly, 2005; Mills, 1994). Thus, discourses that frame pipelines as the only way forward purposefully pacify alternative forms of socio-economic organizations.

After several weeks of protests and failed negotiations between the Wet'suwet'en and the Government of BC, the Trudeau government proposed a tentative arrangement on March 1, 2020, to acknowledge Wet'suwet'en land title rights (CBC News, 2020). Although this proposal led to an agreement between the Government of Canada, the Government of BC and the Office of the Wet'suwet'en Hereditary, the underlying pipeline dispute was left unresolved (CBC News, 2020). On May 14, 2020, a memorandum of understanding (MOU) was released and signed by all three parties. As stated by Carolyn Bennett, the Liberal federal Minister of Crown Indigenous Relations:

The signing of this MOU marks an important step in our work to rebuild our relationship with the Wet'suwet'en and towards affirming and implementing their rights and title. As negotiations begin, a comprehensive, inclusive and transparent engagement process will support the parties so they can work together towards a final agreement on the affirmation and implementation of Wet'suwet'en rights and title. These discussions are breathing life into the 1997 Delgamuukw-Gisday'wa decision, which is part of our country's work on the path of reconciliation. (BC Gov News, 2020).

As outlined in the MOU, the agreement aims to initiate negotiations on the implementation of Wet'suwet'en rights and title; however, it makes no mention of the ongoing construction of the CGL pipeline. In fact, the same day the MOU was released, TC Energy made a statement that it was “fully permitted” and would immediately resume construction activities on March 2, with an estimated “2023 in-service date” (Coastal Gaslink, 2020). Thus, while the MOU represents a positive response to Wet'suwet'en demands for title rights, it does not disrupt or alter the underlying settler-colonial capitalist structure governing resource extraction. In this

sense, the agreement aligns with what Neocleous (2025) describes as pacification through “containment”, whereby political conflict is managed through de-escalation and negotiation, which legitimates state authority and capitalist relations. Overall, pacification through an MOU reproduces Fraser’s (2022) boundary struggles by acknowledging Wet’suwet’en land claims within state-defined political and legal frameworks. As a result, these constraints reinforce existing racialized relations of expropriation and require Indigenous peoples to continue contesting their sovereignty and political identities.

5.5 Conclusion

This chapter examined the various knowledge claims that influenced the state’s response to the Wet’suwet’en pipeline protests. Overall, I found four discourses: (1) racial capitalist discourses that reproduce the boundary struggle between exploitation and expropriation by excluding Wet’suwet’en peoples from the category of exploitable Canadian citizens (2) Cheap Nature discourses that reproduce the boundary struggle between human and nonhuman nature by positioning the CGL pipeline as external to ecological relations (3) Militarized accumulation discourses that reproduce the boundary struggle between exploitation and expropriation by sacrificing Indigenous lives for corporate profits (4) Pacification discourses that reproduce the boundary struggle between economy and polity by framing Wet’suwet’en resistance as a threat to ‘peaceful’ relations of labor and property. While this analysis showed both sides of the struggle by including the knowledge claims made by Wet’suwet’en peoples and allies, these claims were ultimately dismissed or ignored by powerful interests in the pursuit of rentier capitalist goals.

Overall, Fraser’s boundary struggles were useful for analyzing how Wet’suwet’en land claims are forced into ostensibly ‘non-economic’ spheres of ‘expropriation’, ‘nonhuman’, ‘social reproduction’ and ‘polity’, even though they are essential for ensuring the survival of Canadian

capitalism. However, Fraser does not fully account for the mechanisms through which these boundary struggles are reproduced, nor the specific role of states and corporations in maintaining them. Thus, Robinson and Neocleous were helpful for explaining how boundary struggles were maintained or reproduced through militarized accumulation or pacification, often through the explicit collaboration between states and corporations. Taken together, these theories and concepts allowed me to understand how the struggles between economic and non-economic spheres are implicated in the reproduction of capitalism. But again, this outcome does not mean one side dominated the other. Conversely, this analysis has highlighted how social movements and efforts to resist expose contradictions within the capitalist system. In doing so, these counter-hegemonic struggles open up possibilities for alternative strategies of social transformation.

Chapter 6: Conclusion

Ongoing conflict between Indigenous communities, extractive corporations, and the Canadian state, justify this study's focus on Indigenous land defense movements. While there is scholarly literature that examines the symbiotic relationship between states and corporations within the context of Indigenous resistance to extractive projects (Dafnos, 2013; Monaghan & Walby, 2017), this literature does not situate these struggles within broader relationships of power (Tombs, 2012; Whyte, 2014). Criminology as a discipline may be complicit in this theoretical underdevelopment (Agozino, 2004; Kitossa, 2020) because of its limited attention to class (Lynch, 2015), the capitalist state (Tombs, 2021), and the harms committed by corporations (Tombs & Whyte, 2015). Moreover, its methodological limitations in studying crimes of the powerful are not an adequate excuse preventing researchers from "studying up" (Alvesalo-Kuusi & Whyte, 2018). As such, my research contributes to the corporate crime and crimes of the powerful literatures by examining the role of the capitalist state in facilitating corporate harm in relation to resource extraction and Indigenous resistance (Comack, 2018; Bradshaw, 2018). While the chosen Wet'suwet'en case study is one of many ongoing settler-colonial conflicts in Canadian history, my analysis of the discourses and ideologies underlying the state's response to the protests reveal the inherent instabilities of a capitalist system that is reliant on both economic and non-economic conditions for continued reproduction (Fraser, 2022).

Throughout this thesis I have argued that pipelines are not building a stronger Canadian economy, but reproducing unstable capitalist conditions. In doing so, I contextualized the Wet'suwet'en pipeline protests as a case study of state-corporate rentierism to show how Canadian capitalism is structurally dependent on extracting rent from ongoing dispossession of Indigenous land (Hall, 2015). Rather than being solely an 'Indigenous issue', rent extraction

impacts all Canadians because rentiers deprive profits from both capitalists and workers (Hall, 2015). Thus, to analyze the effects of corporate rentierism on Wet'suwet'en territory, my theoretical framework consisted of Fraser's (2022) boundary struggles, Robinson's (2020) militarized accumulation and Neocleous's (2011) pacification. Fraser's (2022) boundary struggles allowed me to empirically understand the Wet'suwet'en pipeline protests as conflicts arising from tensions between capitalism's economic and non-economic spheres of life. Meanwhile, Robinson (2020) and Neocleous (2011) were useful for analyzing how boundary struggles were maintained or reproduced through militarized accumulation and pacification.

For my methodological approach, this study employed Marxist Critical Discourse Analysis (CDA) to analyze the ideologies and discourses that shaped the state's response to the Wet'suwet'en pipeline protests. I decided to use a CDA because it allowed me to understand how Fraser's (2022) boundary struggles are discursively constructed and maintained through ideologies of class, race, and gender. This led to the identification of four main discourses that ultimately influenced the state's response to the Wet'suwet'en pipeline protests. Although hegemonic discourses ultimately 'won out', the ongoing nature of the Wet'suwet'en pipeline conflict demonstrates how capitalism's institutional boundaries are not absolute and subject to change.

6.1 The State's Response to the Wet'suwet'en Pipeline Protests

The state's response to the Wet'suwet'en pipeline protests was not monolithic, but varied through four overarching discourses. The first discourse that emerged was discourses of racial capitalism and colonial ideology, which are embedded in the rule of law. Historically, Indigenous peoples were denied the protection of the rule of law because of colonial ideologies that depicted them as non-human and inferior. It also excluded Indigenous peoples from the status of Canadian

citizens and the right to own private property. Still today, the rule of law does not offer the same protections for Indigenous peoples compared to other Canadians. As seen with the Wet'suwet'en pipeline protests, this is because the settler-colonial state responds to resistance by disproportionately invoking the rule of law to justify granting injunctions to corporations. Indeed, the granting of the interlocutory injunction did not suppress resistance, but instead provoked nationwide protests after the arrests of Wet'suwet'en peoples and their allies. In response to further resistance, the state relied on a colonial tactic of creating divisions within Indigenous communities by emphasizing the equity agreements signed with First Nations, instead of obtaining free, prior, and informed consent from the Wet'suwet'en Hereditary Chiefs. The state also responded by engaging in another colonial tactic of constructing Indigenous identities as dangerous, by using the rhetoric 'radical activists', to justify the ongoing expropriation of Indigenous land, labor, and resources.

Second, discourses reflecting Moore's (2017) concept of Cheap Nature revealed how struggles for better regulatory standards are implicated in the cheapening of Nature. Despite First Nations' claims that BC's consultation and environmental assessment process is inadequate, these concerns were diminished by discourses that minimized the adverse social and environmental impacts of the CGL pipeline. By treating nature as something that can be dominated and controlled, public officials justified the pipeline's construction through discourses promoting CGL as a "cleaner" source of energy that will create jobs and economic growth. This demonstrates how struggles for better regulatory standards rarely prevent the cheapening of Nature because regulation is designed to both enable and control corporate harm.

Third, discourses reflecting Robinson's (2020) militarized accumulation helped reveal the state's tendency to respond to Indigenous resistance through repression and violence. These

discourses were found in legal documents, which prioritized corporate interests over Indigenous lives. During the nationwide protests, crown corporations were granted interlocutory injunctions based on a three-pronged test that offers disproportionate protections to business and property owners. Of note is how arguments of ‘irreparable harm’ to businesses was weighed against the irreparable harm to Wet’suwet’en Nation. In this sense, corporations were depicted as the ‘victim’ of the blockades and protests, rather than a perpetrator of harm resulting from land dispossession.

Fourth, pacification emerged as a prevalent discourse which helped the state maintain an illusion of control and legitimacy while suppressing the Wet’suwet’en protests. After the first RCMP raids and arrests, the BC provincial government used the rhetoric of ‘reconciliation’ to characterize the agreements made with First Nations along the pipeline route. In this context, reconciliation is a pacifying discourse because it legitimates the criminalization of those who did not comply with the provincial consultation process. This demonstrates how the Canadian state views reconciliation as an agreement that facilitates resource extraction, rather than the relinquishment of settler-colonial order. Another pacifying discourse were those that championed pipelines as the only way to grow the Canadian economy and lift Indigenous peoples out of poverty, which functioned to legitimize pipeline construction while marginalizing alternative forms of socio-economic organization. Lastly, the state’s solution to ‘resolve’ the nationwide protests through a memorandum of understanding functioned to pacify resistance through ‘peaceful’ negotiation without compromising the construction of the CGL pipeline.

Overall, all four discourses helped reproduce Fraser’s (2022) boundary struggles by re-securing the capitalist hegemonic order and maintaining the capitalist status quo. This is because the majority of struggles took place on “law’s terrain”, which is historically designed to create

the conditions necessary for capital accumulation (Bittle & Stinson, 2019, p. 259). However, this does not mean that dominant discourses simply overcame counter-hegemonic discourses on their own. Rather, each discourse worked interdependently to reproduce boundary struggles within capitalism's institutional societal order. This is because struggles between capitalism's economic and non-economic spheres are inherently entangled (Fraser, 2020). It is impossible to talk about struggles in one sphere without implicating struggles over nature, social reproduction, expropriation, or public powers. Therefore, counter-hegemonic struggles must incorporate anti-racism, anti-imperialism, feminism, environmentalism, and democracy (Fraser, 2022). Without reimagining or abolishing such boundaries, capitalism will continue to erode, destroy, or deplete its background conditions of existence, inciting new boundary struggles. As shown in the section below, the Wet'suwet'en Nation remains caught in this vicious cycle of counter-hegemonic struggle against resource extraction projects on unceded territories.

6.2 The Coastal Gaslink Pipeline Conflict Today

In March 2026, TC Energy and LNG Canada signed agreements to advance the Coastal GasLink Phase 2 expansion (Depner, 2026). The pipeline's expansion is on the federal government's list of "national interest projects" to be considered under the *Building Canada Act* (Amnesty International Canada, 2025). Enacted in June 2025, the *Building Canada Act* was introduced as part of Bill C-5, and enables the government to streamline environmental assessment and consultation processes to expedite the construction of major infrastructure projects (Government of Canada, 2025). Due to its weak consultation policy with Indigenous peoples, the Bill is widely condemned by Indigenous land defenders and allies across the country (Amnesty International Canada, 2025).

As of writing, the Coastal GasLink Phase 2 expansion plans are already underway without obtaining the free, prior, and informed consent of the Wet'suwet'en Hereditary Chiefs and other Indigenous Nations affected by the project. What is more, these plans were made without considering or doing anything to fix the adverse environmental impacts caused by Coastal GasLink Phase 1. Since construction of Phase 1, Wet'suwet'en peoples, academics, and journalists have reported negative impacts on wildlife and fish. For instance, Coastal GasLink construction is responsible for disrupting Caribou habitats and population growth (Simmons, 2023a). Coastal GasLink is also responsible for sediment spills that have contaminated Wet'suwet'en waters and wetlands (Simmons, 2023b). Although Coastal GasLink has been fined multiple times for failing to protect the environment during construction (Gomez, 2023), it is known that fines do little to deter future corporate harms (Snider, 1987).

In response to the Coastal GasLink Phase 2 proposal, Wet'suwet'en land defenders and their allies have mobilized in opposition. Recently in Ottawa, Wet'suwet'en Hereditary Chief Na'Moks, Gitxsan hereditary leader Gwii Lok'im Gibuu (Jesse Stoeppler), Union of BC Indian Chiefs Women's Representative Katisha Paul, and allies, assembled outside the Export Development Canada head office to reject the financing of Phase 2 (Patterson, 2026). Phase 2 expansion has also incited opposition from health professionals, due to reports of increasing rates of disease and growing strain on healthcare systems affected by liquified natural gas (LNG) and hydraulic fracturing (fracking) (Canadian Association of Physicians for the Environment, 2026). According to a House of Commons briefing note submitted by the Canadian Association of Physicians for the Environment (CAPE), recent research has linked fracking with negative health impacts such as birthing complications, birth defects, cancers, asthma, cardiovascular disease, etc. (Canadian Association of Physicians for the Environment, 2026, p. 2). Moreover, in recent

years attrition in healthcare providers in Northeast BC has been linked to health and community impacts of fracking, which has worsened access to care in rural and under-resourced communities (Canadian Association of Physicians for the Environment, 2026). Considering these negative health impacts, health professionals have called on the federal government to address the harms caused by the LNG and fracking industry. To date, the federal government has not adopted the CAPE's calls to action, nor ceased to prioritize the Coastal GasLink Phase 2 expansion. Instead, the federal government continues to claim that energy development and economic investment are in the national interest, while ignoring the voices of Indigenous land defenders, environmentalists, and health professionals. This demonstrates that we need to develop a broader understanding of social transformation to target and critique the capitalist state.

6.3 Getting Rid of Rent

As this thesis has shown, resistance is sometimes inadvertently implicated in the emboldening of state-corporate power and the reproduction of capitalism. Although my findings have affirmed this conclusion, it is important to reiterate that social movements and resistance are not futile. Nor is it in the purview of this thesis to prescribe recommendations for Indigenous land defense movements. While it is vital, if not a duty for critical scholars to engage with counter-hegemonic struggles, it must be acknowledged that academic research itself is implicated in the reproduction of hegemonic orders (Tombs & Whyte, 2019).

However, since this is critical research, this study would be incomplete without exploring possible ways in which positive social transformation could be achieved. As many scholars have discussed, capitalism's hard-wired growth imperative is unsustainable (Fraser, 2022; Fraser & Jaeggi, 2018; Sayer, 2023; Christophers, 2020; Standing, 2016). Unless substantive change is

made, capitalism will continue to prioritize the growth of capital over humanity and the planet. In many ways, rentiership has made the situation worse by intensifying wealth inequalities and exacerbating the current climate crisis (Sayer, 2023; Christophers, 2025). As the Wet'suwet'en pipeline protests illustrates, the state's reliance on natural resource rents is contributing to the privileging of corporate interests over democracy and environmental sustainability. This means that we can not afford the expansion of more pipelines if we have any hopes for the future. Thus, there is an urgent need to get rid of rent if we are to stop the uneven distribution of wealth and curtail the climate crisis.

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Appendices

Appendix A: Legal Documents

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Appendix E: List of Web-Based Publications

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