

Just Don't Eat the Fish: State-Corporate Ecocide in Asubpeeschoseewagong First Nation

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ABSTRACT

Indigenous communities across Canada struggle with various outcomes of industrial activity in their territories including water contamination, clear-cutting, and more. Throughout the 1960s, Asubpeeschoseewagong First Nation (AFN) experienced this struggle when Dryden Paper Company dumped 10,000kg of mercury into the English-Wabigoon River, which they relied upon for food, water, and employment. Since then, little has been done to remediate the river and attend to the health and social issues that arose in the community as a result. Taking Asubpeeschoseewagong First Nation as a case study, this thesis employs Marxist Critical Discourse analysis to examine the ideologies that underpinned and influenced the state's response (or lack thereof) to the disaster, and why the state continues to permit and encourage further industrial activity in the territory. In so doing, this study found that dominant capitalist-centric discourses overcame counter-hegemonic claims in shaping how the state reacted to the mercury crisis. Of note is how the state relied on racial and colonial ideologies to justify its inadequate measures to restore AFN's traditional food system and aid them in addressing the negative health outcomes associated with the mercury disaster. Furthermore, discourses surrounding the domination, control, and value of nature were used to rationalize the state's continuous reluctance to clean up the English-Wabigoon River and encourage further extractivism in the territory. This study concludes that to properly understand the issue of corporate ecocide in Canada, theoretical frameworks need to contemplate the economic and non-economic underpinnings of capitalism.

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Chapter 1: Introduction

1.1 Mercury Poisoning in Asubpeeschoseewagong First Nation

Asubpeeschoseewagong First Nation (AFN) is a first nation located in Northern Ontario, approximately 80 km north of Kenora and within Treaty 3 territory. The people living in AFN are Anishinaabe Ojibwe people and have inhabited the territory since before Canada existed as a state. Resting in an area with an abundance of natural resources, including the Whiskey Jack Forest and the English-Wabigoon River, trapping and fishing have been a part of AFN's culture since time immemorial. Additionally, the community enjoyed gainful employment in commercial fishing in the English-Wabigoon River and many community members were employed as fishing guides (Vecsey, 1987). However, AFN has also been a popular location for resource extraction and industrial activity, mainly in forestry and mining (Vecsey, 1987; Willow. 2012). In turn, they have experienced the dispossession of their land and resources, as well as gross environmental harm that has left their community with health, economic, and social issues for decades (Vecsey, 1986; Ilyniak, 2014; Mergler, 2023). In 1970, the community discovered that Dryden Chemical Ltd. had dumped over 10,000kg of mercury from the Dryden Paper Mill into the English-Wabigoon River, effectively destroying life as they knew it (Vecsey, 1987).

Once the mercury was discovered, the Government of Ontario closed commercial fishing in the area which severely impacted AFN fishing activities (Ilyniak, 2014). This decision caused the unemployment rate to skyrocket to a peak of 95% and almost the entire community became dependent on welfare (Vecsey, 1987; Ilyniak, 2014). In the years after the mercury disaster, many members of AFN suffered grave health issues. While many people consume mercury in their day-to-day lives, it is a highly toxic metal that causes “deleterious neurological effects” if an individual ingests more than the recommended maximum amount (Pirkle et al., 2016, p. 1015).

Mercury is typically encountered in several different forms including methylmercury, which is the form encountered through food and therefore the biggest concern for AFN (Pirkle et al., 2015). When the mercury was dumped into the English-Wabigoon River, it was ingested by fish, which turned it into methylmercury through “aquatic microbial activity” and bioaccumulated in the fish’s organs (Pirkle et al., 2016, p. 1015). Therefore, because AFN were eating such high concentrations of fish from the river, they were exposed to concentrations of methylmercury which was then transported throughout their bodies through their blood (Pirkle et al., 2016). During the 1970s, AFN had the highest concentration of mercury in a person’s blood in Canada (Tousignant et al., 2023; Philibert et al., 2020).

The effects of methylmercury have stuck with AFN in the fifty years since the mercury was found in the river. Mercury accumulates in the body and leads to debilitating neurological and physical symptoms such as loss of coordination, loss of strength, tremors, visual impairment, and more (Ilyniak, 2014; Tousignant et al., 2023). What’s more, in pregnant women, methylmercury accumulates in the placenta and is transported to the fetus, so babies are born with symptoms of mercury poisoning (Mergler et al., 2023). This has caused the physical and neurological effects of mercury poisoning to be passed down through generations.

To prevent more harm from occurring, the Government of Ontario recommended that residents of AFN stop eating the fish from the English-Wabigoon River – fish that had been a mainstay of their diet since before Canada was founded (Vecsey, 1987; Ilyniak, 2014). However, this messaging was ultimately confusing for AFN because at the same time, the state was assuring community members that the mercury levels in the river were naturally declining to safe levels, and up until 1997 Health Canada stated that the mercury was cleared from the river (Thompson, 2018). The mixed messaging combined with a reluctance to abandon a traditional

diet that had fed the community for centuries led some residents to continue eating the fish despite the warnings.

Furthermore, the health and economic issues that AFN have endured since the mercury disaster have also led to various social issues in the community (Vecsey, 1987; Mergler et al., 2023). Mercury poisoning can cause emotional effects including rage and impulsivity, contributing to increased rates of violent crime (Vecsey, 1987). Rates of alcoholism increased as community members reported feeling inadequate with the significant job loss and economic downturn in AFN once the river was closed for commercial fishing (Vecsey, 1987). In addition to violent crime and alcoholism, suicides became a problem. In 2023, Mergler et al. conducted a study across three generations of women from AFN that linked increased mercury exposure in grandmothers to a higher risk of attempted suicide in their grandchildren. The risk of suicide increased if their grandfather or father was a fishing guide as this increased the amount of fish consumed in the home (Mergler et al., 2023). This, combined with the social issues that arose after the mercury disaster, and the loss of their traditional diet and way of life contribute to high suicide rates among youth in the area, as mothers reported that 27% of youth over 12 had attempted suicide (Mergler et al., 2023).

The impacts of mercury led to the development of the Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act, Bill C-110 in July of 1986 (Manko, 2006). This legislation was the result of over a decade of advocacy from AFN to receive financial compensation for the detrimental health and economic effects of the disaster. This legislation also established the Mercury Disability Board (Manko, 2006). Members of AFN can apply to the Board to receive payments from the Mercury Disability Fund if they develop symptoms consistent with those of mercury poisoning, confirmed by an assessment by a Mercury Disability

Board-designated neurologist (Manko, 2006). Moreover, In 2019, AFN reached an agreement with the federal government for \$19.5 million to build a mercury treatment centre in the community (Kirkup, 2020). In 2021, \$68.9 million more in funding was added to the agreement (CBC, 2021).

While the community was suffering the aftereffects of the mercury, the corporation responsible, Dryden Chemical/Reed Paper Ltd. faced minimal repercussions. The state permitted the company to continue operations and they did not cease the usage of mercury in their processes until 1975 (Philibert et al., 2020). What is more, from 1970 to 1984, Reed Paper Ltd received \$235 million in profits (Ilyniak, 2014). Overall, it was difficult for the state to hold Dryden/Reed accountable in part because the company had changed hands numerous times after the mercury incident and the state needed to determine to what extent the new owners were culpable (Vecsey, 1987). This left AFN struggling for years without financial compensation for the harms they endured at the hands of Dryden Chemical/Reed Paper Ltd.

Finally, with the establishment of the Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act, Reed committed to contributing \$5.75 million to the Mercury Disability Fund (Manko, 2006). This was a small price to pay given the high profits Reed made in the years prior (Ilyniak, 2014). Great Lakes Forest Products was another corporation found to be implicated in the mercury poisoning as they purchased the site where the mill was located from Reed in 1979 (McCarthy Tetrault, 2019). Great Lakes Forest Products contributed \$6 million to the Fund (Manko, 2006). Finally, the Government of Canada contributed \$2.75 million, and Ontario contributed \$2.17 million (Manko, 2006).

This thesis explores the relationship between the state, corporations, and Indigenous communities through a case study of ecocide in Asubpeeschoseewagong First Nation. Ecocide

describes the deliberate killing of the environment, capturing phenomena such as water contamination, deforestation, climate change, and more (Whyte, 2020). As capitalism seeks constant expansion and accumulation, which requires resources and space, ecocide is a necessary outcome of its survival (Whyte, 2020). Throughout history, this need for expansion and accumulation also helped create the conditions for colonialism (Whyte, 2020; Moore, 2016; Fraser, 2022). As Whyte (2020) argues, the project of ‘civilizing the uncivilized’ was just one piece of the puzzle of colonialism. The other piece involves domination over nature and those who work to protect it, to ensure that capital will be able to survive (Whyte, 2020; Fraser, 2022). Thus, understanding colonialism is an integral part of understanding ecocide. To provide context to the case study and demonstrate why the mercury poisoning in AFN is an appropriate case study for examining corporate ecocide, I will outline a brief history of the territory and its experiences with industrial activity.

1.1.2 Dislocation

AFN has not always resided in the area that they are in today. In fact, the territory has undergone two separate dislocations due to industrial activity. The first happened in the 1950s after a hydroelectric dam flooded their territory and their traditional wild rice crops (Ilyniak, 2014). The second move occurred in the 1960s as the Government of Canada sought to move AFN from its remote and inaccessible location to a new location that was accessible by a major road, to “encourage economic development”, as the community was seen as “impoverished” due to its remoteness (Vecsey, 1987, p. 291). Importantly, AFN were promised financial assistance in agreeing to the move, while those who resisted were threatened by the then Department of Indian and Northern Development with the loss of financial resources (Vecsey, 1987). Some scholars

argue this was ultimately for the benefit of the Hudson's Bay Company, a corporation with whom AFN had entered a trading agreement in 1911 (Shkilnyk, 1981; Vecsey, 1987). Ultimately, the move was not a decision made by the community, but rather by the state (Vecsey, 1987).

This relocation has been argued to be the “turning point” for the community for several reasons (Vecsey, 1987, p. 292; Shkilnyk, 1981). First, the area that they moved to was much smaller than their previous space, and the houses were built very close together (Vecsey, 1987). In traditional Ojibwe communities, houses were spaced far apart giving each family room for gardening and other activities on the land (Vecsey, 1987). Importantly, the old reserve also had easy access to the English-Wabigoon River, while the new location was not (Vecsey, 1987). Finally, the new location made economic activities such as trapping, wild rice harvesting, and fishing more difficult, because everything was located farther away from the community (Vecsey, 1987). Traplines, gardens, and wild rice allowed for the community to remain economically self-sufficient (Vecsey, 1987). Moreover, these activities would often involve entire families, with every member given a job to do (Vecsey, 1987). With these activities becoming less accessible in the new area and the children attending residential schools, the traditional economic unit of the family was fractured, and it became difficult for these activities to continue (Vecsey, 1987). All the while the Province of Ontario was instating fishing regulations, requiring residents to obtain licenses to fish in the river (Ilyniak, 2014). As such, it becomes clear that issues in the community began long before the river was poisoned with mercury, and that the state had a significant role to play in keeping AFN economically dependent.

Despite all the harm and turmoil caused by industrial activity, the state continues to encourage mining and forestry companies to conduct business in the territory, which AFN continue to resist (Carver, 2024). Namely, the Ontario government is currently attempting to

conduct mining activity in the Ring of Fire, an area close to AFN in Northern Ontario, which will affect AFN and several other Indigenous nations (Casey, 2023). Importantly, this expansion is set to happen without meaningful consultation from the affected communities (Da Silva, 2024). This demonstrates the state's continued commitment to capitalist expansion at the expense of Indigenous communities.

1.2 Canadian Extractivism

While a significant disaster, the mercury incident in AFN exists within a broader context of Canadian extractivism. With twenty percent of the world's freshwater access, as well as access to dense forests and an abundance of minerals and oil, Canada is a nation rich in natural resources (Statistics Canada, 2011). However, with this abundance of resources comes an abundance of industrial and extractive activity which puts the environment and those who inhabit it at risk. Many scholars have studied and written about Canada's extractive activities in Latin America, the harms that these activities have caused, and the resistance movements that have emerged as a result (Gordon & Webber, 2008; Ismi, 2012; Weisbart, 2018; North & Young, 2013). In addition to these injustices abroad, Canada has also subjected its own Indigenous communities to disproportionate environmental harms and environmental racism (Waldron, 2018; Suzuki, 2024).

For centuries, Indigenous peoples in Canada have been subject to colonial practices that have taken their land and ways of life. Scholars have argued that settler colonialism is deeply tied to capitalism, emphasizing the economic motives that brought British and French colonizers to the so-called "New World" (Comack, 2018; Whyte, 2020). As early as the seventeenth century, corporations such as the Hudson's Bay Company have seized control over what were traditionally Indigenous lands and resources, mobilizing discourses of civilization and development to do so

(Comack, 2018). However, these discourses were accompanied by discourses surrounding private property and the ability to make nature productive (Whyte, 2020). The state has always been a supporter of these endeavours, implementing treaties and relegating Indigenous communities to small reservations to seize control over land. The state has therefore been complicit in “forcing coexistence with industrial companies” upon Indigenous peoples (Pavlova & Leontiev, 2023, p. 109). Thus, the mercury disaster in AFN, the state’s insufficient response to the disaster, and the continued push for further development in their traditional territory are all products of Canada’s broader colonial history, manifested in large part through capitalism.

1.3 Historical Impacts of Canada’s Economy on Indigenous Communities

While the mercury disaster in AFN and the state’s inadequate response occurred under capitalism, the conditions for this disaster first emerged well before the development of Canada’s capitalist economic system. When European explorers first settled in North America, they brought with them European mercantilism, which was Canada’s means of economic organization from the 1600s until the mid-1800s (Hart, 2002). Mercantilism is an economic system that envisions wealth as finite and thus entails states battling over access to resources for trade and sale (Palmer, 2024). With this in mind, states under mercantilism sought to minimize imports and maximize exports (Conca Messina, 2016). As a colony rich in natural resources, Canada relied upon exports such as fur, giving birth to Canada’s first corporation – the Hudson’s Bay Company (HBC), in 1670 (Bradford & Connors, 2010). This greatly impacted Indigenous communities’ access and use of their traditional lands (Comack, 2018).

The HBC played an integral role in shaping the Canadian state’s relationship to Indigenous communities, as it (and therefore the Canadian economy) relied heavily upon skilled hunters and trappers to produce their products (Palmer, 2024). The creation of the HBC rendered Indigenous

communities dependent upon the cash nexus for survival. Where previously they had their own ways of organizing themselves, they were now forcibly reliant upon selling their labour to the fur trade (Palmer, 2024). As Palmer (2024) emphasizes, the mercantilist fur trade relied upon maintaining “reciprocal relations with First Nations” as they had the requisite hunting and trapping knowledge (p. 93). This relationship was, of course, never truly reciprocal, as the fur trade was exhausted and the quantities of fur-trading animals began to deplete, forcing communities to move to find more animals (Palmer, 2024). Disease also continued to affect communities, all the while Indigenous peoples were granted fewer economic opportunities than white settlers (Palmer, 2024). Moreover, The HBC was granted power by the state to create laws if it held a monopoly on trade (Bradford & Connors, 2020). Some scholars argue it was effectively a “company-state” or “company colony” (Bradford & Connors, 2010, pp. 175-176). With “a monopoly over 40% of what eventually became Canada”, the HBC controlled traditional Indigenous territory and set up trading posts and railroads that opened new areas of the country to be colonized (Comack, 2018, p. 458). As such, the HBC shaped the way the state engaged with Indigenous communities in early Canada.

As the fur trade declined and Canada’s population grew, the Canadian economy transitioned to capitalism during industrialization in the late 1800s (Palmer, 2024). The success of the fur trade allowed for the development of factories and railroads and created a necessity for labourers to produce profitable goods to allow for capitalist accumulation and further expansion (Palmer, 2024). Under this system, Indigenous peoples were forced into agricultural work, and this was met with resistance from many groups (Palmer, 2024). As such, the transition from mercantilism and the fur trade to capitalism fundamentally changed the ways Indigenous communities

interacted and connected with the land, and despite their integral role in developing Canada's economy, they were subject to further exploitation.

It is important to recognize the relationship between the Canadian state and Indigenous peoples changed along with Canada's economy because it provides an important context for the ways that Indigenous communities remain reliant upon Western economic systems today. Additionally, this recognition helps to emphasize the economic motives for colonization and how this fundamentally underpinned the relationship between the state and Indigenous communities (Comack, 2018). However, the mercury disaster in AFN occurred during the 1960s and 1970s, and the state's attempts to address the issue are still ongoing. As such, while this history provides context for what happened (and continues to happen) in AFN, this thesis focuses on the contemporary period of the 1960s until today and the modern state-corporate relationship.

1.4 Research Questions and Objectives

As both the environmental movement and the push for reconciliation and Indigenous justice are increasingly gaining support across Canada, the relationship between Indigenous justice and environmental justice has become clearer (Crook et al., 2018). Marginalized groups absorb the burden of the environmental and health effects of these harmful practices while being excluded from much of the economic gains. As such, conceptualizing corporate ecocide as a component of colonial capitalism will open new pathways of understanding the relationship between the Canadian state, corporations, the environment, and Indigenous communities. Along these lines, the objective of my research is to understand and explain the factors that led to the state's response (or lack thereof) to the mercury crisis in AFN, and why the state continues to encourage extractivism in the territory. Using AFN as a case study of corporate ecocide allows

me to examine and understand the power dynamics between states, corporations, and Indigenous communities and how these power relations contribute to the corporate destruction of the environment and Indigenous communities within Canada. As such, my research questions are as follows:

1. What factors influenced the state's delayed and inadequate response to the mercury crisis in Asubpeeschoseewagong First Nation?
2. To what extent do the justifications of the state's response to the mercury crisis influence the justifications for the continued extractivism taking place in AFN territory today?

To accomplish this, I use Marxist Critical Discourse Analysis (CDA) informed by Marxist theory to analyze debates and statements from the Ontario Legislative Assembly and the House of Commons as well as official correspondence between AFN, the state, and the corporation. I also analyze some news media articles and archival radio news interviews. These sources allow me to answer my research questions because I can use them to understand how the state conceived of the disaster over time and across governments or political parties. They also allow me to examine any counter-hegemonic or alternative claims. In understanding how these discourses played out following the mercury crisis, I can examine to what extent these claims contribute to the continued development in AFN territory. Note that my aim is not to discern or suggest what the best response to the disaster might have been – AFN have stated their needs many times and have continuously advocated for themselves (Vecsey, 1987; Ilyniak, 2014; Turner, 2023, 2022, 2021). However, I desire to understand why the state responded in the way it did and which discourses or knowledge claims influenced the state's decisions.

Along with Marxist CDA, I use a theoretical framework comprised of Fraser's (2022) *Cannibal Capitalism*, Moore's (2016) *Cheap Nature*, and Banerjee's (2008) *necrocapitalism*.

Banerjee (2008) argues that states have the power to decide who must die for capitalism to continue to function. The mercury crisis in AFN caused death, both in human beings and in the environment (Vecsey, 1987; Ilyniak, 2014). Additionally, the state ultimately did not fully hold the corporation accountable. The company responsible for the disaster was permitted to continue operations and was able to generate significant profits (Philibert et al., 2020). Thus, this thesis posits that what happened at AFN is an instance of necrocapitalism with AFN deemed a ‘necessary sacrifice’ to ensure that corporations could continue industrial activity in the territory, Fraser’s (2018) *Cannibal Capitalism* and Moore’s (2016) *Cheap Nature* both help me to understand why this outcome occurred. Both theories use Marxism to unpack the economic and non-economic conditions that occur so that capitalism can continue to develop while exploiting the environment and people. This thesis argues that what happened in AFN, and ecocide more broadly, cannot be understood as an only economic issue, environmental, or a social issue. Rather, understanding corporate ecocide requires unpacking how these factors interact and work together to uphold capitalism (Fraser, 2022).

1.5 Chapter Summary

In chapter two, I review the literature that examines the connections between ecocide and the symbiotic relationship between corporations and the state. I also review the literature that outlines several cases of corporate ecocide in Canada, the negative impacts on surrounding communities, and how the state responded to the crises. In chapter three, I present my theoretical framework. First, I outline Banerjee’s (2008) concept of Necrocapitalism and discuss its usefulness in explaining how states allow death and environmental destruction in Indigenous communities for capitalist purposes. I also discuss its limitations in addressing the non-economic

conditions that allow for necrocapitalist outcomes to occur. To address these limitations, I present Fraser's (2022) *Cannibal Capitalism* and Moore's (2016) *Cheap Nature* and explain their usefulness when used along with necrocapitalism to provide a holistic understanding of the ideologies that states use to justify harmful industrial projects in vulnerable communities. In chapter four, I outline my methodological framework. Here, I present my sources and explain Marxist critical discourse analysis and its usefulness for this research. In chapter five, I discuss my findings and present the four discourses that emerged during my analysis. Finally, in chapter 6, I outline this research's contributions to the field of Criminology and conclude that hegemonic capitalist discourses influenced the state's limited and delayed response to the mercury crisis in AFN. Although the state is still attempting to maintain extractivist activities in the territory, AFN continues to resist and present counter-hegemonic claims that challenge ecocide and hegemonic capitalist ideology.

In all, through the use of Banerjee, Fraser, and Moore, this thesis presents an understanding of capitalism as overdetermined and is necessarily upheld through both economic and non-economic factors. This theoretical contribution goes beyond the case study of AFN, demonstrating that capitalism is not exclusive to economics. Rather, the mercury crisis in AFN exists within a capitalist *society* with various contradictions that can be discerned and exploited for resistance. As Fraser (2022) argues, to effectively resist capitalism and ensure a safe future for people and the planet, counter-hegemonic groups must coalesce and combine efforts to resist capitalism, ecocide, patriarchy, racism, and colonialism.

Chapter 2: An Overview of the Phenomenon of Corporate Ecocide in Canada

This chapter examines the extent to which corporations and the state are provided protections and incentives under the law to engage in environmentally destructive practices for the purposes of accumulating capital and making profits. Section one explores the causes and effects of environmental injustice, with a focus on how poor people and people of colour are disproportionately impacted. Section two will explain the structure of the corporation and how the law works to protect the corporation and its shareholders from legal accountability, thus functioning to uphold capitalism. Section three demonstrates the failure of corporate regulation under capitalism, and particularly under neoliberalism, to prevent and address corporate wrongdoing. Finally, section four will connect each of these elements, detailing various acts of environmental destruction by the resource extraction industry in Canada, and their impacts on the poor and racialized communities that inhabit these spaces.

2.1 Ecocide and Environmental (In)Justice: Causes and Effects

To understand how corporations perpetrate acts of environmental injustice and ecocide, it is necessary to understand how environmental injustice and ecocide are defined and conceptualized. The environmental movement, like many political movements, is diverse. Thus, there are many competing definitions and ideas about the terminology used to describe environmental harms committed by powerful institutions. This section presents various conceptualizations of environmental injustice and ecocide, demonstrating the usefulness of these concepts. Environmental injustice and the environmental justice movement are useful in that they

facilitate the understanding of how environmental harms because of industry impact human beings (Schlosberg, 2013; Slater & Pedersen, 2009; White, 2007; Pellow, 2022; Pulido, 2017).

Ecocide is useful because it has roots within a legal movement that seeks to define ecocide as a crime under international law and provide avenues for states and corporations to be sanctioned for environmentally destructive practices (Higgins, 2012). Ecocide thus provides ideas for potential ways to hold states and corporations legally accountable for harm (Higgins, 2012; Crook et al., 2018; Higgins et al., 2013). However, it can be difficult to address corporate ecocide via the law because corporations are afforded protections because of how they are legally constructed (Whyte, 2020). Therefore, to address corporate ecocide, it is imperative to understand how corporations are legally constructed by the state to maximize capital accumulation, even to the detriment of the environment (Whyte, 2020). Additionally, this section will highlight areas for improvement within the conceptualization of environmental justice, environmental *injustice*, and ecocide.

2.1.1 Environmental (In)justice

Schlosberg (2013) states that an integral part of the environmental justice movement has been defining what constitutes environmental *injustice*. According to Slater and Pederson (2009), the concept of environmental injustice first emerged in the United States out of social and racial justice movements that employed human rights language. Proponents of the movement argued people had the right to live in a safe environment with the necessary resources to live a healthy life (Slater & Pedersen, 2009). As such, they argued that within the United States and globally, society needed “an equitable distribution of environmental costs and benefits of economic development” (Slater & Pederson, 2009, p. 798). Following the common definition of environmental injustice, White (2007) defines environmental justice as the difference among

groups in access to environmental resources and the difference in impacts of environmental harm. In addition, Schlosberg (2013) sees environmental justice as a movement that is always changing and evolving as new environmental issues become known. Early conceptions of environmental justice were like environmental injustice in that they focused on the differences in communities' proximities to environmental hazards, eventually expanding to include unequal access to environmental resources (Schlosberg, 2013). Schlosberg also notes that the environmental movement has expanded to include not just nature spaces, but the spaces in which we live our everyday lives (Schlosberg, 2013). For instance, while environmental injustice is concerned with clear-cutting forests and oil spills in major bodies of water, it also captures things like the lack of access to clean drinking water in Indigenous communities, air pollution in cities, and heat islands from the high amounts of asphalt in urban areas. Additionally, it has expanded into labour movements, civil rights, and Indigenous justice movements that focus on advocating for policy changes that address the structural causes of climate change and environmental degradation (Schlosberg, 2013). In all, the environmental justice movement acknowledges the ways in which class, race, and other socioeconomic factors contribute to and reinforce environmental injustice (Slater & Pederson, 2009; Schlosberg, 2013).

Moreover, Ilyniak (2014) defines environmental injustice by four factors: the ways in which environmental hazards are dispersed, how this dispersion is decided, who makes these decisions and why they get to make them, unequal opportunities for decision making and, specifically relating to Indigenous communities, "patterns of non-recognition" (Ilyniak, 2014: 46). Essentially, Ilyniak's (2014) environmental injustice is concerned with who is benefitting and who is harmed by environmental hazards. Analyzing environmental harm using these four factors demonstrates the power dynamics through which the resource extraction industry and the

state operate (Ilyniak, 2014). Specifically, it demonstrates how the Canadian state continues to subjugate Indigenous populations to allow corporations to continue to expand under capitalism (Ilyniak, 2014). For instance, even prior to the mercury dumping, the residents of AFN have historically lacked control over the impacts of environmental hazards on their territory. AFN was involuntarily dislocated twice due to flooding by hydroelectric dams, decimating their rice fields which impacted their food sources and their economy (Ilyniak, 2014; Vecsey, 1987). They have also been subject to clear-cutting in the Whiskey Jack Forest – a forest that has been integral to their cultural land-based practices (Ilyniak, 2014). In both cases, industrial activity has worked to serve corporate and state interests by generating capital and expanding capitalist endeavours at the expense of the community and the environment. Moreover, the community has not reaped any of the benefits or had any say in whether extractivism can or should occur on their lands. In each case, AFN has had to endure harm to their way of living and their economy for the sole purpose of benefiting the capitalist class.

As can be seen from the above, the environmental justice movement recognizes that marginalized and poor people are lacking resources to live a healthy life (Slater & Pederson, 2009). Moreover, it acknowledges that polluters are commonly located in lower-income areas with a higher population of racialized individuals (Slater & Pederson, 2009). Thus, a key aspect of how environmental injustice is defined is the disproportionate and unequal burden faced by marginalized communities to bear the brunt of the costs of industry while seeing little to no benefits (Slater & Pederson, 2009; Pulido, 2017; Pellow, 2022). However, while the environmental justice movement recognizes environmental racism and classism as an issue, Pulido (2017) and Pellow (2022) both argue that the related scholarship does not emphasize the extent to which racial capitalism feeds into environmental injustices. Indeed, Pulido (2017)

argues that because of the ingrained system of colonialism, imperialism, and slavery, environmental injustice relies on the subjugation and exploitation of people of colour, specifically Black and Indigenous people. Acts of environmental injustice, then, stem from oppressive power structures such as classism and racism and reinforce notions of which groups are valuable and disposable (Pulido, 2017; Pellow, 2022).

For example, Pulido (2016) examines the financial crisis in Flint, Michigan as an instance of racial capitalism and environmental racism. The financial crisis led to a mass migration of white workers to other cities, rendering the city poorer and more Black. The result of the crisis was the implementation of emergency measures to render Flint fiscally solvent once again, including changing the city's water supply from the Detroit River to Flint River – a river that was so polluted it was corrosive to the car parts the General Motors factory was using. While this move was projected to save the city millions of dollars, it also would decimate the water infrastructure of the city, leading to thousands of working-class, Black residents forced to drink water which was untreated and highly contaminated with lead and other dangerous metals and toxins (Pulido, 2016). Unsurprisingly, when residents complained about the water, they were largely dismissed by the city, demonstrating the abandonment and devaluing of the poor, Black residents of Flint (Pulido, 2016).

Additionally, Pulido (2016; 2017) notes that racial and colonial ideologies underpin environmental injustices that allow for the justification of systemic abandonment and harm in these communities. For example, in Flint, racist stereotypes such as the Black welfare queen helped reinforce neoliberal ideology and erode the welfare state (Pulido, 2016). By painting Black women as lazy abusers of social support, states could justify eroding social support programs, leading to increased privatization of services and decreased taxes (Pulido, 2016). Thus,

the production and reinforcement of differential value amongst groups is essential for capitalism to function (Pulido, 2017). Therefore, to adequately address environmental injustices, the environmental justice movement needs to understand racism and colonialism as an essential part of environmental injustice (Pulido, 2017).

Along these lines, Pellow (2022) conceptualizes environmental injustice as an act of warfare that involves assaults to entire communities by the state and state-sponsored organizations (Pellow, 2022). These assaults manifest in various forms such as the mass-production of toxic chemicals and the resulting toxic waste that is dumped in or near communities (Pellow, 2022). It can also include military activities such as the nuclearization of the Pacific Islands in the 20th century (Pellow, 2022). Pellow (2022) also provides the example of prison experiments such as the deliberate exposure of prisoners to harmful chemicals such as Agent Orange. Overall, Pellow (2022) argues that these violent acts take many forms and result in massive harm to the communities upon which they are perpetrated. Furthermore, environmental injustice ensures the well-being of highly valued groups in society at the expense of marginalized groups, reinforcing oppressive power structures and differences of value (Pellow, 2022; Pulido, 2017). For example, in the case of prison experiments, the victims in question (who are often racialized) are those who have been othered by broader society as criminals and therefore are unworthy of protection from environmental hazards (Pellow, 2022). In these ways, environmental injustice is embedded in the very foundation of racial capitalism (Armiero & Paolo De Rosa, 2022).

One method engrained in this form of warfare is Nixon's concept of slow violence, in which the ecological and health impacts of corporate and state environmental destruction are a form of violence that is largely invisible, slowly destroying the earth and communities that

inhabit it (Nixon, 2011). Additionally, not only is the earth slowly becoming more and more inhabitable, our fast-paced and trauma-addicted media fails to showcase slow violence, instead opting for the more lucrative focus on “spectacular violence” (Nixon, 2011, p. 4). Nixon argues that we live in a period of “turbo-capitalism” in which the divide between classes is increasing and our attention spans are decreasing, leaving less room for care and attention to the largely invisible harms done to the environment and the poor. For Nixon, slow violence, like environmental racism, is structural violence against groups that have been devalued by states for the purposes of capital. One example of slow violence is the United States’ use of pesticides containing Dioxin (e.g. Agent Orange) in Viet Nam, which led to disease and deformation throughout the country (Pellow, 2022). The use of Dioxin is a prime example of slow violence as the chemical stays in soil and water for many years and thus its impacts are suffered slowly over a long period of time (Pellow, 2022; Nixon, 2011). Additionally, it is an example of environmental injustice as warfare because Agent Orange is a devastatingly harmful chemical that was sanctioned by the United States government for the use against a specific group that has been systemically devalued by the state (Pellow, 2022).

Importantly, slow violence and the warfare of environmental injustice need not be intentional but can occur as the result of consequences unforeseen and unintended by corporate executives and governments (Pellow, 2022; Nixon, 2011). Indeed, as will be explored below, corporate harm is often the result of routine, normal practices of capitalist production (Pearce, 1976; Curran, 2022). This shows that rather than environmental injustices being the result of a particular racist government or industry at a given time, environmental injustices stem from organizational decisions that compile over time to produce significant harm (Pulido, 2017; Holifield, 2007). In the fast-paced world we inhabit, the passage of time eventually renders these

everyday acts of violence invisible (Nixon, 2011; Christian & Dowler, 2019). Thus, resistance to slow violence necessarily entails making the invisible visible by talking about it, as is shown by Nixon's exploration of the role of the writer-activist (Nixon, 2011).

Furthermore, McCreary and Milligan (2021), argue that political processes that have emerged from environmental justice scholarship "have not fundamentally disrupted the racialized structures of environmental inequality" (p. 728). That is, while scholarship and activism stemming from liberal notions of difference recognize that environmental harms are focused within racialized, poor communities, recognition is as far as it goes (McCreary & Milligan, 2021; Pulido, 2017). This is fundamental to the work of changing the unequal distribution of environmental harms (McCreary & Milligan, 2021). In addition to his notion of environmental injustice, Pellow (2022) conceptualizes environmental justice activism as "pursuing peaceful means of social change that target the ways in which states, corporations, and other institutions perpetrate violent activities against communities" (p. 50). In exploring the interconnected nature of political and social unrest with environmental destruction, Pellow (2017, 2022) emphasizes the importance of a critical and intersectional approach to environmental injustice – an approach he calls "critical environmental justice studies". In his view, environmental justice is anti-imperialist and goes beyond simply environmentalism by addressing all forms of oppression, including racism, colonialism, and classism (Pellow, 2022; Pellow, 2017). Therefore, meaningful environmental justice activism and scholarship must look beyond individual causes of environmental degradation and work to illuminate, address and disrupt power structures such as white supremacy and settler colonialism as underlying causes of environmental injustice.

2.1.2 Defining Ecocide

While both ecocide and environmental injustice focus on environmental degradation at the hands of the powerful, their definitions and uses differ in terms of understanding and explaining the problem of environmental destruction. Broadly speaking, environmental injustice encapsulates the deliberate racist and colonial outcomes of environmental degradation and emphasizes the experiences of the communities that are subject to these harms. On the other hand, ecocide emphasizes the role of the state and corporations under capitalism in destroying the environment (Whyte, 2020). While ecocide also addresses the disproportionate effects of environmental harm on marginalized communities, the concept takes a more structural approach, examining the role of large systems of power and arguing for systemic change (Whyte, 2020; Crook et al., 2018; Higgins, 2012).

Whyte (2020) defines ecocide as “the deliberate destruction of our natural environment” (p. 15), noting that this involves all environmental destruction from climate change to the pollution of land and water systems. For example, Stora Enso – a timber and paper corporation in Finland and the world’s oldest corporation – has been repeatedly accused of colonization and exploitation in its plantations in Uruguay, including “collusions with local militaries to forcibly evict protestors from its plantations” (Whyte, 2020, p. 58). For Whyte (2020), ecocidal behaviour is essential to the operations and goals of the corporation, and he explores how states legally structure corporations in ways that necessitate ecocidal behaviour while simultaneously protecting the corporation from accountability when they enact harms (Whyte, 2020). Whyte’s conceptualization thus emphasizes how the structure of the corporation itself, through state institutions such as the law, is an integral part of understanding environmental destruction. In this way, ecocide moves beyond explaining harmful outcomes, which include environmental injustice in marginalized communities, to explaining *why* these injustices occur.

Similar to Whyte (2020), Higgins (2012) states that ecocide involves extensive damage to or loss of an ecosystem, because of human activity whereby enjoyment of the land or territory by its inhabitants is greatly reduced. Higgins' definition of ecocide is rooted within a legal movement that seeks to have the crime of ecocide (i.e. the murder of the environment) enshrined into international law (Higgins, 2012). Higgins (2012) differs from Whyte (2020), however, in that she takes a human agency approach to her definition of ecocide. Some scholars argue that this allows the potential for ecocide to be conceived of as a crime, as it addresses mens rea, or the guilty mind (White & Kramer, 2015). Additionally, Crook et al (2018) argue that Higgins' definition of the term is useful in that it specifically emphasizes the ecological aspect of the issue, rather than focusing on a broader abstract environmental crisis. They argue that using the term ecocide locates human bodies within the harms, thus creating a more holistic conceptualization of the issue (Crook et al., 2018). However, Higgins (2012) humanist conceptualization fails to also address ecocide's structural conditions adequately. Rather, Higgins proposes a means of addressing ecocide via "the power of law to act as a mechanism to encourage transformation to a green economy" (Higgins et al., 2013, p. 263). As such, this approach ignores ecocide as a direct outcome of capitalism and its need for constant expansion (Moore, 2016). As will be explained in the following chapter, ecocide is an outcome of capitalism that is upheld and reproduced by economic and non-economic conditions, including the law itself (Fraser, 2022).

Additionally, much like Pellow's (2022) conceptualization of environmental injustice as warfare, Crook and Short (2014) connect ecocide to genocide, arguing that colonialism leads to "ecologically induced genocide" (p. 298). Crook et al. (2018) state that culture is at the root of what holds a group together. Thus, as genocide involves the eradication of a group of people, attacking the group's culture is an important part of the crime of genocide (Crook et al., 2018).

For Indigenous nations, the people's relationship to the land is an essential foundation of their culture (Simpson et al., 2009). Though the people's relationships to the land may vary from community to community, there is an emphasis on the protection and valuing of land throughout Indigenous nations (Atleo & Boron, 2022). Moreover, Simpson et al. (2009) note that Indigenous women work to protect the land and traditional food systems for future generations, and therefore great importance is placed on keeping the land healthy. Harmful industrial practices from forestry, mining and other industries contaminate the land and the traditional food systems that Indigenous communities rely on for physical and spiritual health (Simpson et al., 2009). In the case of AFN, the consequences of these harms have been devastating and deadly (Ilyniak, 2014; Vecsey, 1987). Thus, Crook et al. (2018) argue that acts of ecocide undermine the existence of Indigenous peoples and have genocidal consequences. As genocide is "the core logic driving colonization" (Pulido, 2017, p. 527), and ecocide can be argued to be a component of genocide, ecocide is thus a part of the project of colonization. This is all on top of the theft of land from Indigenous nations that has occurred across centuries for the purposes of resource extraction and industry (Crook et al., 2018). All these practices are ongoing in Canada, perpetrated by corporations and the state for capitalist purposes (Crook et al., 2018; Pulido, 2017; Whyte, 2020).

Importantly, ecocide also has its place within a legal movement. Advocates have been arguing for ecocide to be codified into international law as a criminal offence (Higgins, 2012; Crook et al., 2018). Higgins (2012) argues that the threat of international sanctioning is the only way to compel states to hold corporations accountable and enact domestic laws that prohibit the destruction of the environment. Higgins (2012) argues that an international law prohibiting the crime of ecocide is part of the evolutionary process of law, meaning that international legislation currently exists from which the crime of ecocide could be conceived. Higgins (2012) references

the United Nations' four crimes against peace, crimes that apply to all of humanity, even if a certain country has no laws that address them. She thus argues that ecocide is the “missing fifth crime against peace” because the death of the environment affects everyone on earth (p. XI).

The legal concept of ecocide has its beginnings in potential amendments to the Rome Statute, which established the International Criminal Court (Crook et al., 2018). Crook et al. (2018) note that despite crimes of ecocide during wartime, there are no crimes of environmental death and destruction during peacetime. Following this, Higgins et al. (2013) argue that international law is too anthropocentric and needs to include nonhuman plants and animals. By codifying ecocide into international law, advocates argue that nations will have a legal duty of care and will be obligated to hold to account corporations and individuals who commit acts of ecocide (Higgins et al., 2013). The movement for ecocide to be codified into law echoes what corporate crime scholars have been arguing for decades – that recognizing corporate harms as crimes provides an avenue from which they can be held accountable (Sutherland, 1945). However, as will be demonstrated in the section below, the legal structure of the corporation and its ties to the state could make holding corporations legally accountable for ecocide a difficult task (Whyte, 2020). Indeed, in capitalist societies, the law's primary function is to maintain the status quo and ensure businesses can operate with as little restriction as possible (Whyte, 2020). As such, while legal reform could be a first step in address ecocide, larger systemic shifts will need to occur to resolve the issues.

2.2 The Corporate Structure and the Woeful Inadequacy of the Law

Crook and Short (2014) argue that ecocide is a “function of capital”, meaning capital accumulation incentivizes corporations to engage in behaviours that result in harm to the environment (p. 299). Moreover, Pearce (1993) argues that the state and corporations are “site[s]

of struggle” between the working and dominant classes (p. 138). The state’s central function is to uphold and reinforce capitalism, therefore the state functions to incentivize capital accumulation over the protection of the environment (Bradshaw, 2018). One of the ways the state achieves this function is through the power of law. Corporations are legal constructs created by the state to serve capitalism (Pearce, 1993). As such, the law not only functions to repress its subjects but also provides power and opportunity to dominant actors to reproduce the capitalist status quo. While the state enacts laws regulating corporations to provide minimal protections to the environment, it also enacts laws to ensure that corporations can produce and profit (Whyte, 2020). When disasters or harms do occur, the law focuses on controlling harm, rather than stopping or preventing them in the first place (Whyte, 2020). Thus, the law is structured in such a way to protect the corporation and save capitalism from itself (Whyte, 2020; Tombs & Whyte, 2015; Spencer, 2004; MacLean, 2022; Carroll, 2022).

2.2.1 The legal obligation of corporations to their shareholders:

To demonstrate how the law is inadequate at regulating corporations, it is vital to understand how corporations are constructed within the law. Importantly, corporations and their operators (directors, managers, employees, etc.) are legally obligated to their shareholders (Pearce, 1993; Whyte, 2020). This means that any decision made within the company must prioritize shareholder interests, rather than workers, consumers, the environment, and so on (Whyte, 2020). Shareholders are also distanced from the conditions within the corporation and the harms of production (Whyte, 2020). This is because shareholders often live in affluent countries, cities and neighbourhoods far away from the actual sites of production, thus they do not have direct experience as victims of corporate harm (Nixon, 2011). Additionally, the responsibilities of managing the day-to-day operations of the corporation do not fall on

shareholders, but rather onto directors, managers, and employees (Spencer, 2004). The corporation's legal obligation to its shareholders means that directors and managers are under no obligation to consider the interests of anyone other than shareholders when making decisions regarding the company (Spencer, 2004). This creates pressure for directors to make decisions that cause harm to maximize profits and shareholders' returns (Spencer, 2004).

This can be seen in countless examples of corporate harm and crime such as the Union Carbide chemical disaster in Bhopal, India, where "between 200,000 and 450,000 local people were exposed to the toxic fumes" released from a pesticide plant (Pearce & Tombs, 1998, p. 197; Pearce, 1993). Despite Union Carbide Corporation and its subsidiary, Union Carbide of India Limited's claims that they were not at fault for the disaster and that everything was operated in a safe manner, it has been found that the corporation implemented cuts to safety measures to save costs (Pearce & Tombs, 1998). For example, the plant did not have adequate technology implemented to detect leaks, so employees were expected to detect leaks by smell alone (Pearce & Tombs, 1998). Additionally, though the tanks were unsuitable for the Indian climate and should have been constantly refrigerated, it was found that the Bhopal plant had shut down the refrigeration unit "to save \$50 per week" (Pearce & Tombs, 1998, p. 200). Finally, Union Carbide Corporation conducted several safety inspections of the Union Carbide of India Limited plant and found thirty major hazards, yet still permitted operations to continue as normal (Pearce & Tombs, 1998). This is an example of safety measures that were cut to reduce costs and maximize profits.

2.2.2 The corporate veil and limited liability

One of the most important protections the law provides to corporations is corporate personhood. Corporate personhood refers to the process of incorporation in which the company

becomes a legal person that exists entirely separate from its owners and operators (Whyte, 2020; Tombs & Whyte, 2015; Pearce, 1993; Spencer, 2004). In other words, once incorporated, the company operates separately from its owners, shareholders, employees, and directors (Tombs & Whyte, 2015; Pearce, 1993; Whyte, 2020; Spencer, 2004). Once registered, the corporation assumes many of the legal rights of a person including the right to purchase and own property and the right to stand trial in court (Spencer, 2004; Whyte, 2020; Tombs & Whyte, 2015). Whyte (2020) notes that this gives corporations protections under human rights law. Another issue with corporate personhood is that it provides the opportunity for anthropomorphizing the corporation (Tombs & Whyte, 2015). In other words, corporations are typically given human characteristics like the ability to think and behave rationally as an individual entity (Whyte, 2004; Tombs & Whyte, 2015). Indeed, the financial status of corporations ensures that directors and owners have access to decision-making tools based on a perceived rationality (Tombs & Whyte, 2015). As Tombs and Whyte (2015) note, the appearance of the corporation as rational and logical is expertly crafted.

Corporate personhood offers many advantages to the corporation and its shareholders. Most significantly, the corporation existing as its own legal person ensures that shareholders are protected from any legal action taken against the company (Tombs & Whyte, 2015). Since a corporation can stand trial as a legal person and its owners and shareholders are not held liable, it is difficult to hold corporations criminally responsible (Spencer, 2004). Corporations are unable to think like a human being, making it extremely difficult for them to meet the mens rea requirement for conviction of many offences, although efforts have been made to amend the law to address this issue (Tombs & Whyte, 2015). Moreover, decisions made by upper management or executives are presented as unified decisions from the company as a whole (Tombs & Whyte,

2015). These decisions then become the decisions of the corporate person. It is therefore challenging to attribute any harmful decision to one or even a handful of employees within a company, especially in a large company. Thus, shareholders, and often directors, managers, and employees (except for some lower-level employees), rarely receive any sanctions for the decisions that lead to harm (Whyte, 2020). As noted in the previous section, due to systems of governance within corporations, harmful decisions become normalized as routine daily practices. This not only makes it challenging for the courts to discern who to hold accountable when something goes wrong, but also obscures harmful actions in the first place (Pearce, 1976). Here it is clear to see corporate personhood and the corporate veil forming to protect the individuals implicated in corporate wrongdoing.

Additionally, a vital reason why the law is inadequate to remedy corporate wrongdoing is in the limited liability corporation (Tombs & Whyte, 2015). Limited liability ensures that along with being protected from responsibility for the actions of a corporation, its shareholders are not held personally liable for any debts or financial setbacks (Pearce, 1993). This includes any fines or financial sanctions placed on a corporation for criminal behaviour or violation of regulations (Tombs & Whyte, 2015). Additionally, corporations evade liability for damage to the environment through externalities (Whyte, 2020; Tombs & Whyte, 2015). Whyte (2020) defines externalities as any “social and environmental harms caused by corporations that are never fully accounted for in the contracts” (178). In other words, these are the costs of business that corporations are not required to report including environmental costs such as water pollution, deforestation, and climate change (Whyte, 2004; Tombs & Whyte, 2015). As Tombs and Whyte (2015) note, because corporations are often not held to account for these costs, much of them are placed on communities and individuals that live where the corporation operates. Returning to the

example of Union Carbide in Bhopal, in 2001 Union Carbide was purchased by Dow Chemical, who was then able to externalize the medical and environmental costs of the disaster because it did not inherit and thus does not accept any of Union Carbide Corporation's liabilities (Whyte, 2020). This argument has been accepted by the courts, alleviating any responsibility on the part of Dow Chemical to pay for the harms enacted by Union Carbide Corporation (Whyte, 2020). Meanwhile, over a hundred-thousand people are still affected by medical issues resulting from the disaster (Whyte, 2020). Therefore, it is easy to see how a corporation's ability to act as a legal person and obtain other companies as subsidiaries can aid corporations in avoiding accountability for wrongdoing and externalizing harm, leaving victims to absorb the damage.

These individuals and communities affected by externalization are known as "non-contracting parties" because they do not have any formal contract with the corporation that dictates any liability for any harm caused (Whyte, 2020). As Pulido (2017) argues, the decision for where these externalities lie is determined by the devaluing of certain groups in the favour of powerful elite groups. Because of environmental privilege, non-contracting parties are almost always marginalized (Pellow, 2022; Tombs & Whyte, 2015). As will be demonstrated in the next section, the protections these communities have within the realm of corporate regulation are limited.

2.2.3 The Role of the State and State-Corporate Crime

Importantly, because the state legally constructs corporations, corporations cannot commit atrocities without state action (Whyte, 2014). The relationship between states and corporations and the acknowledgement that corporations have significant political influence resulted in the development of the theory of state-corporate crime (Kramer et al., 2002). Broadly,

the state-corporate crime literature argues that states and corporations function symbiotically to advance the interests of capitalism (Tombs & Whyte, 2003). The state labels certain actions as criminal while failing (or refusing) to acknowledge other harmful or egregious acts committed by corporations as crimes (Kramer et al., 2002). State-corporate crime thus recognizes the power the state holds to construct the meaning of crime to fall in line with the interests of powerful groups (i.e. the capitalist class) (Kramer et al., 2002). Therefore, disciplines such as criminology need to turn their attention away from studying ‘crime’ toward an overall focus on harm (Kramer et al., 2002; Tombs & Whyte, 2003). Overall, state-corporate crime theory emphasizes “‘bringing the state back in’ to the study of social harms caused by corporations” (Whyte, 2014, p. 237).

There are two general forms of state-corporate crime described in the literature. The first is state-initiated corporate crime, in which corporations engage in harmful behaviour that has been approved or even directed by the state (Kramer et al., 2002). Kramer et al. (2002) provide the Challenger space shuttle explosion as an example of state-initiated corporate crime. The second form is state-facilitated corporate crime, in which the state and its regulatory bodies “fail to restrain deviant business activities” (Kramer et al., 2002, p. 271). At the heart of both forms of state-corporate crime is the shared interests and goals between states and corporations. As Tombs (2012) argues, the state is, at its core, a capitalist state. State-corporate crime theory is important, then, in that it forces corporate crime scholars to consider the relationship between states and corporations and their shared priorities (Tombs, 2012).

However, while state-corporate crime theory has been fruitful in pulling focus toward the state’s role in producing corporate harms, it also presents some limitations (Whyte, 2014). One such limitation is the “narrow focus” on those areas within the state that hold punitive power, rather than examining the fundamental conditions of the capitalist system (Whyte, 2014, p. 238).

Indeed, state-corporate crime theory may lead researchers to focus too much on individual acts of state-initiated or state-facilitated corporate crime, rather than unpacking the relations that underpin these actions (Tombs, 2012). Therefore, the corporate crime literature needs to move beyond the empirical to examine “the *a priori* conditions” of the relationship between states and corporations (Whyte, 2014, p. 239). This removes the separation between states and corporations and highlights the symbiotic nature of their relationship (Whyte, 2014).

As described in the previous section, states hold the power to create and reform the conditions in which corporations exist (e.g. legislation and regulation) (Tombs & Whyte, 2015). Corporations therefore cannot exist without states (Tombs, 2012). Moreover, this orientation emphasizes that while states and state functions can be restrictive, they can also be generative or productive in terms of the conditions they create for corporate harm (Pearce, 1993; Whyte, 2014). After all, states create and manage markets, employment laws, and key features of the corporate structure such as limited liability and corporate personhood, all of which expand corporate powers and limit opportunities to hold them accountable (Whyte, 2014; Kramer et al., 2002; Whyte, 2018; Pearce, 1993). However, because the state is a capitalist state, it is also dependent upon corporations to advance and expand capitalism (Tombs, 2012). Within the literature that examines state-corporate relations, regulation is emphasized as a key manifestation of these relationships.

2.3 Neoliberalism, Regulation, and Corporate Social Responsibility

With an understanding of the corporate form and the state-corporate relationship, it is important to discern how this impacts corporate regulation. While regulation is marketed as a means to protect people from the harms of free-market capitalism, regulation in actuality

maintains the status quo and ensures that capitalism can keep functioning as normal (Whyte, 2020). In other words, regulation is designed to reduce the amount of corporate disasters to a level that would be ‘acceptable’ to the general public as the cost of doing business (Holifield, 2007; Whyte, 2020). Under neoliberal capitalism, this also means ensuring corporations have the least number of restrictions placed upon them as possible (Whyte, 2020). To ensure that corporations can produce products and accumulate capital, thus stimulating the economy, states need to make decisions around the safety and protection of their people. Deaths and disasters need to be prevented for corporations to continue doing their business, but with limited government intervention so as not to disrupt the corporation’s ability to participate in the free market (Holifield, 2007). Thus, regulation is not designed to stop corporate environmental destruction, but rather it is meant to control it (Whyte, 2020). Under neoliberalism, states focus on moving toward promoting self-regulation to control corporate harms as they defunded regulatory agencies (Snider & Bittle, 2011). Thus emerged the notion of corporate social responsibility as a guideline from which corporations were theorized to be able to self-regulate (Fauset, 2006). This section argues that the current neoliberal regulatory practices in place in Canada are inadequate to address the issues of environmental injustice and ecocide outlined above.

2.3.1 Neoliberalism and (De/Re)Regulation

The aftermath of World War II saw an economic boom alongside approximately two decades of Keynesian welfare economics in which workers’ wages and general living conditions improved (Labonté, 2020). Neoliberalism emerged in the 1980s as a response to welfare economics, as Reagan took power in the U.S. and Thatcher in the U.K., both of whom were concerned about families’ wealth decreasing during the post-war period (Labonté, 2020). This

new economic philosophy argued that it was necessary to provide corporations with the most expansive opportunities possible to participate and compete within the free market, thus limiting government intervention in business practices (Holifield, 2007). Holifield (2007) identifies two forms of neoliberalism. The first, “roll-back” neoliberalism, emerged within Thatcherism and Reaganism and prioritized slashing regulatory agencies and social welfare institutions (Holifield, 2007). The second, “roll-out” neoliberalism, focused on what Whyte (2020) calls “reregulation”. That is, designing new modes of regulation that reinforce the need for states to reduce their interventions in corporate practices and the market (Holifield, 2007, p. 203). As Whyte (2020) notes, reregulation can be just as, if not more, harmful than deregulation, as states will enact new policies that legitimize the use of force to allow for the theft of land for industrial purposes.

In Canada, the resource extraction industry has been subject to many of these deregulatory practices, and many are still ongoing (Carroll, 2022; MacLean 2022). In fact, MacLean (2022) notes that despite releasing a new “strengthened” climate plan in 2020, Canada has reduced its regulatory scope in the oil and gas industries, narrowing the Clean Fuel Standard from including liquid, gas, and solids to only including liquid fuel. According to the federal government, this was done as an act of “regulatory progress” (MacLean, 2022, p. 32). However, regulatory agencies are consistently underfunded and under-resourced, and they address harms that are generally outside of criminal law (Whyte, 2004). These factors lead to regulatory underenforcement, where regulatory agencies are not able to adequately hold corporations to account for their wrongdoing (Whyte, 2004).

Additionally, regulatory agencies and proposed regulations are often subject to regulatory capture (Campbell, 2022; MacLean, 2022; Carroll, 2022; Whyte, 2004). Regulatory capture occurs when corporations co-opt regulatory measures meant to protect the public and modify

them to suit private interests (Campbell, 2022; MacLean, 2022; Carroll, 2022). Regulatory agencies themselves are also at risk of capture by private interests (Whyte, 2004). Regulatory capture is an example of the power corporations have over the state, often emerging as the result of corporate lobbying (MacLean, 2022; Carroll, 2022). Capitalists argue that since corporations are rational actors who operate within the law, they should be able to regulate themselves, with the state simply acting as “nightwatchman” to ward off potential threats to capital accumulation (Pearce & Tombs, 1998, p. 14). Corporations wield significant power, being able to dominate the narratives around environmentalism through corporate social responsibility tactics (Carroll, 2022). Carroll (2022) uses the example of pipeline protests to illustrate the effects of regulatory capture in Canada. He notes that because Canada’s regulatory tactics are economically oriented, regulation of the oil and gas industry is generally facilitative, while the regulation of anti-pipeline protestors is repressive, often involving infiltration from the RCMP (Carroll, 2022).

2.3.2 Corporate Social Responsibility and the Autonomous Corporation:

As deregulation and reregulation saw their rise in the United States and across the globe, states decreased funding and resources for regulating corporations (Snider & Bittle, 2011). Unsurprisingly, deregulation has led to disasters that have and continue to negatively impact people and the environment. For instance, the disaster in Bhopal resulted in powerful backlash from social movements within India and internationally to ensure that the demands of survivors are met and that corporations would be held accountable for their actions (Botelho & Zavestoski, 2014). Additionally, the BP Deepwater Horizon oil spill which resulted in 4.9 million barrels of oil dumped into the Gulf of Mexico led to a backlash against the entire oil industry as well as

demands for a ban on offshore drilling in the United States (BBC, 2010; Goldenberg & Pilkington, 2010). However, rather than accepting the calls for accountability through increased regulation, corporations began to push for self-regulation through corporate social responsibility (CSR) (Snider & Bittle, 2011). CSR is the decision made by companies to engage in responsible business practices beyond what the law requires them to do (Fauset, 2006).

CSR originated under the name of Responsible Care and was constructed for corporations to avoid backlash from social movements and evade state regulations (Mac Sheoin, 2014). CSR posits that corporations are rational actors that can consider the concerns of stakeholders and make decisions that contribute responsibly to society while maintaining profit (Whyte, 2018; Mac Sheoin, 2014). This allows states to justify defunding regulatory agencies, as corporations are seemingly able to govern themselves (Fauset, 2006). This conceptualization of the corporation as rational and responsible is what Whyte (2018) refers to as the autonomous corporation. Essentially, corporate personhood has abstracted the corporation's social relations, with the corporation constructed as a singular entity, an actor in and of itself within its social relationships without a human being behind the curtain making the calls (Whyte, 2018). The autonomous corporation thus possesses morals and can make logical cost-benefit analyses (Whyte, 2018). Conceptualizing corporations in this way is problematic because it abstracts and obscures the chain of decision-making and the power dynamics behind corporate operations (Whyte, 2018). By anthropomorphizing the corporation as a single person capable of making responsible decisions, focus is pulled from the real people who actually direct corporate practices (Whyte, 2018). Thus, it becomes difficult to discern how socially responsible corporations, or the people behind them, can be.

Additionally, as noted by several scholars (Fauset, 2006; Whyte, 2018; Snider & Bittle, 2011), CSR as a strategy for corporate regulation has its weaknesses. To begin, Fauset (2006) argues that regulation provides the only opportunity for the democratic control of corporations' behaviour by stakeholders. Regulatory agencies are organizations run by elected governments and when given proper resources, are ways for stakeholders to make their voices heard (Fauset, 2006). Allowing corporations to self-regulate through CSR takes the power away from citizens and puts it in the hands of corporations that are thus allowed to set the rules of their own practices (Fauset, 2006). Additionally, CSR guidelines are often littered with vague statements and terminology that makes it difficult to discern what steps companies are actually taking to reduce harm and do better (Fauset, 2006; Snider & Bittle, 2011). Moreover, Whyte (2020) notes the paradox of allowing corporations, who are the biggest polluters on the planet, to regulate the solutions to the problems that they are creating. Recall that directors and managers of companies have a legal obligation to maximize profits for the company's shareholders (Pearce, 1993; Whyte, 2020). It is difficult, then, to imagine companies incorporating practices that may be better for the planet and people, but that would mean the company takes a hit on their profit margins. Of course, CSR is not a total sham and has put pressure on corporations to do better in some regards, particularly with the incentive of good public relations (Fauset, 2006; Snider & Bittle, 2011). However, as will be demonstrated in the section below, corporations continue to cut corners and engage in behaviours that are catastrophically destructive to the environment and people, and due to poor regulation, are very rarely held to account.

2.4 Insidious Industry – Resource Extraction and Environmental Harm in Canada

As demonstrated in the previous section, the way that corporations are structured under the law incentivizes and oftentimes necessitates potentially harmful and destructive action in order to maximize profits (Whyte, 2020; Tombs & Whyte, 2015; Pearce, 1993). It was also shown that when harm does occur, regulation as it exists now is not adequate to hold corporations accountable (Whyte, 2004). This section presents several cases of environmental disasters caused by corporate activity within the natural resource industry. Being a country rich in natural resources, Canada has a long history of resource extraction. In 2021, natural resources comprised 12.9% of the national economy with a GDP of \$313 billion (Statistics Canada, 2022). Unsurprisingly, this commitment to the extraction and sale of natural resources has left a lasting impact on Canada's ecosystems.

This section aims to connect the previous sections by exploring case studies of environmental disasters within a Canadian context. This discussion situates the mercury disaster in AFN within the broader context of Canada's extractive industry and demonstrates the state's commitment to industrial development over the protection of the environment and people. As will be demonstrated, a common thread through each of these cases is the ways in which the Canadian state neglects to hold corporations in this industry responsible for their actions. Additionally, each of the cases presented demonstrates the relationship between the Canadian state and Canadian corporations and shows how the state works to support the resource extraction industry and its accumulation of capital at the expense of communities and the environment.

2.4.1 Sydney Tar Ponds

The Sydney Tar Ponds are part of the estuary at the intersection of Muggah Creek and the Sydney Harbour, located in the municipality of Sydney, Cape Breton Island, Nova Scotia.

Importantly, this location is also part of the hunting and fishing territory of the Mi'kmaq people, and is home to many unemployed and working-class people, with low levels of education, and a low average household income (Campbell, 2002; Haalboom et al., 2006). The Tar Ponds were first constructed in the mid-19th century by the Dominion Iron and Steel Corporation (now known as the Sydney Steel Corporation) as the coal industry emerged in the area and Sydney's population and economy took off (Haalboom et al, 2006; Campbell, 2002). Since their initial construction, the Tar Ponds have become a site of great environmental damage and health concerns (Haalboom et al, 2006). However, as noted by Campbell (2002), much of the environmental activity in the Tar Ponds went on without documentation and the participation and knowledge of the public. The Ponds and related projects also saw much turmoil as the relationship between Sydney Steel Corporation (SYSCO) and the governments of Canada and Nova Scotia, as well as the residents of Cape Breton Island, changed (Campbell, 2002; Haalboom et al, 2006).

Haalboom et al. (2006) note three major sites of environmental concern in the area: the Tar Ponds themselves, the coke ovens sites, and the municipal landfill and incinerator. The Tar Ponds are filled with thick sludge approximately 4 cm thick and amassing about 700,000 tonnes (Campbell, 2002; Haalboom et al, 2006). The pollutants in the ponds include arsenic, benzene, and numerous other PCBs and PAHs (Campbell, 2002; Haalboom et al, 2006). The levels of these contaminants have been found to be well above the Canadian guidelines in the surrounding areas of Whitney Pier, Ashby, and North End (Haalboom et al, 2006). The coke ovens produce PAHs alongside other harmful substances such as ammonia, coal tar, sulphur, and acids (Haalboom et al, 2006). Moreover, as noted by Campbell (2002), there were numerous issues with the quality of coal and steel produced at these ovens, largely due to old equipment. The coke

ovens were purchased by a crown corporation, the Cape Breton Development Corporation (DEVCO), in 1968, and little effort or money was put into modernizing the equipment or reducing hazardous waste (Campbell, 2002; Haalboom et al., 2006).

Since the creation of the Tar Ponds and coke ovens, the residents of Sydney and the surrounding areas have expressed concern about their health (Haalboom et al, 2006). However, a study conducted by Haalboom et al. (2006) found that the residents of Sydney did not feel these concerns were adequately addressed by the government. Many also stated a belief that their economic status was one reason why the government was slow to act on the pollution, and many believed they were “being politically marginalized” (Haalboom et al., 2006, p. 235). Additionally, Campbell (2002) notes that government concern for the pollution only began in the 1980s when lobster and fish in the Sydney Harbour were found to have high levels of toxic chemicals. Even when the state began to pay attention to the pollution, the coke ovens were not shut down, as SYSCO successfully argued that modernizing the ovens would reduce pollution; thus, the federal government gave the company \$90 million to modernize their equipment and \$14 million to control pollution (Campbell, 2002). Moreover, when the government did test residents’ soil for contaminants and found elevated levels of pollution, the government “did not recognize the relationship” between Sydney residents’ health issues and the pollution (Haalboom et al., 2006). Additionally, a few years later, the premier of Nova Scotia stated that the harms of pollution could not outweigh the benefits the coke ovens produced in the form of jobs and sales for DEVCO (Campbell, 2002). After continuing to pollute the Sydney area, the coke ovens were finally closed in 1998 (Campbell, 2002).

The cleanup of the Tar Ponds was not without its issues as well. In the early 1990s, Environment Canada finally identified SYSCO as the source of PCBs in the Tar Ponds, though

they concluded that the PCB dumping likely occurred before such disposal methods were deemed illegal (Campbell, 2002). Therefore, SYSCO was never made to account for the irreparable damage they caused to the Sydney area (Campbell, 2002). After this, the government of Nova Scotia debated many proposals to clean up the Tar Ponds, but due to the financial burden, they decided to see what could be done with less than \$20 million (Campbell, 2002). In 1996, the Ponds were set to be encapsulated and shut down for good (Campbell, 2002). The Sydney Tar Ponds were finally fully remediated in 2013, over a century since the pollution first began (“Remediated Sydney Tar Ponds”, 2013). As mentioned above, neither SYSCO nor DEVCO were held responsible for any environmental degradation resulting from their operations, nor was anyone held accountable for any health issues suffered by residents of Sydney and the surrounding areas (Campbell, 2002).

2.4.2 Mount Polley

The Mount Polley mining disaster is yet another instance of state and corporate negligence resulting in ecocide. Kinnunen et al. (2017) note that mine tailings produce most of the instances of ecocide throughout the resource extraction industry. Additionally, mining has affected fish populations throughout Canada, contributing to the decline of fish around the country (Collison et al, 2022). Owned and operated by Imperial Metals, the Mount Polley mines are in Quesnel Lake, British Columbia, and were used for mining copper (Quastel, 2017). In 2014, Mount Polley saw a failure in its tailings dam which resulted in 25 million cubic metres of water and sludge being released into nearby water systems in the duration of three days (Collison et al., 2022; Petticrew et al., 2015). This created rapid changes in the properties of these waterbodies, including loss of wildlife habitat (Collison et al, 2022). A study by Petticrew et al

(2015) noted that while cleanup efforts will have an impact, the effects of this disaster will continue to spread throughout the water systems connected to Mount Polley.

After the disaster, two investigations were conducted: one by the Government of British Columbia with the Williams Lake First Nation and Xat'sull First Nation and a second by British Columbia's Chief Inspector of Mines (Zabolotnii et al, 2022). Like all mines in Canada, prior to its operation, the Mount Polley mining operation had to undergo an environmental assessment to ensure the operations were not going to cause any damage (Collison et al, 2022). These are public and transparent assessments that measure the potential environmental, social, economic and health impacts of a project on its surrounding area (Collison et al, 2022). However, in the investigation after the disaster, the Auditor General of British Columbia found that British Columbia's Ministry of Energy and Mines did not ensure that the design and operation of the tailing's impoundment were consistent with the EA approved plan (Collison et al, 2022). Moreover, the investigation revealed infrastructure issues that were present well before the spill (Shandro et al, 2017).

Furthermore, the land itself was not the only thing affected by the mine tailings. The disaster also significantly impacted the communities surrounding the mine (Quastel, 2017; Shandro et al., 2017). Despite the environmental impact assessment completed prior to the mine's opening, Shandro et al (2017) note that prior to their study conducted three years after the event, there was no impact assessment conducted on the effects of the disaster on the Indigenous communities in the areas surrounding the mine. As noted previously, ecocide and colonial genocide are tightly linked due to the significant relationship between Indigenous communities and the land (Crook et al., 2018). Unsurprisingly, the disaster directly impacted the 16 First Nations interviewed by Shandro et al (2017), with many reporting increased anger, fear, and

sadness, noting that the permanent negative environmental impacts deeply affected the band members. The pollution from the mine tailings caused irreversible damage to sacred plants and medicines and sacred territory for hunting and fishing, disconnecting band members from traditional land-based practices (Shandro et al, 2017).

As for Imperial Metals, despite a temporary closure directly after the disaster, the government ultimately permitted their operations to continue at Mount Polley in 2015 without a proper water management plan (Quastel, 2017). The tailings dam quickly filled up again despite the mine operating at half capacity (Quastel, 2017). What's more, the Ministry of Energy and Mines for British Columbia announced in 2016 that they could not administer any administrative fines under B.C. mining law and did not have enough evidence to prosecute Imperial Metals criminally (Quastel, 2017). To compensate for the disaster, the province gave \$50,000 to Likely and District's Chamber of Commerce, which is the district near the mine (Linnit, 2015). However, since that sum amounts to compensation of \$143 per person, the residents of Likely did not feel this amount to be adequate (Linnit, 2015). Thus, Imperial Metals' negligence at Mount Polley is yet another example of how corporations can cause mass environmental destruction with no accountability.

2.4.3 Athabasca Oil and Tar Sands

The Athabasca oil and tar sands are in Athabasca, northern Alberta and cover an area almost the size of Florida (Boutilier & Black, 2013). The oil sands are used to mine bitumen, (Boutilier & Black, 2013). Bitumen could be extracted using surface mining, and has been in the past, which would result in severe damage to surrounding forests and wetlands, though the surface area of the mine would be smaller (Grant et al, 2010). However, extraction methods using steam infusion and drilling allowed for the rapid expansion of the industry in Alberta, with the

Athabasca sands having the potential to impact approximately 135,000 square kilometers of land (Boutilier & Black, 2013; Grant et al., 2010).

Like the other industries mentioned, the rapid expansion of the oil sands had destructive effects on the surrounding environment, including land traditionally used by Indigenous communities (Boutilier & Black, 2013; Kurek et al., 2013). The oil sands contribute to the pollution of rivers in the form of iron, coal dust, salts, and other forms of waste (Grant et al, 2010). What is more, there are several uranium mines in Athabasca with the potential for radioactive waste to enter the water and other spaces (Grant et al, 2010). As Grant et al (2010) note, many rivers in Northern Alberta are interconnected so if one is polluted, that pollution feeds into the other rivers. Additionally, as seen above in Mount Polley, mine tailings are environment killers (Collison et al, 2022; Shandro et al, 2017; Quastel, 2017). This is exacerbated by the lack of adequate regulation and monitoring on behalf of the state (Collison et al, 2022; Grant, 2010, Quastel, 2017). There are also many environmental concerns associated with the oil sands that are not limited to mining activities, such as the effects of urban sprawl that coincided with the rapid expansion of the mining industry as more people came to the area to work (Grant et al., 2010; Lima & Wrona, 2019).

There has been increased pressure over the past couple of decades to decrease mining operations in the oil sands or stop them altogether (Boutelier & Black, 2013; Grant et al, 2010; Lima & Wrona, 2019). In fact, Boutelier and Black (2013) note that oil is one of the most scrutinized resource extraction practices in Canadian history. Previously, the cumulative impacts of the oil sands were monitored by the Cumulative Effects Management Association (CEMA), which consisted of First Nations, government bodies, and independent environmental groups; however, the organization was de-legitimized by First Nations and environmental groups due to

the failings of government bodies to implement measures to slow the expansion of the sands (Boutelier & Black, 2013). It is worth noting that oil remains a lucrative industry in Canada, with the gross revenue of oil and gas increasing 87% to \$174 billion in 2021 (Statistics Canada, 2022). It is clear to see that despite the valid and demonstrated concerns of pollution and environmental degradation resulting from the oil sands, the industry continues to thrive largely self-regulated with minimal oversight (Boutelier & Black, 2013; Grant et al, 2010).

2.5 Conclusion

In conclusion, this chapter demonstrates that the Canadian resource extraction industry is a site of ecocide that has direct implications for Indigenous communities and their culture (Crook et al., 2018). In so doing, it examined the relationship between the Canadian state, corporations, the environment, and Indigenous communities, seeking to understand the power dynamics embedded within these relationships. By understanding these power dynamics, it can be seen that the environmental justice and reconciliation movements are intricately connected. Thus, with this information, environmental protection efforts will be better equipped to engage in resistance, as efforts will be more holistic and geared toward broader systems of power. Moreover, while Canadian corporations have been linked to environmental injustice in South America and other regions, there is a lack of critical criminological literature regarding corporate ecocide by Canadian corporations in a Canadian context (Tombs & Whyte, 2003). Given Canada's stated commitment to tackling climate change, it is important to gain insight into Canada's role in holding corporations accountable for the damage they cause to the environment (MacLean, 2021).

In the discussion of environmental injustice and ecocide, I examined the similarities and differences between the concepts and discussed their usefulness for this project. I found ecocide

to be a more useful term as it addresses the systemic roots of environmental harm to the capitalist state (Whyte, 2020). This provides a point from which I can analyze the state's role in producing and facilitating corporate wrongdoing. In this vein, I argue that states and corporations work symbiotically to protect and meet capitalist interests (Kramer et al., 2002; Whyte, 2014). To do so the corporation is legally constructed by the state to behave in a socially irresponsible way and is afforded legal protections such as limited liability to protect shareholders from being held accountable (Pearce, 1993). Because of these protections and the fact that corporate harm largely exists outside of the realm of what is considered crime, the law and regulation exist primarily to maintain the capitalist status quo (Whyte, 2020; Pearce & Tombs, 1998). Furthermore, under neoliberalism, the state began to promote self-regulation and largely defunded its regulatory agencies (Fauset, 2006). This created the conditions that make it possible for corporations to continue to accumulate capital at the expense of the environment and communities' wellbeing. Finally, I provided examples of various instances of ecocide within Canada and discussed the state's role in allowing these companies to evade punishment.

My chosen theoretical framework, which is discussed in the following chapter, emphasizes the role of the state in addressing the mercury disaster in AFN and encouraging continued industrial development in the territory, to the dismay of the community. This falls in line with the discussions within this chapter underlining the symbiotic power of states and corporations. This theoretical framework will allow me to analyze the economic and non-economic conditions that influenced how the state responded to the disaster in AFN and how these conditions create justifications for further extractive efforts.

Chapter 3: Theoretical Framework

With an understanding of ecocide and how the corporation is legally constructed by the state to expand capitalism at all costs, it is now possible to situate AFN as a case study within the broader context of capitalism. This chapter will outline the various theoretical perspectives that I will use to shape the analysis of my empirical material in considering the state's action and inaction in response to the mercury disaster in Asubpeeschoseewagong First Nation. To guide my analysis of the state's response to the mercury poisoning of the English-Wabigoon River and its impacts on AFN, I explore several interrelated conceptualizations of capitalism and the capitalist state. My research seeks to understand what ideologies influenced the state's response to the mercury disaster in AFN, and why, despite the impacts of extractivism in their territory, industrial projects are still encouraged. Importantly and as discussed in the previous chapter, capitalism, ecocide, and colonialism are intricately related. Therefore, to understand the state's response to the mercury disaster, it is important to understand the state's relationship to the environment and nature, as well as its relationship to Indigenous peoples. This theoretical framework provides me with the basis to understand how capitalism and colonialism function relationally to produce outcomes such as the mercury disaster in AFN.

Banerjee's (2008) theory of necrocapitalism argues that capitalism today is predicated upon dispossession and the state's ability to organize death. This is achieved through the creation of states of exception where corporations are silently permitted to commit atrocities against the environment and people for the purpose of capital accumulation. Given the environmental degradation and real health consequences of the mercury disaster in AFN, I understand the disaster as an instance of necrocapitalism. However, given that necrocapitalism is an ongoing

practice, the further industrial activity that is being permitted in the region can also be conceived of as necrocapitalistic (Banerjee, 2008). This necessitates a further understanding of the processes and conditions that bring forth necrocapitalistic outcomes. As such, in addition to necrocapitalism, this chapter also outlines Fraser's (2022) cannibal capitalism and Moore's (2015, 2022) Cheap Nature. Both theories examine the non-economic conditions that need to exist for capitalism to function. These conditions relate to the ways both nature and racialized individuals are conceived and valued in capitalist states. Together, these theories allow me to consider how racism and colonialism are integral to the functioning of the capitalist system, and how these systems are co-productive of reality. Ultimately, this theoretical framework will provide me with an understanding of both the economic and non-economic conditions that influenced the state's response to the disaster in AFN.

3.1 Necrocapitalism

According to Banerjee (2008), necrocapitalism refers to the processes undertaken by states and corporations under contemporary capitalism to "subjugate life to the power of death" (Banerjee, 2008, p. 1542). The practices involve the dispossession of Indigenous peoples from their traditional land by violence and death (Banerjee, 2008). To achieve this, states reproduce systems of racial classification which work to justify harmful and even deadly corporate actions against the "other" (Banerjee 2008; Rivera, 2021; Vilchis- Díaz, 2021). Therefore, within the theory of necrocapitalism, capitalism is not as simply an economic system, but also as a means of organizing and managing life and death. As such, necrocapitalism also emphasizes the inseparable and interactive relations between capitalism, social reproduction, racism, and colonialism (Orr et al., 2023). In all, necrocapitalism addresses and scrutinizes the inherent

necessity of racism and colonialism to the functioning of capitalism, as well as the co-productive relations between racist, colonial, and capitalist logics (Orr et al., 2023).

Drawing primarily from Mbembe's (2003) necropolitics and Agamben's (2005) states of exception, Banerjee (2008) reimagines sovereign power as determined by the market rather than by physical violence, thus implicating corporations in the violence and death that occur in subaltern communities in the name of capital accumulation. These communities are systemically devalued and marked as casualties that are necessary for the market to continue to function (Banerjee, 2008; Montag, 2005). Any community that stands in the way of capital accumulation is marginalized via colonial capitalist logics and subjected to violence and death (Estévez, 2021). One such type of violence is the continuous fight over resources between Indigenous communities and colonial governments (Banerjee, 2008). Necrocapitalism reveals the apparatuses employed by states to organize who is worthy of life and who can be subject to death.

3.1.1 Necropolitics and States of Exception

Mbembe's (2003) necropolitics is an essential foundation to the theory of necrocapitalism. Mbembe (2003) states that the "ultimate expression of sovereignty" resides in the power to decide who is permitted to live and who must die. For Mbembe, *politics* are primarily conceived to be "a project of autonomy and the achieving of agreement among a collectivity through communication and recognition" (p. 13). However, *necropolitics* focuses on those states in which the project of sovereignty is one of instrumentalizing human existence, ultimately leading to the destruction of human beings (Mbembe, 2003). Indeed, like Banerjee (2008), Mbembe (2003) sees politics as the management of life and death. This management is largely made possible by racism. Drawing on Foucault's biopower, Mbembe notes that racism is a technology that allows

for the exercise of necropower, regulating death. As Mbembe argues, in modern political thought and practice, the colony remains a space in which the exercise of sovereignty (the ability to regulate and manage death) consists of powers exercised outside of the law, creating states of exception.

States of exception describe spaces in which laws remain in place but are not enforced by the state (Stanford, 2019). These spaces are often inhabited by marginalized groups who are systemically devalued and rendered disposable for states and corporations to continue their violent practices undisturbed (Mbembe, 2003). As stated above, this devaluing is accomplished through technologies of power such as racism and colonialism (Vilchis-Díaz, 2021).

Colonial rule was achieved through brutal, lawless violence and relied upon sectioning off small pieces of land to which the Indigenous peoples would be relegated (Mbembe, 2003). These boundaries were created and upheld through institutions such as policing (or in Canada specifically, through the Indian Agent or residential schools). These spaces where the colonized are separated from the rest of society and political life create death worlds (Mbembe, 2003). The colonized live and die there, without help or acknowledgement from the colonial ruler. For example, in Canada, while Indigenous peoples technically have rights within their traditional territories, they are often not acknowledged, effectively creating a state of exception where acts of violence and killing can be committed without consequence (Eduardo Rivera, 2021). Thus, these spaces are integral to the devaluing of Indigenous life and to the exercise of sovereignty by the state through necropower.

Historically, this lawlessness was justified by settlers through “the racial denial of any common bond between the conquerer and the native” (Mbembe, 2003, p. 24). Rather than being perceived as fellow human beings, Indigenous peoples were seen as savages or “another form of

animal life”, a part of, or ruled by, nature (Mbembe, 2003, p. 26). As will be discussed below, modernity is premised upon the capitalist ideology of the divide between nature and society, conceptualizing nature as something that humans dominate and control to gain profit (Moore, 2015). Thus, Indigenous peoples were consigned to a space situated “between subjecthood and objecthood” and denied the rights of the white settlers while sharing the same physical spaces (Mbembe, 2003, p. 26). Additionally, as Indigenous peoples assumed the role of nature within the new colonial capitalist system, they too are seen to exist for the purposes of capital accumulation (Mbembe, 2003; Banerjee, 2008; Moore, 2015). Nature, as a labourer under capitalism, is exploited and thus its labour is devalued, as nature within themselves, Indigenous people are also devalued and therefore, like the poisoned English-Wabigoon River, are seen as necessary casualties in capitalism’s pursuit of endless expansion and accumulation (Banerjee, 2008; Mbembe, 2003; Moore, 2015; Fraser, 2022).

Relatedly, Eduardo Rivera (2021) notes two features of Canadian Necrocapitalism: European colonialism and the racial classification resulting from colonization. She notes that colonization resulted in Indigenous communities’ proletarianization, which relegated Indigenous peoples to being used by the state to facilitate, control, and challenge resource development. That is to say, they had some agency (subjecthood), but it was very limited (objecthood). Additionally, she notes that colonization constructed racial hierarchies leading to the creation of an imagined ideal Canadian citizen. As Indigenous peoples did not fit this ideal, they were devalued and marginalized, furthering their victimization under necrocapitalism.

Banerjee (2008) builds upon Mbembe’s (2003) necropolitics and Agamben’s state of exception by employing elements of Montag’s (2005) necroeconomics. Necroeconomics extends necropower to include the maintenance and growth of the market. Building again from Agamben,

Montag (2005) argues that politics and economics have become disassociated from one another. He notes that Mbembe critiques Marx for his broad conceptualization of work, which includes work to survive and work to create. Thus, in this way, Mbembe isolates the freedom to create (political freedom) from survival, and thus isolates the political from the economic (Montag, 2005). Montag (2005) argues that Mbembe's necropolitics needs to expand to include the economic, because just as those with political power exercise the right to kill, the market exercises the right to "let die" (p. 13).

Montag (2005) uses the example of wages to make this point. Wage reduction by the capitalist class also reduces the power of workers to purchase necessary provisions for survival. Wage reductions also reduce the demand for labour within the market (Montag, 2005). These two factors significantly reduce the willingness and ability of workers to resist exploitation, because at any point there exists a surplus of workers willing to perform the same tasks for the same or less wages (Montag, 2005). As such, workers need to remain exploitable to ensure survival. Therefore, the market relies upon the presence and awareness of the possibility of death. This is not to say that workers or the proletariat are powerless against the dominant class, however. Indigenous peoples have resisted colonialism since its inception and the working-class have always resisted their subordination (Ilyniak, 2014; Rivera, 2021; Montag, 2005).

Necrocapitalism brings together Mbembe's (2003) necropolitics and Montag's (2005) necroeconomics through emphasizing the "collusion" between states and corporations within colonialism today (Banerjee, 2008). For example, the struggle for resources between transnational corporations and Indigenous communities influences states to engage in military action abroad, taking control over resource-rich areas (Banerjee, 2008). Because states and

corporations have the same goal – to ensure that capitalism can continue, corporations have major sway over state decision-making, even to the outcome of mass casualties (Banerjee, 2008).

The casualties under necrocapitalism are necessary to continue the capitalist project of growth, expansion, innovation, and accumulation of wealth. De Boever (2009) argues that capitalism acts through logics of exception in the same way as states use these logics to exercise sovereignty. As Montag (2005) notes, “the market reduces and rations life; it not only allows death, it demands death by allowed by the sovereign power, as well as by those who suffer it” (p. 16). In other words, it demands and requires that individuals allow themselves to die for the benefit of the market (Montag, 2005). This coercion could take the form of overt violence, or covert measures such as environmental racism and the health implications stemming from it, and it is never addressed through the law (De Boever, 2009). In these ways, capitalism functions as a sovereign power relation, and the capitalist market replaces the state in determining and establishing states of exception through which necropower is realized (Banerjee, 2008; De Boever, 2009).

Necropower and necrocapitalism have been used in various ways in the literature to discuss the relationship between the state, corporations, and Indigenous and Black communities. For instance, Orr et al. (2023) use necrocapitalism to discuss the harms associated with the gig economy in Australia. Their analysis of the precarious and dangerous nature of gig employment outlines “how necropower sustains structural vulnerability through practices of capital accumulation, attending to their entanglement with interlocking systems of oppression” (Orr et al., 2023, p. 202). Through their analysis, the authors demonstrate the racialized nature of the gig economy, noting that many gig workers are both Indigenous and working-class. Additionally, the authors note the labour these workers are performing is undesirable and devalued, and often

involves risk, including debilitating injuries from vehicular accidents, and working while injured due to having no access to paid leave (Orr et al., 2023). The authors further note these workers are often seen as “disposable and seemingly interchangeable” and therefore it is appropriate that their working conditions are unsafe and undesirable (Orr et al., 2023, p. 206). That these jobs are largely taken up by people of colour, who are systemically devalued and rendered worthy of death, speaks to the racial foundations of capitalism and the necessity of racism in keeping the capitalist wheels turning.

Furthermore, Evans Braziel (2023) uses necrocapitalism to examine how natural disasters are used as opportunities for “structural adjustments” and development in the Caribbean, focusing on the popularization of trading catastrophe bonds (“cat bonds”) (p. 99). She explains cat bonds as:

Collateralized risk and the economic transformation (through financialization) of liability into asset, a bond that investors purchase, whose maturation date they await (typically but not necessarily three years), and which they then cash in with a coupon in exchange for principal plus interest income (p.101).

Cat bonds have proven to be lucrative, outperforming most other asset classes since the 2008 financial crisis (Evans Braziel, 2023). Evans Braziel (2023) argues that the financialization and profitability of risk has resulted in the necrocapitalistic practice of “trafficking in disaster, destruction, devastation, and even death” (p. 106). Because cat bonds have proven to be profitable, political discussions have shifted from preventing natural disasters through mitigating climate change to disaster response and risk preparedness (Evans Braziel, 2023). Central to her necrocapitalist analysis is the difference in value between those who purchase cat bonds and the communities and individuals who bear the true costs of natural disasters – including death. In this

case, human lives are disregarded in favour of profits, with tragedies ascribed number values (Evans Braziel, 2023).

Finally, Rivera (2021) employs necrocapitalism to discuss the impacts of extractivism on Indigenous communities in North America, as well as to discuss the forms of resistance that have emerged in response. She states that extractivism has been crucial for the Canadian state to maintain social and political control over Indigenous peoples since settler colonialism. To maintain power, the state dispossessed Indigenous peoples from their land and assumed control over their resources, all but eliminating Indigenous ways of consuming and interacting with their traditional resources (Rivera, 2021). Rivera (2021) uses the case study of the Northern Gateway Pipeline in Northwestern Canada to illustrate necrocapitalist logic employed by the state to justify building a pipeline in traditional Indigenous territory despite risks and pushback. Indigenous resistance was framed as radical and ignorant to the economic benefits that the project would bring (Rivera, 2021).

Necrocapitalism is therefore useful to my research because it allows me to examine how the state employs colonial and racist logics to produce outcomes that are deadly for some groups and profitable for others. Because AFN has been subject to the mercury crisis which has had a deadly impact on their community, it is helpful for me to conceptualize what happened in AFN as necrocapitalism. Moreover, because the state continues to encourage and create the conditions for industrial development and extractivism in the territory, AFN can be conceived of as a state of exception. However, there are aspects of this theory which can be built upon via the works of Marxist scholars like Fraser and Moore. As Banerjee himself notes: “New theoretical perspectives are required to rethink the relationship between the economy, polity, and the corporation as alternatives to necrocapitalist practices” (Banerjee, 2008, p. 1560). As such while

Banerjee (2008) allows me to understand the tools employed by the state to produce necrocapitalistic outcomes, branching out to other theoretical perspectives such as those of Fraser and Moore provide further understanding to the underlying conditions, both economic and non-economic, that make necrocapitalism not only possible, but necessary for capitalism to function.

3.2 Marxism and Environmentalism

As demonstrated in the previous chapter, environmentalism is a heterogenous movement with varying theoretical perspectives and logics within it (Barca, 2019). Many scholars within the fields of critical geography, philosophy, sociology, and organizational studies have argued for the potentiality of Marxism to theorize economic and social crises (Moore, 2016; Fraser, 2014, 2022; Pearce & Tombs, 1998; Whyte, 2020; Crook & Short, 2014; Conroy, 2022). Marxism seeks to uncover and critique the relationship between the capitalist class who own the means of production, and the proletariat, who are forced to sell their labour to the capitalists who then sell products to consumers to generate profit (Marx, 1995/1999). However, Marxism's potential to critique and examine environmental issues has been a topic for debate among scholars, particularly regarding its ability to address nature's relationship to work (Conroy, 2022; Pepper, 1993). For example, certain scholars have argued that Marx "focused pretty much exclusively [on] the uncompensated labour time that capital takes from waged workers..." and did not adequately account for the other forms of labour that capitalism expropriates (Fraser, 2022, p. 155). Overall, much of the debates center around whether Marx effectively ignores nature and the environment in his analysis of labour and capitalism (Chappell, 1967). However, contemporary Marxian scholars have expanded upon traditional Marxist ideas to unpack how capitalism relies

upon the exploitation and domination of nature (Whyte, 2020; Fraser, 2018, 2022; Moore, 2016; Pearce & Tombs, 1998).

Indeed, Marxian analyses of environmental issues have expanded Marx's economic focus to include the necessary non-economic conditions that predicate capitalism's survival, primarily related to the relationship between nature and labour (Fraser, 2018, 2022; Moore, 2016; Whyte, 2020). This discussion of nature and work also relates to other discussions around social reproduction and racialized capitalism as broader questions of value emerge (Conroy, 2022). These questions of value have additionally sparked theoretical discussions around value and life and death, and the role that states and corporations play in managing death (Banerjee, 2008). Therefore, in my analysis of the state's response to the disaster in AFN, it is imperative that I employ a theoretical framework that addresses what conditions create these differences in value, and how they serve capitalism. For this thesis, Fraser's (2022) *Cannibal Capitalism*, and Moore's (2022; 2015) conceptualization of capitalism as a means of organizing nature are useful to achieve this goal.

3.3 Cannibal Capitalism

Fraser (2014) argues that while there is a general sense among societies that economic, environmental, and social issues "can be traced back to a common root" (i.e. capitalism), activists and advocates need a theoretical basis from which to formulate their ideas (p. 55). Part of the issue is that current arguments against capitalism focus almost exclusively on economic matters. In Fraser's (2022) view, capitalism is an "institutionalized societal order" that functions beyond a way to organize an economy (p. 25). Rather, capitalism additionally envelopes non-economic aspects of society such as people's relationship to nature and to social reproduction within the home (Fraser, 2022). Social reproduction includes the activities that take place in institutions

outside of the market, such as caregiving in the nuclear family, or community building and education in schools (Fraser, 2014; 2022). Social reproduction ensures that capitalism maintains access to waged workers, as others (primarily women) perform the unpaid work necessary to maintain capitalism's functionality (Fraser, 2014). Thus, social reproduction "naturalizes capitalist relations from one generation to the next", organized around nature as a source of production (Paye, 2019, p. 2).

These non-economic features of society are integral to the maintenance of the capitalist system because capitalism needs social reproduction to produce labourers and nature to commodify to produce goods (Fraser, 2022). Therefore, rather than simply existing in a capitalist economy, Western states such as Canada exist within a capitalist *society*, constructed through various political and social processes that enable the system to function as a whole (Fraser, 2022; Moore, 2016). Despite these aspects of society being integral to its functioning, capitalism works to devalue any kind of wealth that is non-economic (Fraser, 2022; Moore, 2016). However, critical theoretical frameworks "privilege struggles over labour at the point of production" (Fraser, 2014, p. 56). While these struggles are integral to critiques of capitalism, a Marxian theorization of capitalism needs to include theorizations of feminism, ecology, anti-imperialism, and anti-racism, merging the emancipatory goals of these critical paradigms (Fraser, 2014, 2022). In other words, these struggles are also capitalist struggles as these systems function relationally.

Below, I outline how capitalism has historically been predicated on three important historical processes: primitive accumulation, proletarianization, and alienation. In effect, these three historical processes have led to what Fraser (2022) argues are the two distinct processes that capitalism relies upon: expropriation and exploitation.

3.4 Primitive Accumulation and Expropriation

Primitive accumulation refers to the process by which the proletariat is removed from the means of production for a capitalist economy to emerge, resulting in people becoming dependent on the cash nexus for survival (Moore, 2016). In other words, primitive accumulation is conceived of as the “prehistory of capital” (De Boever, 2009, p. 265). However, scholars argue that primitive accumulation is ongoing in present times as a feature of capitalism (Fraser, 2022; Moore, 2016). More specifically, Fraser (2022) argues that primitive accumulation functions in the present day as *expropriation*. Expropriation involves the theft of labour power and natural resources which are then forced into the capitalist system (Fraser, 2022). Expropriation is a necessary part of capitalism as in order to expand, capitalism relies upon the “forcible seizure, on an ongoing basis, the wealth of subjugated and minoritized people” (Fraser, 2022, p. 14). Indeed, expropriation ensures that resources continue to be freely accessible and usable, as they continue to be confiscated for little to no compensation toward the Indigenous inhabitants (Fraser, 2022; Vlachou, 2001). Resulting from the proletarianizing aspect of primitive accumulation, expropriation also ensures that those who are subject to these practices remain reliant upon the cash nexus with no alternative economic system in which to participate (Moore, 2016). In other words, “expropriation is the enabling condition of exploitation” (Fraser, 2022, p. 15). As capitalism is reliant upon expropriation and exploitation, the capitalist system necessitates the division between which people are suitable for exploitation, and who can be justified to be subject to expropriative practices (Fraser, 2022).

Both Fraser and Moore address nature as a labourer under capitalism (Conroy, 2022). However, nature is not exploited in the same way that the proletariat is, via the seemingly free-willed exchange of labour for money (Conroy, 2022). Rather, nature is expropriated as it remains

uncompensated for its work. This expropriation of nature is a “condition of possibility for capital accumulation and the exploitation of labour” (Conroy, 2022, p. 2). The expropriation of nature creates a source of labour that is free in the sense that workers are free to provide their labour in exchange for wages, but also in the sense that workers are not provided with access to means of abstaining from participating in the market (Conroy, 2022; Fraser, 2018). This “doubly free” labour connects the exploitative foregrounds of capitalism to the expropriated background conditions from which capitalism functions (Fraser, 2022, p. 17).

While Marx did not address the unwaged, expropriated labour of nature, racialized and colonized peoples, and women in great detail, he nonetheless acknowledged that these underpinning processes were essential for capitalism’s success (Conroy, 2022). For example, Marx’s writing on the Atlantic slave trade, however sparse, are integral to his theory of capitalism (Conroy, 2022). As Conroy (2022) notes, Marx acknowledged that slavery was integral to the transformation of the American economy into one based on the commercial exploitation of labour (Conroy, 2022). Additionally, Marx implies that American chattel slavery was expanded in order to maintain the waged exploitation and child labour that comprised English industrialization (Conroy, 2022). Without the expropriated labour of nature and marginalized people, there would be no raw material from which industrial practices could operate. Therefore, it is clear to see that modern forms of capitalism have developed from and depend upon logics of racism and colonialism, while these logics are simultaneously reproduced by the expansion and maintenance of the capitalist system.

Fraser’s (2022) concept of expropriation is useful because it situates the theft of land, nature, and labour as ongoing issues that contribute to the present-day crises of capitalism, including the continued degradation of Indigenous communities. Additionally, it reaffirms that

issues of racism, colonialism, patriarchy, etc. are interconnected and irremovable from one another (Conroy, 2022). Thus, Fraser expands Marx's thinking by addressing the elements of a functional capitalist system that he largely ignored or did not fully consider, opening new avenues for emancipatory possibilities (Conroy, 2022). Finally, Fraser's notion of expropriation emphasizes the dialectical relations between the foreground and background conditions of capitalism (Conroy, 2022). Capitalism and its hidden abodes are in a constant state of engagement and change, mutually shaping and reinforcing one another (Fraser, 2022; Conroy, 2022). Therefore, this concept allows me to understand how capitalism's reliance upon expropriation and the reproduction of colonial ideals influenced the state's decisions in dealing with the mercury in AFN, and the ways in which the decisions about AFN continuously influence ideology around extractivism and development.

3.5 Nature, production and class

Vlachou (2001) states that different class structures contribute to varying "attitudes toward nature and one another, and these attitudes likewise affect the natural environment" (p. 105). In effect, like Fraser (2022), Vlachou (2001) argues for an overdeterminist analysis of "the nature-society relationship" which emphasizes the relational nature of social and natural processes (p. 105). Marxian perspectives speak to the necessity of non-economic background conditions as mentioned by Fraser (2022) in ensuring capitalism continues to function. These non-economic background conditions are constructed through producing and reproducing ideologies about how nature should be valued (Vlachou, 2001; Fraser, 2022). For example, nature amounts to use values, only valuable as resources for the purpose of producing goods that are free to access (Vlachou, 2001). Additionally, class is also linked to individuals' environments

(Vlachou, 2001). Environmental racism, slow violence, lack of access to healthcare, pollution, and exploitation can all injure and kill people, or at the very least make their environments unpleasant and uncomfortable (Vlachou, 2001). This in turn affects capitalist production as workers begin to need increased accommodations and compensation for the effects of pollution and environmental degradation on their bodies (Vlachou, 2001). By highlighting the interdependencies between nature and society, it is possible to construct an environmentalism that brings labourers and environmentalists together to fight for making environmentally friendly practices “a necessary factor of production” (Vlachou, 2001, p.114).

3.6 Cheap Nature and the Society/Nature Divide

Additionally, Moore (2016) expands Fraser’s theory of capitalism as an integrated social order by arguing that capitalism should be conceptualized as a *world-ecology*. This argument denotes “that the history of capitalism is a relation of capital, power, and nature as an organic whole” (Moore, 2016, p. 81). Capitalism as world-ecology brings attention to the dialectical joining of capital accumulation, the pursuit of power, and the co-production of nature (Moore, 2016). In this case, the term “nature” captures many facets of both society and the natural world, including people who are deemed in colonial spaces to be “savage” (Paye, 2019; Mbembe, 2003). Nature is then dominated, controlled, and deemed a free resource that is to be expressly used for the purposes of capital accumulation (Moore, 2022; Moore, 2016; Paye, 2019). Moore (2016) refers to this ideology as Cheap Nature. Therefore, capitalism and industrialization are not relations just between humans, they are relations between all species. In theorizing capitalism in this way, Moore calls to attention the necessity of understanding how society and nature co-produce each other within capitalism.

Relatedly, as is in the name *Cannibal Capitalism*, Fraser (2022) argues that capitalism's project of endless accumulation leads to contradictions and crises which cause capitalism to cannibalize itself. In other words, capitalism expands and engulfs every aspect of humanity and nature that it possibly can, without replenishing what it takes (Fraser, 2022). Driving this endless expansion is the corporation, an effectively immortal entity that can be rebranded, restructured, and rebought after each harm committed against the planet (Whyte, 2020). The result is nature that is no longer useful or able to be used in production, and conditions that are counterproductive to the exploitation of labour upon which capitalism is founded (Fraser, 2022). If humanity has used all the viable resources available to generate surplus value, eventually our resources will run out and we will be able to produce and expand no more. Additionally, finding sources of cheap nature becomes increasingly difficult and expensive as "more raw material resources enter into the capitalized realm and become commodities" (Conroy, 2022, p. 7). Thus, cheap production is no longer possible and workers are increasingly unable to survive under cheap costs of living, it becomes more difficult for capitalism to continue to reproduce itself.

Integral to understanding this phenomenon is recognizing that while capitalism has degraded and permanently damaged the environment in many cases, it has also created ideologies that justify ecocidal practices. One way that these ideologies manifest is within the "Nature/Society binary" (Moore, 2015, p.4). As Moore (2015) notes: "If the accumulation of capital is the proletarianization of labour, it is also the production of knowledges aimed at controlling, mapping, and quantifying the worlds of commodification and appropriation" (p. 20). Rather than nature being worthy in its own right, it is instead ascribed value within the market. The idea that Nature and Society are fundamentally separate from one another is an essential condition of capitalism (Moore, 2015). Modern capitalism necessitates this idea because capital

accumulation requires the control and organization of nature and its resources. Thus, modern ontology presents nature as external to humanity, and humanity as rulers and owners of nature (Moore, 2015). The construction of the corporation furthers this division by providing another layer of separation between humanity and nature via the corporate veil (Whyte, 2020). In this sense, it is not simply human beings who are acting upon nature, it is the corporate person, which provides a certain kind of legal and social protection for its shareholders who are the real decision-makers (Pearce, 1993).

The Nature/Society divide began to emerge during capitalism's inception between 1450 and 1780 as humanity's intellectual priorities shifted (Moore, 2018, p. 610). Capitalism changed how societies and individuals used land while at the same time, the scientific revolution was emerging, creating the conditions for a world that could be seemingly completely understood and controlled by humans (Fraser, 2022). However, rather than accepting the idea that nature is a force that exists externally to humanity, Moore (2015) urges us to reconsider humanity as a part of nature, and capitalism and nature as mutually productive forces. Through an analysis of capitalism and its relation to nature throughout history, Moore (2022) demonstrates that when society "acts upon" nature, we change nature, and therefore ourselves (p. 155). As such, rather than repeating the question of how humans have disrupted, destroyed, and degraded nature, it is imperative to question how nature and humanity have co-produced human history, through exploiting and expropriating the labour of nature.

Moreover, while many scholars acknowledge that the divide between society and nature is a modern capitalist construction, critical "conceptual vocabularies and analytical frameworks... remain entrenched in the *interaction* between these two, impenetrable units" (Moore, 2015, p. 33). In all, Fraser and Moore both point to an integral understanding of capitalism (and with it

colonialism and racism) as a way of *organizing nature* (Moore, 2015; Fraser, 2022; Gonzalez, 2019). Framing capitalism as an ecological system makes visible the interconnections between Fraser's *hidden abodes of capitalism* such as environmental crises, and capitalism as an economy (Paye, 2019). For example, Gonzalez (2019) notes the 2018 lawsuit that was filed against the Bureau of Prisons in the United States over an environmental impact statement that was being done in the name of constructing a prison in Letcher County, Kentucky. The prison was to be built in an area with high rates of cancer and other health problems given the history of mining and other industrial activity in the area, and the Campaign to Fight Toxic Prisons, alongside the Abolitionist Law Center, Greenpeace, and other environmentalist and abolitionist activists argued that the prisoners were "not considered rightful parties in the EIS [environmental impact statement]" (Gonzalez, 2019, p. 1155). This example demonstrates the interaction between relations of power under racism, given that Black people are disproportionately jailed in the United States, and capitalism, while also demonstrating that in recognizing and naming these processes and relations, alliances can be formed which allow for emancipatory progress (Fraser, 2022). Consequently, the proposal to build the prison was withdrawn because of the actions by these allied groups (Gonzalez, 2019).

The theory of the Nature/Society divide is useful to this research because it underscores how nature is fundamental to capitalism through its use as a cheap or free resource for expansion and production (Moore 2015, 2016, 2022). However, it is also useful because it uses Marx's conceptualizations of labour and value to explain the power relations that have rendered nature invaluable by any other measure than market value (Moore, 2015). Moreover, this theory explains capitalism's need to constantly search and construct new forms of Cheap Nature. Under the Nature/Society divide, humans exert power on an external nature to measure and control it for

capitalist purposes. Once one form of Cheap Nature is exhausted, capitalists are forced to develop new and creative means of exploiting new parts of nature (Moore, 2022). This means expropriating new resources from racialized and colonized populations and creating states of exception whereby these populations are permitted to die so that capitalism can expand (Fraser, 2022; Banerjee, 2008). Therefore, using Moore in tandem with Fraser and Banerjee will allow me to understand what factors have influenced the state's decision to continue to encourage industrial activity in AFN territory after the mercury disaster.

3.7 Main Themes

Two major themes emerged as I examined the literature for this theoretical framework that related to AFN. First, Fraser (2022; 2018) and Banerjee (2008) both discuss the *state's* systemic devaluation of Indigenous peoples as a requirement for capitalism's survival. Recall that for Mbembe (2003), states exercise their ultimate sovereign power in deciding who may live and who must die. With this in mind, Banerjee (2008) argues that under capitalism, corporations and states work symbiotically to create states of exception whereby they commit acts of violence against communities without legal accountability. As AFN was subject to violence against their territory and community, this thesis discusses the mercury disaster in AFN as an instance of necrocapitalism.

Furthermore, Fraser (2022; 2018) argues that racism and colonialism are essential foundations of capitalism because these logics work to create divisions between dominant and marginalized groups that are then used by states to decide which groups can be expropriated. As such, racial capitalism was another theme that emerged from my theoretical framework. In addition, the theme of Cheap Nature emerged from Moore's work. Moore (2016; 2022) argues

that humans are conceptualized as existing entirely separately from nature. This divide between nature and society devalues nature to being a free resource that humans can study, control, and dominate to capitalism (Moore, 2016). As I will outline in the following chapter, I looked for the extent to which the language in my empirical material related to the themes I outlined in this chapter, while remaining attuned to any unanticipated avenues of inquiry. In using this framework to analyze my data, I looked for the extent to which the state's lack of response to the disaster in AFN was the result of state-corporate symbiosis underpinned by racial capitalism and Cheap Nature that led to necrocapitalist outcomes. For example, I looked for knowledge claims relating to Cheap Nature in the form of river remediation and mercury levels in the fish, as well as what kinds of endeavours the state facilitated or encouraged to aid AFN in repairing their economy. I also looked for instances of necrocapitalism in the form of knowledge claims surrounding healthcare and mercury levels in individuals, in addition to claims relating to legal matters which could provide insight into the creation of a state of exception within AFN.

3.8 Conclusion

This chapter has outlined three conceptualizations of capitalism that have emerged from critical studies in geography, philosophy, and sociology, and it has provided an explanation of the theoretical framework that will be used in my analysis of the empirical material that I have chosen for my research. First, I outlined Banerjee's (2008) concept of necrocapitalism as an outcome of these ideologies. I discussed the necrocapitalist state's organization of life and death for the purposes of capital accumulation, and the ideologies that justify the death of certain populations. Next, I provided an overview of Fraser (2022) and Moore's (2022; 2015) respective concepts of Cannibal Capitalism and capitalism as a world-ecology. It considered the ways in

which these conceptualizations expand upon Marxist theorization to include the expropriation of nature and human labour as a fundamental condition of capitalism. Additionally, this chapter explained the dialectic relationship between capitalism's foreground and background conditions and argued that these conditions are inherently intertwined and inseparable from one another, and work to reproduce ideologies that devalue and marginalize nature and Indigenous peoples. As such, this chapter provides a foundation for justifying the use of Marxist critical discourse analysis.

Chapter 4: Methodological Approach

4.1 Ideology

According to Marx, ideology is a tool used by the ruling class to assert and maintain its interests (Keat & Urry, 2011). Keat and Urry (2011) state that ideology is a “loosely connected set of errors and distortions” that abstract and obscure societal power relations. These distortions become naturalized and seen by members of a society as eternal and unchanging (Keat & Urry, 2011). Ideology emerges from points of struggle within societies and institutions where different groups advocate for their opposing interests (Pearce & Tombs, 1998). From this struggle, different interests become dominant and win out over others. These interests are usually associated with the ruling class, who have substantial means to advocate for and legitimize their viewpoints while limiting alternative ideas (Pearce & Tombs, 1998; Snider, 2000). Thus, ideology produces specific outcomes in a society which are intrinsically linked to power relations (Purvis & Hunt, 1993; Pearce & Tombs, 1998; Fairclough, 2010; Snider, 2000; Keat & Urry, 2011). These outcomes ultimately feed into what Pearce (1976) calls the “imaginary social order”, in which the actual practices of states and corporations are obscured, and discrepancies are created between what states and corporations do and what they say they do (p. 90). In the case of my research, ideology theory is a useful tool in understanding the contradictions between what the governments of Canada and Ontario claim they have done for AFN, and what they have actually done to remediate the harms caused by mercury. Additionally, I can better understand the claims made about the obstacles to cleaning up the river and treating mercury poisoning in the community.

It is important to note that it is not necessarily that the ruling class intentionally suppresses certain ideas in order to dominate, although that certainly can be the case; rather, “the structure of

social relationships systematically generates ideological distortions which serve the class-interests of the dominant class” (Keat & Urry, 2011, p. 131; Pearce & Tombs, 1998). The project of ideology theory is therefore to explain how the relations of social groups reproduce existing power relations in such a way as to “impede such classes and groups from developing forms of consciousness that reveal the nature of their subordination” (Purvis & Hunt, 1993, p. 478). As Fraser (2022) and Moore (2016) have argued, the necessary background conditions that allow capitalism to reproduce are obscured and abstracted, making it difficult for individuals and societies to see the inner workings of capitalism. As Marx argued, these abstractions paint the logic of capitalism to be “natural and eternal” (Keat & Urry, 2011, p. 131).

Indeed, as ideology in Marxism is concerned with the production and naturalization of certain ideas, epistemology is a crucial aspect of understanding ideology. Marx saw epistemology in a society as “directly related to the social relations of material production” (Keat & Urry, 2011, p. 140). Taking a materialist approach to history, Marx argues that history lies within the organization of physical life (Jessop & Sum, 2018). This organization takes the forms of physical and mental labour, and the ruling class has control over both (Jessop & Sum, 2018; Keat & Urry, 2011). As society becomes more developed industrially, there emerges a greater divide between physical and intellectual labour (Jessop & Sum, 2018). According to Marx, this divide results in the production of ideas that have less basis in material reality (Jessop & Sum, 2018). These ideas are the basis for ideological manipulation by the ruling class, often resulting in naturalization as discussed above (Jessop & Sum, 2018).

For example, Banerjee (2008) argues that a fundamental aspect of contemporary capitalism is racism, as states employ racist ideology to justify the killing of Indigenous and racialized groups for capitalist purposes. Colonialism was not just a project of settlement, but a

project to expand and reproduce capitalism in the ‘new world’ (Comack, 2018). Therefore, colonialism has worked to produce and reproduce these ideologies in order to assimilate Indigenous peoples into Western capitalist society, arguing that Indigenous peoples are uncivilized (Comack, 2018). This argument is not based in reality; however, it was successfully naturalized to become ‘common sense’ and allowed settlers to use brutal and violent means to dispossess Indigenous peoples of their traditional land and resources (Fraser, 2022, 2018; Whyte, 2020). These violent and often deadly acts were seen to be justified because Indigenous peoples were not valued as human beings in a so-called ‘civilized’ and ‘functional’ society.

Using this logic, settlers were able to develop harmful policies and legislation that permitted corporations to undertake destructive projects in Indigenous territories. Meanwhile the state engaged in practices of social control and domination such as residential schools and the Sixties Scoop with the goal of effectively eradicating any opposition from Indigenous peoples to capitalist expansion (Comack, 2018). As a result, these groups became dependent upon the cash nexus and industrial development and their social (Fraser, 2022; Comack, 2018; Whyte, 2020). Therefore, it can be seen how ideology works to protect the interests of the powerful as ideas become dominant and naturalized, producing outcomes that control and dominate subordinate classes.

Furthermore, the naturalization of a particular set of ideas does not mean that they are legitimate or superior claims (Snider, 2000). Rather, ideologies stem from truth claims that are compatible with the interests of dominant groups who have greater ability to push certain discourses ahead of others (Snider, 2000). Often, the claims that win out over others are made by those in positions of power and trust, such as scientists, and thus their claims are interrogated less than others (Snider, 2000). Additionally, other knowledge claims that utilize language, for

example, over measurable numerical values, are delegitimized and devalued (Snider, 2000). As Fairclough (2010) notes, “relations of power may in principle be affected by discursual practices in any type of discourse, including scientific and theoretical discourse” (p. 67). Scientific discourse privileges certain epistemologies over others, which has led to the epistemological colonization that has affected Indigenous communities such as AFN for centuries and works to dismiss Indigenous ways of life, as well as concerns within their communities (Ilyniak, 2014). Indeed, discourse and ideology are intertwined, both playing an essential part in understanding social relations and the power structures behind them (Purvis & Hunt, 1993). As such, critical discourse analysis will be particularly useful in unpacking and critiquing the power relations underlying the state’s (lack of) response to the mercury disaster in AFN.

4.2 Critical Discourse Analysis and Ideology

Critical discourse analysis (CDA) refers to the practice of investigating, evaluating, and critiquing discursive practices and their broader societal outcomes, focusing on the dialectical relationship between the discursive and the extra-discursive (Fairclough et al., 2015; Zahman, 2021; Sundberg et al., 2023). These discursive processes engage in “ideological work” which shape the orders of discourse in society (McKenna, 2004, p. 10; Fairclough, 2001, p. 17). That is, the ideologies developed from discourse then become widely accepted as common sense among individuals and communities (Jessop & Sum, 2018; Fairclough et al., 2015). Meanwhile, through the naturalization process, these ideas “...become dissociated to a greater or lesser extent from the particular social base, and the particular interests, which generated them...” (Fairclough, 2010, p. 37). In other words, discourses become obscured from their origins, which creates the illusion of agreement within a social group and become integrated into the knowledge base of a society themselves (Fairclough, 2010). Moreover, Purvis and Hunt (1993) distinguish between

ideology and discourse in that ideology focuses on how individuals experience and comprehend their existence within society through semiotic elements. Discourse, then, deals with the semiotic practices that form ideology (Purvis & Hunt, 1993). Used together, discourse and ideology allow for an understanding of social relations in connection to “notions of interest and position that are in principle distinguishable from lived experience” (Purvis & Hunt, 1993, p. 476).

Additionally, critical discourse analysts see the state as a site of political struggle, where groups with opposing interests fight for power (Jessop & Sum, 2018). As such, ideology is produced from these conflicts through each side advocating for their interests (Pearce & Tombs, 1998). As Marx and Engels argue, these interests can only be conveyed through language, meaning that language is the most useful and accurate tool available for this struggle (Jessop & Sum, 2018). However, analyzing language is only useful for this task if it is placed within its broader context (Pearce & Tombs, 1998; Jessop & Sum, 2018). In other words, the discursive cannot be separated from the extra-discursive – the two are mutually constitutive (Sundberg et al., 2013). Therefore, any attempt to analyze semiotic or discursive processes externally or in isolation from their extra-discursive context leads to a reductionist and determinist analysis (Fairclough et al., 2015).

4.3 CDA as Methodology

Developed as part of the linguistic turn, language rests at the foundation of critical discourse analysis (Locke, 2004, p. 11). As such, language is a “system that constitutes meaningfulness in its own terms”, rather than a reflection of meaning that exists outside of language (Locke, 2004, p. 11). In all, critical discourse analysis sees language as a social practice (Locke, 2004). Ontologically, CDA takes a materialist and critical realist approach to discourse (Jessop & Sum, 2018; McKenna, 2004; Fairclough, 2018; Purvis & Hunt, 1993). That is, Marxist

CDA takes an understanding of history and society as emerging from people using language to organize material reality (Jessop & Sum, 2018). Thus, language “can be understood only through its interaction with concrete situations”, rather than in abstract ideas as in the Hegelian tradition (McKenna, 2004, p. 11). However, Marx’s ideology has always been concerned with lived reality, rather than with the abstract (Purvis & Hunt, 1993). As such, Fairclough et al. (2015) argue that semiotic analyses would benefit from a realist perspective that emphasizes the importance of the extra-discursive. Furthermore, discourse is “meaningful and causally efficacious” (Fairclough et al., 2015, p. 3), meaning that it results in material effects. Thus, it is crucial to understand how these effects are produced. However, keeping in line with the critical tradition, the practice of CDA does not take truth claims as ‘capital T truth’, acknowledging that knowledge claims cannot be validated objectively and externally from one’s experiences (Purvis & Hunt, 1993). Meaning is, at least in part, socially constructed and “historically and culturally situated” (Locke, 2004, p. 11). The social process is in part discursive, but not entirely so – discourses are always dialectically related to the extra-discursive (Fairclough, 2012, p. 13).

In critical realism, the *real* is differentiated from the *actual* and the *empirical* (Fairclough et al., 2015). The *real* constitutes “objects, their structures and natures and their causal powers and liabilities” (Fairclough et al., 2015, p. 3). The *actual* references “what happens when these liabilities are activated and produce change” (Fairclough et al., 2015, p. 3). Finally, the *empirical* refers to the larger group of the *real* and the *actual* as it is experienced by people (Fairclough et al., 2018, p. 3). Importantly, critical realism posits that most of the world exists materially whether it is subjectively experienced (Fairclough et al., 2015). Moreover, objects have “causal powers” that allow them to influence certain situations, regardless of whether they are consistently activated (Fairclough et al., 2015, p. 3). For instance, language is a causal power that

a person possesses, regardless of whether they choose to use it to enact change (Fairclough et al., 2015). In this sense, discourse analysis is useful in explaining certain causes of social phenomena *when analyzed within its broader context*.

Additionally, as noted above, language is the most effective tool for advocacy within political struggle; therefore, Marx felt that it was important for the marginalized and oppressed to learn how to use language in an effective way to gain emancipation (Jessop & Sum, 2018). What makes CDA critical is the idea that language is produced by and reproduces hegemonic power structures, and that ideology works to obscure and legitimate exploitation and domination (Jessop & Sum, 2018). Stemming from the theoretical perspectives of Marxism and the Frankfurt School, CDA is an inherently political methodology (McKenna, 2004). As noted by McKenna (2004), CDA “has a teleological commitment to justice, democracy, equality, and fairness” (p. 10). The goal of CDA is to unveil dominant power structures and understand and critique how they shape discourse and therefore society, with the intention of finding alternative structures (Jessop & Sum, 2018; McKenna, 2004). In other words, CDA seeks to “denaturalize ideologies” and understand why some knowledge claims beat out others to become naturalized (Fairclough, 2010, p. 30; Snider, 2000). In this way, critical discourse analysis allows for a focus on discourse as productive. It is not only influenced by society, but influences society as well (McKenna, 2004; Snider, 2000; Fairclough, 2018; Keat & Urry, 2011).

Again, although dominant knowledge claims are made by institutions and groups of “experts”, these claims are not necessarily legitimate or truthful (Snider, 2000). Therefore, claims can always be critiqued and challenged, and alternative knowledge claims can take their place (Snider, 2000). Snider (2000) presents the example of the environmentalism movement in the 1990s, noting that neoliberal discourses around environmentalism and its unnecessary costs at the

expense of the economy were dismantled and beaten out by opposing claims made by environmentalists. These claims that sprouted from social movements competed and won against discourses pushed by scientists in massive industries, speaking to the power of language when utilized by the collective in the way Marx advocated for (Snider, 2000; Jessop & Sum, 2018; McKenna, 2004). Thus, CDA is not simply focused on describing discourse, but rather it embodies a deep commitment to emancipation and social change (McKenna, 2004). However, because ideologies are taken to be common sense and inevitable, they are not subject to frequent critique (Snider, 2000).

4.3.1 Critiques of CDA

One limitation to the use of CDA is that the practices and techniques used for analysis are unsystematic or “too vague” and leads to scholars utilizing multiple methodologies and “blurring distinctions between concepts, disciplines, and methodologies” (Catalano & Waugh, 2020, p. 224). CDA has also been critiqued for lacking rigour (Catalano & Waugh, 2020, p. 224). While CDA is an interdisciplinary methodology, or as Fairclough (2012) calls it, “*trans-disciplinary*”, Fairclough also presents a systematic methodology for conducting CDA using four stages (p. 14). These steps, he notes, are “matters of its theoretical order” with particular attention paid to how the order the steps are followed affects the presentation of analysis (Fairclough, 2012, p. 14).

The first step is to focus on the semiotic aspects of a social problem (Fairclough, 2012, p. 15). This involves selecting a social problem that can be analyzed trans-disciplinarily by “pointing up” and homing in on the dialectic between the semiotic aspects of the problem as well as the extra-semiotic (Fairclough, 2012, p. 15). Stage two involves determining obstacles in addressing the chosen social problem, asking what specifically about the structures of social life impedes society’s ability to solve the issue (Fairclough, 2012, p. 16). The third step involves

determining if the social order depends upon the social problem (for instance, how capitalism depends upon the subjugation of women for social reproduction) (Fairclough, 2012, p. 17).

Finally, stage four involves positive critique, focusing on the dialectical relations between the discursive and extra-discursive, identifying means of moving past the obstacles identified in stage three (Fairclough, 2012, p. 17).

Additionally, early approaches to CDA were critiqued for focusing on decontextualized analyses of language (Catalano & Waugh, 2020, p. 226). However, recent works have greatly emphasized the importance of situating language within its broader context (Catalano & Waugh, 2020). I follow these works by using the four steps to CDA as outlined by Fairclough (2012) in order to ground my analysis within its broader context and provide a more holistic analysis of the social issue, the obstacles to solving the issue, and the ways around those obstacles. This justifies not deconstructing the linguistic elements of each phrase in the data, but rather on analyzing the dialectic relations between the textual data and extra-discursive elements. Finally, another critique that has been posed against CDA is its negative, deconstructive nature, rather than focusing on identifying solutions to the issues it critiques (Catalano & Waugh, 2020, p. 231). In my research, this critique will be addressed in step four of Fairclough's (2012) approach to CDA as I identify ways over the obstacles that impede the identification and production of solutions.

4.4 Goals and Approach

My project aims to interrogate the unchallenged ideologies and discourses surrounding the action and inaction taken to remedy the disaster in AFN. Namely my research focuses on understanding and explaining the factors that contributed to the state's (lack of) response to the mercury disaster in AFN and how the response was framed to AFN and the broader public. This study also examines how the justifications for the state's inaction have worked to solidify the

continued exploitation of both AFN and their land. Therefore, using CDA will allow me to analyze the justifications made by the state for the response in AFN and examine the extent to which these justifications reflect the broader social context in which they were made.

Additionally, my research has emancipatory objectives. Therefore, it was necessary to employ a critical methodology in my research. Using CDA along with a critical theoretical framework will allow me to uncover and explain the contradictions within the Canadian state's capitalist and imperialist ideologies. Moreover, as outlined above, discourse analysis aims to situate language within its broader context to understand, explain, and critique how certain discourses win out over others to reveal societal power relations (Fairclough, 2010; Fairclough et al., 2015; Keat & Urry, 2011). Because I am focusing on placing statements within their broader social context, I have chosen to analyze statements broadly, rather than analyzing each individual line of text. This allows me to explore the dialectical relationship between statements made and broader power relations and unpack the process of naturalization.

4.5 Research Question and Objectives

My research critically analyzes the Canadian and Ontario governments' responses to the aftermath of the mercury crisis in AFN by understanding the claims made and acknowledged within Canada and Ontario's political spheres. To achieve this, I employ the following research questions:

1. What factors influenced the state's delayed and inadequate response to the mercury crisis in Asubpeeschoseewagong First Nation?
2. To what extent do the justifications to the state's response to the mercury crisis influence the justifications to the continued extractivism taking place in AFN territory today?

4.6 Sources

4.6.1 Hansard Transcripts from 27 Ontario Legislative Assembly Sessions

This study uses Hansard transcripts from the Ontario Legislative Assembly as a means of uncovering the state's framing of both the mercury disaster itself and the state's efforts to address the problem. While the mercury disaster occurred during the 1960s, the effects remain in the community today. As such, to fully understand the state's response to the mercury disaster and how it has impacted residents of AFN, I analyzed transcripts from as soon as possible after the disaster (April 29th, 1975) until as recently as possible for this study (December 8th, 2022). This allowed me to understand how the state's response changed over time. It also allowed me to understand whether the state's response and justifications changed during different governments' stints in power. I elected to focus on Hansard transcripts from the Ontario Legislative Assembly exclusively to manage the volume of data, and because the Province of Ontario was more closely involved with the response to the mercury crisis than the federal government. However, as will be demonstrated in my analysis, there were disputes over jurisdiction and responsibility in handling the crisis.

To obtain these transcripts, I conducted a key word search on the Ontario Legislative Assembly website. The keywords included: Grassy Narrows, Grassy Narrows mercury, English-Wabigoon River mercury, Reed Paper Ltd., Reed Paper mercury, Dryden Chemical, mercury disability board. From there, if it was available, I downloaded PDFs directly from the Legislative Assembly or House of Commons website. However, PDFs were not commonly available for older transcripts. As such, if a PDF was not available, I copy-pasted the Hansard into a Word document, which I then converted into a PDF so that I could code the data via Adobe Acrobat Reader and Goodnotes.

4.6.2 Committee Meeting – Standing Committee on Indigenous and Northern Affairs

I also analyzed the transcript of a Standing Committee on Indigenous and Northern Affairs meeting that took place on June 6th, 2019. This meeting took place to commence a study on the Government of Canada's response to the mercury disaster in AFN, and how the government planned to move forward. The committee heard from various stakeholders, including representatives from the AFN and provincial and federal government.¹

4.6.3 Official Correspondence

I also analyzed an open letter from AFN, addressed to: AbitibiBowater Consolidated Inc.; Weyerhaeuser Corporation; Ontario Premier Dalton McGuinty; Ontario Minister of Natural Resources and Aboriginal Affairs David Ramsay; Prime Minister Stephen Harper; Regional Director of Indian and Northern Affairs Canada; Member of Provincial Parliament for Kenora-Rainy River Howard Hampton; Governor General Michael Jean; Companies sourcing from Grassy Narrows Traditional Territory; and any retailers, customers, investors, builders and home buyers. It was signed by various stakeholders and officials from AFN.² In this letter, AFN issued a moratorium on logging on traditional AFN territory. The letter details the effects of clear-cut logging on the community and declares a moratorium on logging until the state commits to

¹ Speakers included: Keith Conn (Assistant Deputy Minister, First Nations and Inuit Health Branch, Department of Indigenous Services Canada); Susan Humphrey (Associate Regional Director General, Strategic Policy Branch, Ontario Region, Department of the Environment); Greg Carreau (Director, Water and Air Quality Bureau, Healthy Environments and Consumer Safety Branch, Department of Health); Tom Wong (Executive Director and Chief Medical Officer of Public Health, Department of Indigenous Services Canada); Jennifer Mercer (Director, First Nations and Inuit Health Branch, Department of Indigenous Services Canada); Chief Rudy Turtle (Chief of Asubpeeschoseewagong First Nation); Mr. Grant Wedge (Assistant Deputy Minister, Ministry of Indigenous Affairs, Government of Ontario); and Mr. Frank Miklas (Director, Northern Region, Ministry of the Environment, Conservation and Parks, Government of Ontario).

² Signatories include: AFN Chief Simon Fobister; Steve Fobister, Councilor with Forests Portfolio; Andy Keewatin Jr., Councilor and Trapper; Judy Da Silva, Lynx Clan, Environmental Committee; Joe B. Fobister, Trapper and Defender of Anishinabe Lands; Roberta Keesick, Lynx Clan, Grandmother, Trapper, Hunter, Blockader; Gabriel Fobister, Head of Trappers Council; Bill Fobister, Elder; Joe Loon, Elder; Moses Land, Elder and Councilor; and Levi Kokokopenac Councilor, GN Youth Environmental Group.

obtaining permission from the community before issuing permits. I obtained this letter through the website Freegrassy.com, which is a site that holds historical and current information and resources on the topic of AFN, and advocates for justice for the community.

4.6.4 Web-Based Publications

To gain additional insight into differing perspectives and discourses, I analyzed 12 web-based publications. These publications include news articles, blog posts, and one audio clip of a radio news interview from CBC News Archives. These publications were obtained from search engines using the search terms: Grassy Narrows, Grassy Narrows mercury poisoning, English-Wabigoon River mercury; and Grassy Narrows river remediation. I also obtained publications by looking at sources referenced in some of these publications.

4.7 Data Analysis

The data analysis involved oscillating between the empirical material outlined above and reading the literature. I began by reading through all the Hansard transcripts and official correspondence to see what themes would initially emerge from the data. I used Good Notes to highlight and make handwritten notes on various quotations that I thought captured similar ideas. Then, I returned to the literature to identify which of the initial themes aligned with my theoretical framework. Here, I searched to discern the extent to which the language in my empirical material reflected the themes I outlined in my theoretical framework. Through subsequent readings of the data and the literature, I was able to find four discourses that aligned with my theoretical framework and what I was noticing in my empirical material. From there, I noticed where I could break discourses down into sub-discourses, and where what I thought were

separate discourses merged together to form one discourse. Once my discourses were organized, I conducted a final reading of the data to capture any dissenting or alternative voices in response to the discourses I found. This allowed me to gain a holistic understanding of each discourse in my analysis.

4.8 Conclusion

This chapter outlined my methodological approach. Using Marxist CDA allows me to understand the disconnect between what the government said it has done to remediate the issues in AFN following the mercury disaster, and what action has actually occurred. Moreover, in combination with my theoretical framework, Marxist CDA allows me to discern and examine the state's response to mercury disaster in AFN in its broader context. By examining the discourses presented by hegemonic and counter-hegemonic actors in the transcripts, news and radio interviews, and correspondence, I can discern which discourses dominated others, ultimately leading to the state's (in)action in addressing AFN's concerns. Additionally, analyzing the claims made by hegemonic and counter-hegemonic actors creates the potential to find contradictions or limitations within broader power structures, and opens the possibility of developing alternative ways of thinking and acting. As outlined in the previous section, I have identified four core discourses present in my empirical material, which will be examined in the following chapter.

Chapter 5: Analysis

This chapter provides an analysis of the transcripts, correspondence, and government and non-governmental organization reports on the crisis in AFN. Overall, four overarching discourses were identified within the data. Firstly, I identified discourses surrounding racial capitalism and colonial ideology. These discourses included two sub-discourses: a construction of AFN as lazy or unwilling to change their situation, and the devaluing of the necessity for AFN to have access to their traditional foodways. Second, discourses amounting to what Moore (2016) refers to as Cheap Nature were identified. These discourses included two sub-discourses as well: the need to balance corporate interests with community interests, and the need for AFN to have access to industrial economic opportunities. Third, I found discourses surrounding the rule of law and legal justifications for inaction or delayed action on the part of the state. The sub-discourses here included jurisdictional issues and legal struggles to hold the companies involved in dumping the mercury accountable. Fourth, scientific discourses were found with two sub-discourses: skepticism about claims of mercury poisoning in AFN, and scientific justifications for delaying remediation of the English-Wabigoon River.

Each of these discourses and their subthemes could be seen throughout the data over time in various ways. The statements themselves may have changed as Canada became more focused on reconciliation and it became less acceptable to be explicitly and publicly racist. However, the discourses remained from the 1970s until the 2010s in the sense that they helped justify ongoing state and corporate exploitation and expropriation of Indigenous peoples and their land.

5.1 Racial Capitalism and Colonial Ideology

For Marx, capitalism is fundamentally about the power relation between the powerful capitalist class and the proletariat who are seemingly free but need to sell their labour to survive

(Fraser, 2016). Beyond a means of organizing the economy, capitalism is a “social system of class domination” where the capitalist class controls the means of production (Fraser, 2018, pp. 25). However, in its project of continuous expansion, capitalism depends upon the construction of subordinate and inferior populations that will take the damage necessary for capital accumulation to occur and provide *free* labour and resources (Fraser, 2022). These populations do not “freely” sell their labour, as the exploited proletariat class does. Rather, their resources and labour are brutally confiscated from them through expropriation (Fraser, 2016; 2022). Throughout the world, Black, Indigenous, and people of colour face the expropriation of their land and labour by capitalists, using their resources and leaving little more than destruction in their wake (Fraser, 2016; 2022). In Canada, Indigenous nations have taken the brunt of this damage, which has resulted in grave losses to their land, languages, culture, health, and other areas of life (Comack, 2018). Colonialism, especially in Canada, is deeply entwined with capitalism, as colonizers confiscate the traditional lands of Indigenous peoples for their own purposes (Comack, 2018).

Instrumental to expropriation are discourses of differential value (Pulido, 2017). Capitalism measures the world through value: labour value, production value, etc. (Pulido, 2017; Moore, 2016). The ultimate goal of capitalism is to produce surplus value, or profit. Differential *human* value is essential to capitalism because it justifies the expropriation of groups that are deemed to have little or no value to society (Pulido, 2017; Fraser, 2022). Therefore, capitalism, colonialism, and racism are deeply tied and work relationally to one another. Racism allows capitalists to justify the brutal and bloody process of stripping people of their land and resources by constructing them as less-than-human, as part of nature (Fraser, 2022; Banerjee, 2008). These discourses are predicated upon negative differentiation – in other words, differentiating what the inferior groups *are not* from what the superior groups *are* (Fraser, 2022, 2016; Pulido, 2017).

This differentiation can be seen throughout Canadian history as white settlers sought to dominate, control and capitalize on resources, therefore needing a way to colonize and subordinate Indigenous nations. Settlers formed their identities of “civilized”, “hard-working”, against the “uncivilized”, “lazy” and “stupid Indians”. This allowed settlers to justify the colonization of the land, as Indigenous people were argued by those in power to be too barbaric and lazy to use it properly.

Importantly, the expropriation of Indigenous land and labour resulted in Indigenous communities’ lands shrinking into tiny patches of reserves. This limited their control over the land to small pockets while the rest was left to the state to do with as it pleased (Comack, 2018). Expropriation also meant that Indigenous communities had basically no control over their economies, and thus they became dependent upon colonizer states and corporations for survival (Comack, 2018). As with any society, the ability to be self-determined and independent relies in no small way on the ability to exert some control over the economy (Vecsey, 1987). Therefore, Indigenous nations in Canada have had their land and resources taken from them, along with their ability to maintain economic independence. In times of economic disaster, Indigenous nations have little means available to them to independently repair their economies. This was the case in AFN, where the community relied on the state to deliver programs and aid to reinvigorate the economy.

5.1.1 Laziness or unwillingness to change their situation

The discourse of laziness emerged frequently in the data, even if the word “lazy” was not explicitly used. When the mercury disaster was first identified, the Government of Ontario banned commercial fishing in the territory. While this move was necessary to protect the public from consuming mercury-contaminated fish, it also decimated AFN’s economy. Many

community members were employed at vacation lodges in the surrounding area as fishing guides, and with the ban of local fishing, this needed to stop as well. Since then, it was of particular importance for the economy to be stimulated in other ways, like trapping. Trapping has been an essential part of AFN's cultural practices for centuries (Willow, 2012). Thus, the community members wanted to ensure that their trapping rights would be protected in case of any further industrial activity on their lands. In the 1970s, not only was AFN subject to the mercury disaster, but also clearcut logging practices in their beloved Whiskey Jack Forest, where they operated their traplines. The community wanted the state to ensure that their trapping rights and land would be protected. In discussions around trapping rights, Ontario's Conservative Minister of Natural Resource, Leo Bernier, stated:

I want to just mention one thing we hear so much about as it relates to the Ministry of Natural Resources in regard to our particular jurisdiction -- that is guaranteeing that their trapping rights are protected. We do that, and we've been concentrating on that particular area. But I have to say I'm disappointed that in the last two or three years they've only been trapping 50 per cent of their potential. It's very discouraging to me for people to be oriented in that way and not capitalizing on that potential and that possibility. (Ontario Legislative Assembly, 1975)

Underpinning this his claim is the discourse of laziness because it shows that the state does not feel that AFN is meeting its standards in terms of trapping, and therefore are not living up to their potential. In this way, they are not living up to their end of the bargain for receiving aid by completely maximizing their trapping capabilities, no matter if trapping has been an integral part of AFN's livelihood and way of life for centuries. Moreover, in 1976 AFN was only at the beginning of their journey of recovering from the mercury dumping. At this point, community members were experiencing health issues, and their economy was recently decimated due to the fishing ban that was implemented just six years before (Vecsey, 1987). Moreover, in the early 20th century, AFN operated under a mixed economy of participation in the market

alongside sustaining themselves through trapping and fishing (Willow, 2012). After both relocations and the mercury disaster, they became much more dependent on wage labour (Willow, 2012). In all, they had completely lost their traditional way of life, yet the government was concerned with why they are not hitting trapping targets. This reflects how even in the midst of a health and social crisis, the state is focusing on economic gain, putting profits over the well-being of people.

Moreover, since the mercury crisis, the state has worked to paint AFN as not simply lazy but also unwilling to change their situation. In the eyes of the state, they have done everything they possibly can, and AFN has not taken the initiative to properly utilize the aid given to them, nor have they taken it upon themselves to communicate their grievances with the action the state took. One instance of this was heard in the Ontario Legislative Assembly, again from Minister of Natural Resources Leo Bernier:

As you know, the federal government suggested just last week that if the situation from the native peoples' point of view is so serious they would seriously consider relocating those reserves off the polluted waters. That was turned down flat. I had the opportunity of speaking to the minister just as late as yesterday, and he tells me that that offer still stands. He said, "There may be some that will want to move. We'll pay their costs and we'll assist them in every way we can." But I know those people personally, they have been moved once already because of the flooding, the Hydro developments, and I accept that they want to stay where they are. This is their home, and you've got to know those people to realize that. (Ontario Legislative Assembly, 1975).

As was explained in previous chapters, residents of AFN were displaced previously to the mercury disaster, due to flooding caused by a hydroelectric dam that decimated their wild rice crops. This was another traditional practice and food item that AFM relied on to feed themselves as well as for economic purposes (Vecsey, 1987). As such, the community did not want to relocate again due to another environmental tragedy caused by a corporation. It is clear here that

while the Ontario government acknowledged why AFN did not want to move, Mr. Bernier paints relocation as a legitimate option for the community.

5.1.2 Devaluing the necessity for traditional foodways

Another issue that was brought up during this time was how AFN could continue to consume their traditional diet of fish without having access to their normal supply. As many community members have said over the years, choosing simply not to eat the fish was not an option. Traditional foodways have been a core element of community health in Indigenous communities since time immemorial (Simpson et al, 2009). It is how nations nourish their bodies and spirits, which are both part of the holistic model of health that is followed by many First Nations (Simpson et al., 2009; Assembly of First Nations, 2007). For example, the Elders in AFN state that the fish and the water from the river were important to their diets, especially for women (Thompson, 2018). Mothers in the community are traditionally given the responsibility of ensuring the quality of the food is safe for the children (Simpson et al., 2009). Additionally, a traditional diet allows for the maintenance of harmony between humans, the land, and the other creatures that inhabit it (Assembly of First Nations, 2007). Thus, Indigenous communities have careful practices for harvesting foods that have been maintained and developed over thousands of years (Simpson et al., 2009). Traditional foodways are also integral for many First Nations communities to maintain connections to their culture, keeping practices such as hunting, trapping and fishing in their communities (Assembly of First Nations, 2007).

For all the above reasons, AFN's loss of traditional diet was devastating for the community. Not only did the mercury poisoning kill their beloved river and the fish within it, it marked the destruction of a traditional way of living and one of the main ways that AFN has resisted colonialism and maintained ties to their roots (Simpson et al., 2009). Moreover, as has

been stated by AFN Elders, maintaining traditional food systems is a key aspect of decolonization as it allows Elders to directly pass down their knowledge regarding food and traditional practices to younger generations (Simpson et al., 2009). For example, mothers in AFN were told by Elders that eating the fish would help them breastfeed and nourish their children (Thompson, 2018). Thus, traditional foodways hold political implications that affect Indigenous peoples' abilities to protect their rights (Willow, 2012).

It was evident from the data that both the federal and provincial governments did not understand the significance of eating fish from the river, and there were several problems with the strategies they used to deal with the food situation. First, AFN received mixed messages regarding the dangers of consuming the fish (Thompson, 2018). For many years, community members thought the fish was safe to consume if they ate smaller quantities, thus continuing to eat it as a staple of their diet. In 1970, George Kerr, the Minister of Energy and Resources Management stated that the river would be mercury-free naturally within twelve weeks, even though mercury lingers for decades without intervention (Jago, 2018). Thus, AFN received conflicting information that hindered their ability to make informed decisions about whether or not to eat the fish. Therefore, AFN were not being defiant in not wanting to eat the frozen fish provided by the government, they wanted to continue eating their traditional diet and many were made to think that they could at least somewhat safely continue to do so.

To deal with the issues of contamination, the Government of Canada and the Government of Ontario decided to install large freezers in the community that would hold enough frozen fish to sustain the community. These freezers would be replenished as needed at the expense of the state. However, the Ontario government experienced some difficulties with the uptake of the frozen fish. As the Premier at the time, Bill Davis [Conservative], stated:

There is no question that the availability of food supply was there and can be there. Quite frankly I find it a little difficult to understand why the people resident in that community don't avail themselves of it. Whether some alternatives could be found or whether the same reaction might develop I can't honestly say to the Leader of the Opposition but it is a matter that the government will be pursuing. I do say to him as unemotionally and in as non-partisan a fashion as I can -- because I really don't think it is a matter of partisan politics at all -- I still can't quite understand the reluctance of the people in that community to avail themselves of this very proper source of food supply. It is something that I don't totally understand. (Ontario Legislative Assembly, 1976).

As stated above, for AFN, subsistence from the land is “a deeply symbolic way of life” (Willow, 2012, p. 35). As such, the frozen fish that have been shipped from other communities was by no means traditional food. The species of fish may be the same that AFN traditionally eat, however, they were not caught or processed by traditional means that reflect Anishinaabe culture (Willow, 2012). Moreover, the people of AFN have no connection to these fish like they do the fish from the English-Wabigoon River. Eating frozen fish that has been caught and processed by someone else and then frozen for weeks does not facilitate the same connection to the land and food that Indigenous communities, including AFN, value (Willow, 2012). This perspective suggests that members of AFN are not rational human beings capable of making sound decisions about their diet, and their choice to refuse to eat the frozen fish is incomprehensible and nonsensical. Thus, this perspective reproduces racist and colonial ideologies, such as Indigenous peoples being unintelligent and uncivilized, that have historically been used to justify harmful colonial practices. Premier Davis went on to explicitly equate the frozen fish to AFN's traditional diet, claiming:

You can't force people to eat certain foods; you can't force them to do things they don't want to do. The best we can do is to make certain things available. I restate that the policy was developed; the programme made this food supply, a traditional food supply, available for them; the fact it is not being used is still somewhat difficult for me to comprehend. (Ontario Legislative Assembly, 1976).

While it was necessary for the state to discourage eating fish from the river due to the harmful levels of mercury, it was also necessary for the state to recognize the difficulty of altering a key aspect of culture in such a sudden way. 36 years after Bill Davis made the above claim, Liberal Premier Katheen Wynne stated the following:

There was a fish-for-food system in place where frozen fish was brought into the community, but the community wasn't interested in eating that fish – and I understand. The taste was different. It didn't taste like the fresh fish out of the river and lake, and I totally get that. But at the same time, we want to make sure that people are eating safe and uncontaminated food. (Ontario Legislative Assembly, 2012).

While Premier Wynne did acknowledge that the taste of the fish was different to what AFN were used to, she still failed to acknowledge the deeply spiritual and political implications that AFN experienced when forced to switch their diet. The concerns that AFN had regarding consuming the alternative fish supply were beyond simply disliking the taste of the fish. Rather, it was an abrupt and significant change to their way of life that had come after decades of loss and changes to their way of life, largely at the hands of the state and corporations (Vecsey, 1987; Shkilnyk, 1981; Willow, 2012). Furthermore, that this claim was made decades after the statements from Premier Davis demonstrates that the discourse has not changed substantively over time and through different governments. Premier Davis was the leader of the Conservative Party and Wynne the leader of the Liberals. To suggest that AFN members chose not to eat the fish simply because of the taste speaks to the level of ignorance on the part of the state as a whole, and lack of commitment to understanding AFN. The discourse surrounding the fish is harmful to AFN because it implies that they will decline earnest help from the state for trivial reasons. These knowledge claims construct an image of the state as a hero, sweeping in to save the helpless people, and AFN being ungrateful of that help.

Moreover, AFN experienced some difficulties with the freezers themselves, culminating in two breakdowns of the freezer units in the community, where the fish were left to rot as the state did not act quickly to fix them. After the second breakdown, Premier Bill Davis stated:

As this is a second instance of apparently deliberate sabotage of this freezer at Grassy Narrows, and because of the importance of the availability of safe protein food for these Indian people, I will ask the Solicitor General (Mr. MacBeth) to make a complete investigation on this matter and will report back to the House. (Ontario Legislative Assembly, 1976).

In all, Premier Davis accused AFN of deliberately breaking the freezers to avoid eating the frozen fish. This did not increase the confidence of AFN in the government's aid. NDP and Official Opposition leader Stephen Lewis acknowledged the effects of this accusation and the breakdown in communication between AFN and Ontario:

Since it's so easy to correct the manual failure he describes, does it not strike the minister as a pretty frightening commentary on the complete breakdown of relationships between the Grassy Narrows band and the government of the Province of Ontario, that several thousand pounds of fish were allowed to rot in that freezer for many days, without either the ministry being notified, according to the minister's statement, or having relationship sufficiently close and with sufficient confidence with the native peoples to be involved almost automatically? (Ontario Legislative Assembly, 1976)

To which Minister of Natural Resources Mr. Bernier replied that he "can't accept the comments that there is a breakdown between Grassy Narrows and the Whitedog Indian Band in relation to this particular ministry" (Ontario Legislative Assembly, 1976). In this same question period, he stated:

I have to say to you, sir, that there is a certain amount of onus and responsibility on the native people ... There is excellent communication between Grassy Narrows and the outside world. The telephone communications are excellent, and all we do require is a telephone call. No report was received by the maintenance company, and they are on a 24-hour service. We are as concerned as anyone in this House to make sure that protein food, free of pollution, is available to those native people. (Ontario Legislative Assembly, 1976).

In this instance, AFN Are again criticized for their perceived lack of effort in contacting the state when problems arose. Not only that, but they have been accused of actively sabotaging efforts to get them food. Thus, in some cases, the discourse of devaluing traditional foodways and the discourse of laziness are interconnected. It is important to note how the lack of communication was not seen by the majority to have anything to do with the state's actions. This perspective assumes the state to be a benevolent actor, which has the best interests of AFN, and it is thus AFN's fault if they do not like the fish and want to break the freezers so they do not have to eat it.

These discourses devalue Indigenous communities and their traditional knowledge systems by presenting the desire to maintain a traditional diet as nonsensical and defiant. They differentiate settlers from Indigenous peoples as the state maintains their image as rational decision-makers providing AFN with a solid source of food, while simultaneously reproducing discourses of Indigenous peoples as lazy, defiant, and irrational. Not only does this work to justify the state's reluctance to act on the ongoing issue of mercury in the river, as they have given AFN the option to continue to eat fish and they have refused, it also works to justify further government appropriation of Indigenous resources as they are presented as too lazy and incompetent to take care of their own. The state is then able to rationalize and justify their continued expropriation of Indigenous lands and the destruction of the environment in favour of capital accumulation as *the state knows best* and thus Indigenous nations must follow their ideals for economic prosperity.

5.2 Cheap Nature

It can be difficult initially to conceptualize how economic and social factors contribute to environmental destruction; however, as the climate crisis has endured, capitalism is increasingly recognized as a key adversary in the fight against ecocide (Fraser, 2022). In fact, capitalism is

deeply structurally tied to the climate crisis (Fraser, 2022). Capitalism organizes itself around work, turning labour into value (Moore, 2016). Because capitalism aspires to achieve maximum accumulation at all costs, it has necessarily devised ways to recruit cheap or free labour (discussed above as expropriation or primitive accumulation) (Moore 2016; Fraser, 2022). Additionally, capitalism only functions because it can externalize the costs of nature's labour, as they are largely not deemed responsible for the costs of greenhouse gas emissions, water pollution, and any social impacts that may arise (Whyte, 2018). Key to this is discourse of the Nature/Society binary, in which humans are separated from nature, rather than existing as a part of nature (Moore, 2016; 2018). Thus, in Marxist terms, inherent to industrial and extractive projects is the alienation of Nature from its own labour (Moore, 2018). It does not enjoy the benefits of the surplus it has generated as it is not compensated for its work. In fact, Nature is deemed to be necessarily disposable in order to generate wealth.

Humans are grouped together into Humanity, a collective group operating together, distinct from Nature (Moore, 2018). This has led to the construction of the idea of the Anthropocene in which humans have dominated and fundamentally altered how nature behaves (Moore, 2016). However, as Moore (2015; 2016; 2017; 2018) argues, it is capitalism, rather than simply humanity, that has shifted the way humans interact with nature, and thus the way nature impacts humanity. Capitalist expansion furthers the development of new technologies and new understandings of how to dominate and control nature, which in turn produces new forms of nature and new ways of interacting with it (Moore, 2018). Thus, it becomes clear that humanity is not separate from nature. Rather, humanity and nature co-constitute each other. We cannot understand what makes us human if we are abstracted away from nature (Moore, 2018).

The Nature/Society binary is directly oppositional to Indigenous worldviews that have always understood humans and nature as fundamentally dependent on and co-constitutive of one another. As noted in the previous chapter, humans are the caretakers and protectors of the land, water, and air, which in return provides humanity with the resources needed to survive and thrive, known as the Gifts of Creation (Simpson et al., 2009, p. 7). However, under colonial capitalism, the English-Wabigoon River and the Whiskey Jack Forest are unpaid workers, expropriated in every market as nature is abstracted away from its connection to humanity (Moore, 2016). Nature, then, is something that humans “act upon” (Moore, 2017, p. 600). Thus, for Reed Paper (a.k.a Dryden Paper at the time of the mercury dumping), the English-Wabigoon River existed to be used for profit – not as an organism that is inherent to the world ecosystem with merit to exist as its own being. With this relegation to *less than* comes the implicit justification of violence to ensure control at all costs (Moore, 2018).

As discussed in the previous chapter, discourses of racial capitalism systemically devalue nonwhite individuals and groups therefore allowing them to become targets of state and corporate violence under necrocapitalism. Colonial narratives have also relegated Indigenous peoples and others living in the world’s periphery to the status of part-human, part-nature, ripe to be dominated and controlled (Mbembe, 2003). In Mbembe’s terms, Indigenous and racialized people inhabiting the periphery are argued to “behave like a part of nature, they treat nature as their undisputed master” (Mbembe, 2003, p. 24). It thus becomes easy to discern the relations between racial capitalism and cheap nature. Both Nature and certain groups of Humanity are continuously deemed worthy of death by the state under necrocapitalism (Banerjee, 2008). Indigenous communities such as AFN face not only physical death by mercury poisoning but environmental death which is deeply tied to spiritual death and the death of culture. Of course, AFN and other

communities that face ecocide, cheap nature, racial capitalism, and necrocapitalism continue to resist this destruction. But, as has been seen since the 1960s in AFN, the fight is far from over. As will be demonstrated below, the state's priority has been corporate and economic interests over the interests of AFN.

5.2.1 The need to balance corporate interests with community interests

Starting in the 1970s, much like the state's disapproval of AFN missing hitting their capacity for trapping, Minister of Natural Resources Leo Bernier took issue with the number of trees that AFN were cutting in their logging operations, stating:

We've given them timberlands; the staff did a brief review and they tell me that over the last five years they've been cutting only 21 per cent of their allowable cut. So there is a responsibility on the chief and the councils to assist us in getting those programmes off the ground. (Ontario Legislative Assembly, 1975)

AFN's territory encapsulates 4000 kilometres of Boreal Forest lush with wildlife and traditional plants (Free Grassy Narrows, n.d.). Thus, logging has been a part of AFN's economic activities for many decades. In the 1970s, AFN began fighting the Government of Ontario against clear-cut logging by Reed Paper in their beloved forest that would have left half of the forest barren (Vecsey, 1987). It is important to note that AFN was not completely united in its opposition to logging companies in their territory, as the economy has struggled since the mercury disaster, and many community members are employed by these projects (Ilyniak, 2014). The community did not want to see logging eliminated from their land completely. Rather, they were arguing for control over logging operations which would allow them to set limits that would avoid clear-cutting while simultaneously reigniting economic practices that would help them recover from the fishing ban in their territory (Vecsey, 1987).

The above statement was said a year before AFN began working toward this autonomy and four years before they would present a “preliminary memorandum of understanding” that would argue that “land, not money, is key to a reserve future” and that “this land must be productive and guaranteed to the Grassy people” (Vecsey, 1987, pp. 297-298). After decades of environmental abuse and destruction at the hands of the states and extractive corporations, AFN just wanted control and protection over their land. However, from the statement above, it becomes clear that the state did not have confidence that AFN would utilize their resources in a way that the state deemed to be appropriate or sufficient. Rather, productivity and clearing as much wood as possible were the priorities.

This struggle between the state’s desire for cheap and fast industrial products via logging in the Whiskey Jack Forest and AFN’s desire to have control over their economy and resources has continued until now, with several efforts at mediation between the two parties (Vecsey, 1987). In 2008, three decades after Leo Bernier criticized AFN for not meeting their logging allocation, Ontario’s Minister of Natural Resources, Donna Cansfield [Liberal], argued that the state and AFN both had valid perspectives on the issue of industrial activity in AFN territory, stating:

I was pleased to sign a memorandum of understanding on how we can continue to further our discussions. There was a difference of perspective and views dealing with logging and land development and economic development in the Whiskey Jack Forest, so we were able to hire the Honourable Mr. Iacobucci, who came in and worked with the Ministry of Natural Resources staff, worked with the First Nations' elders and community, and came up with this understanding on how we could finally move forward to the benefit of everyone, recognizing that we both have views that need to be presented and dealt with on the table. (Ontario Legislative Assembly, 2008)

This knowledge claim represents the issue as a simple “difference in perspective”, when in reality it was a years-long civil protest where AFN was explicitly demanding a moratorium on

logging. At this time, AFN was occupying the longest-running blockade in Canadian history, which started in December 2002 to prevent clearcut logging in the Whiskey Jack Forest (Turner, 2023). Clear-cut logging threatens the communities traplines and hunting practices, which are important cultural and economic practices. Despite the importance of these practices, and despite the fact that AFN already lost their tradition of fishing and eating the fish from their river, the Province of Ontario has been determined to continue to log the Whiskey Jack Forest. Additionally, the community called for a moratorium on logging in the Whiskey Jack Forest, which was addressed to Abitibi-Bowater, Weyerhaeuser, any other companies logging in the territory, as well as Ontario's Premier Dalton McGuinty, Ontario's Minister of Natural Resources and Northern Affairs, and Prime Minister Stephen Harper (Official correspondence, January 17th, 2007).

Moreover, AFN as an Indigenous community does not accept the ideology of the nature/society divide. For this group, nature is to be protected and cared for, and humans exist in a reciprocal relationship with the land (Simpson et al., 2009). As the call for a moratorium on logging states: "Our primary, life-supporting value is our attachment to the land, and our ability to enjoy the wildlife, forests, waterways and our Anishinaabe way of life" (Official correspondence, Jan 17, 2007, p. 2). In the same moratorium, AFN declared: "We need the forest for our survival as people" (Official Correspondence, Jan 17, 2007, p. 3). Ironically, deforestation in the territory has destroyed 75% of the traplines that the province was so concerned about not being used in the 70s (Official correspondence, Jan 17 2007, p. 3).

To come to a consensus on the best way to move forward with AFN, AFN and the Government of Ontario initiated a mediation process in 2007 with former Deputy Minister of Justice Frank Iaccobuicci (Government of Ontario, 2008). This was meant to bridge the gap

between corporate and community interests. These negotiations were welcomed by Chief Simon Fobister, who wanted to end industrial activity on AFN territory that did not have the explicit consent and consultation with AFN members. (Free Grassy Narrows, 2007). Even then, Chief Fobister was calling for a moratorium on logging activity – which would not come for another ten years. (Free Grassy Narrows, 2007). It was clear that the community did not support the continuation of logging activity on their territory, yet the Province of Ontario continued to push for balancing corporate interests with the interests of AFN, ignoring the demands of AFN.

Official correspondence from AFN to Abitibi-Bowater states that the community has not seen the economic and social benefits of the logging that were promised to them by the corporation. In fact, Abitibi-Bowater closed their paper mill in Kenora, where many AFN community members were employed (Official correspondence, January 17, 2007). This left the community to deal with major job loss at the hands of the corporation that clear-cut their beloved forest (Official correspondence, January 17, 2007). So, despite what the Government of Ontario was claiming at the time that the interests and perspectives of AFN were not given equal consideration to the interests of capital. This has continued to occur throughout various changes in government and over time even as Ontario and Canada have become more focused on reconciliation. Even now, rather than a strong focus on environmental protection and Indigenous rights, the state continues to drive home the importance of prioritizing economic interests at all costs.

5.2.2 AFN needs access to industrial economic opportunities

Since the moratorium was issued, claims to industrial activity on AFN's land have only ramped up with help from the state. Of course, after an economic disaster has occurred, both the community involved, and the state have an interest and obligation to try to rebuild economic

health and prosperity. However, this focus becomes problematic when economic prosperity is prioritized above other types of community well-being such as public health and environmental well-being. It can be seen in the following claim made by Ontario's current Minister of Indigenous affairs and Northern Development how the state placed increased importance on economic success and uses this to justify approving additional industrial projects in AFN territory. This approach was challenged by members of the Opposition in the Ontario Legislative Assembly, including NDP leader Peter Tabuns, stating:

Recently, Grassy Narrows honoured the 20th anniversary of their visionary efforts to protect their homeland from industrial logging and mining. And yet, the Toronto Star reported that this government has granted thousands of gold mining claims and proposes to allow clear-cut logging on the area that Grassy Narrows is protecting. To the Premier: When will this government stop the attacks on Grassy Narrows and start respecting the Grassy Narrows Indigenous protected area? (Ontario Legislative Assembly, 2022).

To which the Minister of Natural Resources, Greg Rickford [Conservative], responded:

We don't need to stand here and feel badly about the work that we do with Grassy Narrows. We continue to work with that community to ensure that they have the same opportunities that other Indigenous communities in the surrounding area have and want in forestry and mining and in their interests of protecting their land (Ontario Legislative Assembly, 2022).

In 2018, the Government of Ontario introduced a system for digitally staking mining claims in the province, meaning that companies could stake claims to land that they had never visited and without engaging the Indigenous communities that live there (Turner, 2022).

Therefore, the Government of Ontario has demonstrated that it is not accounting for AFN's interests when planning for industrial activity to take place, and it is allowing and encouraging companies to avoid taking these interests into account as well. However, this seems permissible under cheap nature discourse because under capitalism, nature exists only to serve development and economic gain (Moore, 2016, 2022).

If Indigenous communities such as AFN were to gain control over their resources and govern their uses in accordance with their values and relationships to the land, it would directly threaten this ideology. Therefore, the state must present community success in terms of economic opportunities and evaluating contradicting claims as nonsensical. The state is not “attacking” AFN as counter-hegemonic claims suggest; but rather, they present themselves as providing the necessary guidance and opportunities for AFN to assimilate into capitalist values. This is reaffirmed by Mr. Rickford again, as he states:

Mr. Speaker, what this government will continue to do is strike an important balance, not just for Grassy Narrows, but for the Indigenous communities that surround the city of Kenora, with respect to economic opportunities in the mining sector and the forest sector. Grassy Narrows is in dire need of community-level infrastructure. We work very closely with them, and I’ve asked the chief—we’ve sat down together to ensure those shared priorities come about... The Indigenous communities that share Treaty 3 land with Grassy Narrows are excited about opportunities both in mining, forestry, and local infrastructure—so that prosperity is a shared value and a shared opportunity, once and for all, in the Kenora district. (Ontario Legislative Assembly, 2022)

Again, this statement implies a working partnership between AFN and the Province of Ontario in developing the land. What has been demonstrated over the decades in which the mercury crisis in AFN has gone unaddressed is that this relationship is one of domination and control. Despite Mr. Rickford emphasizing the province’s “shared priorities”, AFN still actively resists mining and forestry efforts in their territory, opposing the cheap nature ideology. In 2021, a year before the above statement was made, AFN sued the Government of Ontario for issuing nine mining permits on their territory without consultation, during the moratorium that AFN instated in 2007 (Turner, 2021). As AFN Chief Rudy Turtle told CBC, “when the government issues mining permits behind our back, that’s not reconciliation. That’s destruction” (Chief Rudy Turtle in Turner, 2021). Evidently, despite what the state has claimed, the relationship between AFN and the Government of Ontario is not one of shared interests and priorities.

As a colonial power, the state will continue to justify violence against Indigenous communities and their lands for corporate prosperity. This is evident as the Government of Ontario steers focus to mining projects while the mercury in the English-Wabigoon river has still not been cleaned up, and the mercury hospital is still not built. Economic health is deemed the most important measure of health for this community, over physical, environmental, and cultural prosperity. This demonstrates how AFN is a disposable group in the eyes of the state. While they propose to listen to the community and find solutions that will benefit them, the state ultimately works to maintain its power and control over the community and its resources. One way that the state does this is through the use of the law.

5.3 Rule of Law and Legal Justifications for Inaction or Delayed Action

As has been demonstrated throughout this chapter, natural resources are vital for capitalism to advance. Therefore, capitalist states require the control of natural resources, as well as the social and political control of the groups that protect them (Banerjee, 2008). The rule of law is a colonial creation that is used by the state to divide and control the surface area of the earth to control and mediate the flow of nonhuman labour power to capital (Parenti, 2016). The state manages this through the rule of law, with the creation of private property laws, infrastructure, etc., and in Canada's case, the reservation (Parenti, 2016). The rule of law thus allows the state to create "legal and symbolic borders" in certain areas of the Global North (Estévez, 2021, p.15; Banerjee, 2008). While Western nations claim that the rule of law stands alone as an objective force, it is influenced by social, political, and economic forces (Hunt, 1993). Therefore, although the law is touted as applying to everyone equally, it works to protect the interests of those in power to the detriment of those in lower socioeconomic classes (Estévez, 2021).

Banerjee's (2008) necrocapitalism is rooted in the linkages between capitalism, colonialism, and imperialism, seeking to understand how power formations interact in the global political economy, and how states and corporations justify death and destruction for capitalist expansion. Mbembe's necropower underpins necrocapitalism, in which the state has the ultimate power in the management and administration of death, which it achieves through the rule of law (Estévez, 2021). States pass legislation that work to subjugate people to the status of disposable and ultimately worthy of death.

Historically, the law has been used to subjugate Indigenous peoples through the Indian Act, which relegated Indigenous peoples to the legal category of Indian, a separate kind of person than white Canadians. Moreover, Treaties were used for the state to gain mass amounts of land from Indigenous nations and created tiny pockets of Indigenous-controlled spaces as reservations. With the Indian Act came the residential school system and the Sixties Scoop, in which Indigenous children were forcibly taken from their homes and prohibited from partaking in their culture. In this way, the law worked to produce and reproduce racist and colonial ideology including that Indigenous peoples needed to be "civilized" and assimilate into settler society which resulted in tangible outcomes such as intergenerational trauma (Comack, 2014). Today, Indigenous peoples are overrepresented in the criminal justice system, while the state ignores the issue of Missing and Murdered Indigenous Women and Girls.

Necrocapitalism uses Agamben's concept of the state of exception to denote certain spaces where people can be killed without consequence (Banerjee, 2008). A state of exception is a place created by corporations and states symbiotically, where the law applies but is not enforced (Banerjee, 2008). Corporations, then, can commit acts of harm without punishment from the state (Banerjee, 2008). The communities that inhabit these places are subject to slow killing as their

land and resources are overtaken, and the colonial state works to assimilate them or resorts to killing to get them to comply.

5.3.1 Jurisdictional issues

In Canada, First Nations reserves are protected under treaties between the Government of Canada and the First Nation and are therefore within the jurisdiction of the federal government. However, under Canada's division of powers framework, natural resources and healthcare fall within the jurisdiction of the provinces. This has created issues for AFN as the federal and provincial governments had to navigate who was responsible for cleaning up the English-Wabigoon River and aiding AFN in rebuilding their economy and addressing health concerns:

Hon. Mr. Bernier [Conservative Minister of Natural Resources]: Primarily, the reserves themselves are federal jurisdiction. We've gone beyond. I think it's fair to say the province stepped in where constitutionally we didn't have the right, such as sending up freezers and making sure that they would have an alternate source of uncontaminated protein. We did that at a cost of about \$140,000 just to put up the freezers. Next year we've budgeted \$100,000 just to make sure that there is protein made available in those particular freezers. We've replaced that lost source of food on a very regular basis. (Ontario Legislative Assembly, 1975).

AFN is a state of exception because it is a pocket of space where it is unclear who is legally responsible when disaster happens (Agamben, 2005). Reservations were created as sites of colonial rule. Keeping the Indigenous peoples who did not fully assimilate into very small patches of land which are supposedly governed by that reserve but are still under the responsibility and control of the colonizer (the federal government). Not only that, but even though the federal government is purported to have control over reservations, natural resources are under provincial jurisdiction. Therefore, even though the province cannot touch the land that lies within the bounds of the reservation, they can still allow corporations to stake claims to the territory surrounding it – territory that traditionally belongs to AFN.

5.3.2 Struggles for corporate accountability

As demonstrated in Chapter 2, the structure of the corporation in Canada and the function of the law work to protect corporations from accountability after they have caused harm. One such method of protection is the corporate veil, in which corporations are legally granted personhood status, protecting shareholders from criminal and financial liability when things go wrong. As they are legally “people”, corporations may be tried in court for their crimes. However, most of the harms that corporations commit are not considered crimes in the first place, and if they are, it is extremely difficult to prove the guilty mind in court. Thus, corporations are often hit with regulatory fines at most, which are often for negligent amounts compared to the profit they generate each year, and the shareholders and often executives and employees are protected from bearing this cost. The corporation is then typically allowed to continue its operations.

In this way, the rule of law creates states of exception in which corporations can kill environments, sicken entire communities, and destroy economies with little to no repercussions. In these cases, communities such as AFN exist under the law, but are afforded almost no protection under it. For example, in 1975, over ten years after the mercury was dumped into the English-Wabigoon River, and five years following its discovery, the Government of Ontario was in discussions with Reed Paper Ltd about expanding operations in Treaty 9 territory, which covers a large area of land in Northeastern Ontario. The paper mill changed hands many times from when the mercury pollution began until today. Reed Ltd took over ownership of the Dryden paper mill in 1975 from the Dryden Paper Company. Because Reed Ltd did not dump the mercury, but took charge of the site, there was some question of their responsibility to compensate AFN and clean up the mill site. At this time, the NDP were pushing for the

Conservative government to hold Reed Paper financially liable for the mercury dumping, especially after they negotiated a \$400 million deal to expand their operations in Ontario:

Mr. Lewis [NDP MPP]: Does the minister not think this would be an opportunity for him, short of a legal suit, to exact from the Reed Paper Co. some kind of legitimate compensation for what they were engaged in?

Hon. Mr. Bernier [Conservative Minister of Natural Resources]: I don't know, Mr. Speaker, if we can take that route. No legal jurisdiction has ever pointed at the Reed Paper Co. As you know –

Mr. Nixon [Liberal MPP]: The Minister of the Environment (Mr. Kerr) said the polluter has to pay.

Hon. Mr. Bernier: Yes, but it has to be proved that they are responsible and have polluted to that extent. (Ontario Legislative Assembly, 1975)

As argued by Minister of Natural Resources Leo Bernier, despite Reed Ltd owning the site where the pollution occurred and had still not been cleaned, it was unclear to the state whether they were financially accountable to AFN. So, not only were AFN struggling to receive justice for what happened to them, as the mercury dumping was not illegal, they were also struggling to receive compensation that would help them clean up the river and take care of the social, health, and economic problems that befell them as a result. However, Mr. Bernier did admit that “our paper mills in this province ... have been recognized as one of the largest polluters that we have, and certainly there is a background count as it relates to the mercury...” (Ontario Legislative Assembly, November 27, 1975). Members of Provincial Parliament (MPPs) from other parties advocated for holding Reed criminally responsible but were not taken up (Ontario Legislative Assembly, 1975). Additionally, it was revealed by Mr. Bernier during this sitting that the Government of Ontario had “not sought legal opinion” to discern the level of responsibility Reed had toward AFN and the mill site (Ontario Legislative Assembly, 1975).

These discussions continued into the 1980s as the paper mill exchanged hands once again in 1979 from Reed Ltd to Great Lakes Forest Products, seemingly to “avoid prolonged

negotiations and possible lawsuits” between the company, the state, and AFN (Vecsey, 1987, p. 299). This was argued by AFN and their lawyer to be a set-up because they believed that the state would not hold Great Lakes accountable for Reed or Dryden Paper Company’s actions (Vecsey, 1987, p. 299). However, in the \$89 million sale, Great Lakes agreed to be jointly liable with Reed to any financial liabilities resulting from the mercury pollution (Vecsey, 1987). Importantly, however, the Province of Ontario agreed to assume any liabilities over \$15 million to AFN to keep the paper mill running (Vecsey, 1987). They also awarded Great Lakes \$48 million to expand their operations in the province (Vecsey, 1987). However, Great Lakes and Reed both tried to pull out of any liabilities shortly after the acquisition:

Mr. J. A. Reed [Liberal MPP] : My question concerns the responsibility of the province in the matter of the mercury pollution damage inflicted on the Grassy Narrows Indian band and the fact that the companies responsible -- that is, Reed Paper initially and Great Lakes Forest Products, who assumed responsibility and were parties to the mediation process which the Premier established in 1978 -- have yet to make an offer for damages to the band. Is the minister aware of the letter that was sent yesterday by Great Lakes to the Ontario Indian commissioner stating that they are now refusing to make any offer to the band, even though they had made a commitment to do so, on the basis that they are actively pursuing the matter of health claims with the Premier? Is this the case? Can the minister confirm to us that the holdup to a settlement has been the question of lowering the \$15-million provincial cap for liabilities? Can the minister assure us that this cap will not be lowered?

Hon. Mr. Pope [Conservative Minister of Natural Resources]: Mr. Speaker ... I do not think the Premier has control over the process or the timing of any settlement. The Premier tried to get the parties together, tried to expedite a settlement on behalf of the band and negotiations between Reed and Great Lakes, and tried to use his good offices to do so in a positive manner. It has still to be determined what the respective contributions or liabilities between Reed and Great Lakes are vis-à-vis each other -- not vis-à-vis the band, but vis-à-vis each other. I am aware of meetings that have been held in England and in Ontario between those two companies in an attempt to sort it out. However, I do not believe any conclusion or settlement has been reached between the two companies at this time, and I do not think the fault for any such problem lies with this government or with the Premier. (Ontario Legislative Assembly, 1983)

Therefore, as demonstrated above, a key part of why AFN went so long without receiving compensation for the damages they incurred was due to the number of times the paper mill was allowed to change hands. The legal structure of the corporation and the corporate veil helped to evade the companies and their shareholders of any obligation to the community. The legal status of Great Lakes Paper Company as a “person” permitted the corporation to purchase Reed Ltd and its assets without necessarily assuming any liabilities for the pollution. Additionally, as stated by Mr. Pope, the Government of Ontario did not feel it was their obligation to intervene in any way to speed up the settlement process and determine who was accountable to AFN. Ultimately, the law hindered any attempts for AFN to obtain compensation for the harms caused by Reed Ltd.

Finally, in 1986, the parties settled for \$16.67 million (Manko, 2014). \$2.75 million was to be paid by the Government of Canada, 2.17 million by the Province of Ontario, \$6 million by Great Lakes Forest Products, and \$5.75 million by Reed Ltd (Manko, 2014). The settlement also states that Ontario is responsible for topping up the fund if it sinks below \$100,000. As expected, these were very small amounts compared to the \$40 million in annual profits that Great Lakes were pulling annually at the time and compared to the extent of the damages caused to AFN (Vecsey, 1987). However, it would prove difficult for AFN community members to access the fund if they did not meet specific diagnostic criteria. This issue leads to the discussion of how Western science played a part in the state’s (in)action to the mercury crisis in AFN.

5.4 Scientific Justifications / Privileging of Western Science

Since the Enlightenment, science has allowed humans to use instrumental rationality to assess and control nature for our own purposes. Recall that Moore locates the origins of Cheap Nature within the rise of capitalism between 1450 and 1780 (Moore, 2018, p. 610). From this point, technologies, geographies, and social dynamics changed and evolved faster than they ever

had before – and so did society’s values and priorities (Moore, 2018). According to Moore (2018), this was the beginning of the shift to value by labour in the market, the devaluing of unproductive or unprofitable activity, and therefore the desire to put nature to work (Moore, 2018). As Fraser (2022) notes, “shifts in land use and property regime converged with a major round of administrative state building in the sixteenth century – and with a world-changing scientific revolution in the seventeenth” (p. 95). This change allowed for the expansion of extractive activities in the colonies with science working as a driving force (Fraser, 2022).

Since this point in history, science has been crucial in sourcing and expropriating Cheap Nature which is then managed by the state to be used to generate capital, changing nature from a living organism with inherent value to “a means to the system end of value expansion” (Fraser, 2022, p. 91; Moore, 2018, 2015). This perspective highlights again how systems of *value* lay at the foundation of capitalism, with both nature and humanity ascribed value based upon their productivity or are systemically devalued and ascribed to be “worthy of death” in the name of capital (Fraser, 2022; Banerjee, 2008). Science is thus a tool through which these value systems are produced and reproduced in capitalism.

Moreover, science is meant to be objective in its methods and findings. However, science can contain ideological biases that produce favourable outcomes for some groups while harming others. Value changes also precipitate changes in the value and role of knowledge, privileging Western science over other forms of knowledge. Science became the ultimate authority over what actions are taken and avoided, what deserves to be preserved and protected, and what can be sacrificed. Colonial power structures have worked to delegitimize Indigenous ways of knowing, along with other knowledge systems that do not “distinguish sharply between nature and culture”

(Fraser, 2022, p.98). Therefore, not only has science been used by capitalists to devalue nature, but it has also been used to devalue the communities working to protect nature (Ilyniak, 2014).

Under necrocapitalism, the market requires the state to allow certain communities to be subject to death to ensure and maintain capitalist expansion (Banerjee, 2008). Thus, devalued communities are subject to slow death, sanctioned by the state, in the name of capital accumulation (Banerjee, 2008). However, necrocapitalism does not account for the harms that Western science has caused for Indigenous communities. Thus, Fraser's (2022) *Cannibal Capitalism* and Moore's (2016) *Cheap Nature* are important pieces to his argument. For AFN, science played a key role in the state's delay in treating the community for mercury poisoning and remediating the English-Wabigoon River, all while the Government of Ontario was issuing permits for additional industrial activity in the territory (Turner, 2021). In this case, science has been a tool to implement necrocapitalistic decisions that have left AFN sick and their river contaminated, while corporations enjoy the benefits of AFN's natural resources.

5.4.1 Questioning claims of mercury poisoning

In the beginning of the discussion around the impacts of mercury dumping, AFN were overall ignored by the state in their pleas for help with mercury poisoning (Ilyniak, 2014). Mercury poisoning, or Minamata disease, has identifiable symptoms, many of which were seen in residents of AFN and are still present now (Standing Committee on Indigenous and Northern Affairs, 2019; Mergler, 2023; Philibert et al., 2020). In 1975, AFN brought in Dr. Masazumi Harada from Japan to study the prevalence of mercury poisoning in the community (Philibert et al., 2020). His team found that many community members presented at least one symptom of Minamata disease, which was enough to seriously concern Dr. Peter Newbury, AFN's resident doctor (Philibert et al., 2020; Clark, 1975). Additionally, from 1970-1992, Health Canada

conducted a surveillance program on Indigenous communities throughout the country, with the highest concentration of mercury in a single person found in AFN (Philibert et al., 2020).

However, despite the evidence pointing to the prevalence of mercury poisoning, the state was reluctant to acknowledge that mercury poisoning was an issue in the community, as seen by the following statement from Minister of Natural Resources Leo Bernier:

Uh I would hope that uh, you know, from the information we've got to date that uh, there are no uh, real damages to the Indian peoples in the Grassy and Whitedog areas. This has been our information. The federal people have verified this. They are responsible as you know for the health of Indians on federal Indian reserves. You know, until some expert or somebody certainly qualified in the health profession you know would relay that information you know, to the Ontario government, then I have to accept what's been told us to date. Uh, I don't think that, uh, we can rely on, you know, some childling Japanese troubadours coming through and, uh, visiting these reserves on a one or two-day basis and coming up with those kind of findings. I think they have to be long and detailed and well-researched. (Leo Bernier [Conservative] in Clark, 1975).

Here, Bernier is stating a distrust in the Japanese scientists who investigated signs of mercury poisoning in AFN. Firstly, words like “childling” and “troubadour” work to present the non-Canadian scientists as incompetent and dishonest. Additionally, Bernier states that his government could not act unless an expert or someone qualified told Ontario about the prevalence of mercury poisoning in AFN, insinuating that Dr. Harada and his team were not qualified to conduct the study. Therefore, despite their findings that many community members in AFN presented more than one symptom of mercury poisoning, the Province of Ontario would not accept these findings and therefore would not aid with this issue at this time. Importantly, the issue AFN was trying to bring forth was compensation for their injuries. Grassy had been fighting to establish a board that would distribute disability payments and the key to this was establishing that there was Minamata disease in the community. In the same interview with CBC, AFN Chief Tom Keesick stated:

One does not have to be injured, one does not have to die before he can get compensated. This is what we're trying to prevent. We've seen this with our own eyes. The doctors

have seen it with their own eyes. Dr. Newbury has seen it with his own eyes. We do not want to see anybody here die of mercury poisoning. As I said we've seen our future and we've seen what can happen and we're back here to prevent that from happening (Clark, 1975).

However, despite the concerns voiced by community leaders, the state continued to express doubts about the extent of the harms. Once the state acknowledged that AFN experienced many of the typical symptoms of Minamata disease, theories were brought forth that the cause of their ailments could instead be alcoholism. Consider this exchange by Ontario's Minister of Health at the time, Frank Stuart Miller, and the Official Opposition (NDP) Leader Stephen Lewis:

Hon. F. S. Miller [Conservative]: I think Dr. Stobo Prichard put them in two very simple categories, no abnormalities of any kind and some abnormality. As I recall on the one reserve -- and the member has the data on his desk -- he'll find it's about 25-25 on one reserve. It's almost an exact split. There are just about as many showing none as showing some. On the other reserve, there were about half as many showing no symptoms of any neurological disturbance as showed some symptoms. He then put them in three categories, no disturbance, a disturbance that in his opinion was not related to mercury, and a disturbance that could be related to Mercury.

Mr. Lewis [NDP]: Since he found 31 residents of the reserve who could have their symptoms attributable to mercury poisoning, what follow-up is the ministry doing?

Hon. F.S. Miller: I've kept very close to this particular issue. They have symptoms. If one studies the symptoms the neurologist will consider as being abnormal -- I may get into some incorrect medical terminology in the course of all this -- there'd be restricted vision, No. 1. There'd be some tremors, No. 2. There will be paresthesia all right -- that's the problem around here, isn't it? Around one's mouth where there is a feeling of pins and needles or something to that effect? All of which can be related to ether problems but which we shouldn't assume are related to ether problems. I think as long as we take that approach we're not trying to hide a problem; we're trying to define it. (Ontario Legislative Assembly, 1976)

Indeed, many of the symptoms of Minamata are similar to symptoms of alcohol use. Moreover, AFN had issues surrounding alcoholism in the community due to the economic downturn following the disaster. Recall that alcohol brought on a slew of social issues including increases in violent crime, and therefore was an issue of note for the community and the state (Vescey, 1987; Ilyniak, 2014). However, this perspective allowed the state to downplay the

seriousness of the health issues in AFN and reproduce racist stereotypes of alcoholism among Indigenous peoples (Ilyniak, 2014; Vecsey, 1987). While alcohol did have a detrimental impact on the community, these narratives delegitimize the concerns of the community and work to question AFN's reliability. Furthermore, the idea that additional information needed to be discovered to confirm that the health concerns were related to mercury and not alcoholism further called into question the state's obligation to compensate and provide healthcare to the community. If the symptoms were caused by alcoholism, the state and the corporations involved would not need to compensate AFN for any health concerns related to mercury poisoning. In this way, science was used as a tool to devalue AFN through racist ideology. Science was also used by the state to delegitimize the findings discovered by Dr. Harada and his team in favour of more 'trustworthy' federal studies.

Finally, the state worked to denounce any notion of partisanship or doubts of political will to compensate AFN and address their health concerns. Consider this statement by Conservative Minister of Natural Resources, Leo Bernier:

I would also point out that it is not for us as politicians to jump to conclusions and to take decisions which can only be taken properly by medical and health scientists. When we assume those responsibilities and prerogatives we do a disservice to this House and to the public. When there is a final determination on this matter, it will then be our responsibility to bring forward policies which will assist these people. In the meantime, let us get on with the job of supporting the joint undertaking of this Legislature and the Parliament of Canada without regard to partisanship or recriminations. (Ontario Legislative Assembly, 1976)

This statement reproduces the idea that science is ultimately objective and could discern the truth about what AFN are experiencing and therefore what the state must do to address it. In reality, as demonstrated above, science contains biases and can be used to advance political interests (Ilyniak, 2014). The perspective put forth by Bernier distances the state from responsibility for its delayed action in addressing AFN's health concerns by moving the onus to scientists.

Although the Province of Ontario and the Government of Canada eventually acknowledged the prevalence of mercury in the community and set up the Mercury Disability Board in 1986, community members still struggled to claim disability benefits under the board. This is due to issues navigating the forms required to make a claim, as well as issues navigating the medical assessments required to be deemed eligible for payment (CBC, September 28, 2018). As of 2019, only 143 community members receive payment for claims made to the board (Standing Committee on Indigenous and Northern Affairs, 2019).

Indeed, while the state claimed to be neutral and obtain advice from credible, objective experts, it initially refused to acknowledge the findings of Dr. Harada, an accredited scientist, in favour of expertise from the Government of Canada. Finally, the state used science to justify and reproduce racist stereotypes of alcoholism, which discredited AFN's concerns and further called into question the state's obligation to AFN. Science would further complicate and delay AFN's calls to remediate and clean up the English-Wabigoon River.

5.4.2 Scientific justifications for delaying river remediation

Despite the complications that the mercury in the English-Wabigoon River has caused, it was not until 2017 that the state pledged to help AFN remediate the river. Many of the delays regarding river remediation surrounded the issue that remediation efforts could potentially disturb the mercury that settled at the bottom of the river, posing a greater risk than it otherwise would have. Mercury levels have declined in the river since the 1970s, but overall, still remain high, with consumption advisories continuing in communities along the river (Government of Ontario, 2023). Testing for mercury levels in the river began shortly after the initial discovery of the toxin; however, little has been accomplished since then to clean it up.

Although AFN had raised concerns about the level of mercury in the river, the community was told by the state that the river would deplete the mercury on its own, and no intervention was required. In 1975, the Conservative Minister of the Environment William Newman noted declining levels of mercury in the river and stated:

Through the Ministry of the Environment control orders imposed since 1970, my ministry has effectively eliminated the flow of mercury in industrial effluents. By the end of this year not an ounce of mercury will be entering the St. Clair and English-Wabigoon river systems from any industrial source. (Ontario Legislative Assembly, 1975).

However, mercury continued to leak into the English-Wabigoon River from the paper mill. In 2016, a report commissioned by the company who owned the paper mill, Domtar, stated that the Province of Ontario became aware that mercury contaminated the mill site in the 1990s and did not seek to clean it up (Bruser & Poisson, November 11, 2017). The study also noted that mercury was likely still present in the river, and the mill was one of two possible sources of the continued contamination (Bruiser & Poisson, November 11, 2017). This discovery incited conversations in the Ontario Legislature about how the government did not know about this data.

Furthermore, in May of 2016, Dr. John Rudd and colleagues conducted another study on possible river remediation efforts which stated that the river can be remediated (Water Canada, 2017). Dr. Rudd's team ranked remediated efforts by how effective they would be, how disruptive they would be to the water systems, and how costly they would be (Water Canada, 2017). In the end, they suggested ENR and nitrate injection and suggested starting the project, monitoring its success, and adjusting accordingly (Water Canada, 2017). When this study was brought up in the Ontario Legislative Assembly, Liberal Premier Kathleen Wynne claimed the following:

I have been to Grassy Narrows. I have talked with people who have been affected by the mercury in the water and the fish. I want there to be science that we can use to clean up the sediment and clean up the water and make sure that that ecosystem is clean. We have

a report now that suggests that there may be a way of doing that, but the first thing the report says is that we need to look at some field studies, because it's not conclusive. It's not clear exactly how to do that without disturbing the sediment and making the situation worse. That's the question we have to answer. I do not want to make the situation worse; I only want to only work to fix it up. (Ontario Legislative Assembly, 2016)

This perspective denotes that despite Rudd's confirmation that efforts could be taken to remediate the river in the least disruptive way possible, additional information was needed before remediation efforts could commence. However, other MPPs noted that this kind of remediation effort was undertaken in other areas with no issue:

Ms. Sarah Campbell [NDP MPP]: Two days ago—the same day the Premier apologized for the province's role in the legacy of residential schools—the Premier said that she hadn't read the report that her government has had since April. And now we hear from the Ministry of Aboriginal Affairs that they've only received the report yesterday. This is ridiculous. Yesterday, the Premier said that she had read the report, but she claimed that the solutions that were proposed in there weren't clear. So let me be clear, because the report is very clear: Determine whether there is an ongoing mercury leak; find out if there are hot spots that carry contaminated mercury downriver; and inject clay into the river to enhance the natural remediation that's going on. It has been done effectively in other parts of the province, such as Sudbury, decades ago. (Ontario Legislative Assembly, 2016)

However, the state was adamant about conducting additional research to look at which remediation efforts would cause the least number of issues, rejecting Ms. Campbell's call for immediate action. As Liberal Minister of the Environment and Climate Change Glen Murray claimed:

I want to be very clear that the Premier and I, who have both visited Grassy Narrows, have committed, not to a vague commitment, but to a very specific commitment. Dr. Rudd—we financed through the First Nations under the leadership of Chief Fobister—undertook a study. He did not say, "Go in and remove the methylmercury right away." What he proposed was over half a dozen different possible measures. We are now doing exactly what the chief and the First Nations band council wanted and Dr. Rudd wanted, which is \$600,000 worth of research looking at which measures may work and which ones could cause further problems, to put options before the community, which is what everybody in Grassy Narrows would like to see happen. (Ontario Legislative Assembly, 2016)

While AFN have advocated for studies into river remediation, they have also strongly advocated for action. Moreover, while the river has still not yet been remediated, the Government of Ontario continues to push for additional industrial activity in the territory (Logan, 2022). In 2017, AFN saw some action when the Liberal government promised \$85 million to the community to clean up the river (Bruiser & Poisson, 2017). This money came with an Act (The English and Wabigoon Rivers Remediation Funding Act, 2017) and an action plan, with progress reports needing to be completed annually to the Ministry of the Environment, Conservation and Parks, as well as leaders in AFN and Whitedog First Nation (English and Wabigoon Rivers Remediation Panel, 2023). The report for 2022-2023 states that in 2022, the panel “prioritized work to complete the characterization stage and began discussions on the development of remediation objectives and goals recommendations to the Minister” and “Reached consensus on completion of the pre-remediation assessment phase as soon as possible (1-2 years)” (English and Wabigoon Rivers Remediation Panel, 2023). For the same year, the Technical Subcommittee for the English and Wabigoon Rivers Remediation Trust accomplished a “development of an updated priorities table that provided the following benefits: A list of areas of work for consideration in 2023 to understand and identify potential data gaps; evaluation of priorities to inform remediation; and extensive discussion and exchange of ideas regarding future studies” (English and Wabigoon Rivers Remediation Panel, 2023). Clearly, efforts to clean up the river have not progressed past the planning and assessment stages, even five years after the government pledged to remediate it.

5.5 Conclusion

This chapter examined the various knowledge claims that influenced the state's delayed action or complete inaction to help the people of AFN after the mercury crisis. These discourses have persisted over 50 years and continue to impact AFN today. Overall, I found four discourses: (1) racial capitalist discourses that work to devalue Indigenous peoples, (2) discourses of Cheap Nature that falsely divide nature and humanity and devalue the work of nature, (3) legal discourses that provided little protection to AFN but worked to shield corporations from accountability, and (4) scientific discourses that justified the delay of action in compensating and treating AFN for mercury poisoning and remediating the English-Wabigoon River. Each of these discourses works to reproduce and reify capitalist ideology while devaluing Indigenous communities and their lands. Furthermore, while there were alternative knowledge claims made both by community leaders in AFN and by Opposition MPPs, these claims were dismissed or ignored and dominant discourses won out. This was demonstrated when AFN community members voiced concerns regarding mercury poisoning, and when MPPs attempted to convince the state to remediate the English-Wabigoon River.

Using Fraser's Cannibal Capitalism along with Moore's Cheap Nature was helpful because these theories helped to illuminate the non-economic conditions that ultimately reify capitalist ideologies. However, these theories do not help explain the state-corporate relations that make it possible for states to subjugate Indigenous peoples to death for capital accumulation. Therefore, Banerjee's Necrocapitalism was also helpful because it helped me explain how Indigenous communities have become states of exception through which the state and corporations can manage the death of people and nature for capital accumulation. Using a

combination of these theories ultimately allowed me to understand how economic and non-economic conditions converge to uphold state and corporate power. Moreover, this analysis has highlighted counter-hegemonic claims that present potential avenues from which to expose contradictions within the conditions of capitalism and generate alternative systems.

Chapter 6: Conclusion

Canada's extractive industries have come under scrutiny for harming the environment and people within Canada and abroad (Haalboom et al., 2006; Ilyniak, 2014; Kinunnen et al., 2017; Collison et al., 2022; Boutilier & Black, 2013; Gordon & Webber, 2008; Ismi, 2012; Weisbart, 2018 ; North & Young, 2013; Estévez, 2021). While this literature has outlined the gross harms committed by Canadian corporations, there is a lack of scholarly literature that centers the state's role in environmental disasters. Moreover, criminology as a discipline has paid limited attention to the harms committed by corporations. As such, my research helps to fill these gaps and bring attention to the ways in which states overlook and even permit and facilitate corporate wrongdoing in a Canadian context. My research follows the corporate crime and crimes of the powerful literatures by underscoring how the state functions to uphold capitalism by protecting corporations from being held accountable for the harms they cause. While this research used a case study of a singular instance of corporate ecocide, the discourses and ideologies underlying the state's response to the mercury disaster in AFN reveal the institutionalized social order of capitalism (Fraser, 2022). While corporate wrongdoing occurs for the purpose of generating surplus economic value, and indeed states are economically invested in the success of corporations, economic justifications are not sufficient to understand the state's unwillingness to hold corporations criminally accountable for their actions. Rather, this case study of AFN demonstrates how capitalism permeates every aspect of life, and how non-economic facets of society are integral to capitalism's reproduction (Fraser, 2018, 2022).

First, I have argued that racism and colonialism were used to justify the state's creation of states of exception, which allow corporations to commit harms without consequence (Banerjee, 2008; Mbembe, 2003; Agamben, 2005). Indigenous groups have been measured against white

settlers and reduced to be synonymous with nature itself under necrocapitalism (Mbembe, 2003). Because these groups are subjugated to the dominant race and class, states construct their deaths to be necessary losses for the economy to expand and for capitalism to continue to function (Banerjee, 2008; Mbembe, 2003). Thus, both the state and the market wield the sovereign power to manage death to ensure capital accumulation (Banerjee, 2008; Mbembe, 2003; Montag, 2005).

Moreover, much like how racialized groups are systemically devalued to ensure capitalism continues to function, nature has been similarly devalued under capitalism, humans separated themselves from nature and created a divide in which nature exists solely to be studied, dominated, and controlled by humans (Moore, 2016; Fraser, 2022). That is, nature is conceived of as a resource for capitalist purposes. Nature is thus used as unpaid labour to produce surplus value, and the harms are then externalized through fines or other monetary avenues when harm does occur (Moore, 2016; Whyte, 2020; Pearce & Tombs, 1998). The non-economic roles of racial capitalism and the nature/society divide have therefore created the conditions for nature to be expropriated from Indigenous communities to white settlers, rendering communities like AFN to be reliant upon the cash nexus (Fraser, 2022).

My theoretical framework consisted of Banerjee's (2008) necrocapitalism, Fraser's (2022, 2014) *Cannibal Capitalism* and Moore's (2016) *Cheap Nature*. Each of these theories was helpful in my analysis of the data. Necrocapitalism allowed me to understand AFN as a state of exception in which the state permitted the death of individuals in the territory. As such, these community members were made to "let die" so that capitalism could continue to expand and reproduce itself (Montag, 2005, p. 13). Combining Mbembe's (2003) necropolitics with Montag's (2005) necroeconomics, Banerjee (2008) outlined the deadly outcome of the state-

corporate relationship. However, additional theorization was needed to understand the conditions that create necrocapitalist outcomes.

Here, Fraser's (2022, 2014) *Cannibal Capitalism* brought forth the importance of conducting an overdeterminist analysis of capitalism that emphasizes the non-economic background conditions of capitalism. Specifically, her analysis of racial capitalism was integral to my understanding of necrocapitalism in AFN because it allowed me to unpack the racist and colonial ideologies present within the dominant knowledge claims. Finally, Moore's *Cheap Nature* created an understanding of how nature is (de)valued under capitalism, and how capitalism works to ideologically separate humanity from nature. Combining these theoretical perspectives allowed me to see the economic, social, and political facets of the state's response to the mercury disaster in AFN. In all, Fraser (2022) and Moore's (2016) theoretical perspectives permitted me to analyze the overdetermined nature of the crisis.

Moreover, this study employed Marxist Critical Discourse Analysis to analyze both the discursive and extra-discursive in order to understand what factors influenced the state's response to the mercury disaster in AFN (Fairclough, 2010; Fairclough et al., 2015). This meant understanding knowledge claims as both producers and products of broader power structures and social conditions (Fairclough, 2010; Fairclough et al., 2015). By doing so, this study examined both the knowledge claims themselves and their broader relation to capitalism and its non-economic elements, including racial capitalism and the nature/society divide (Fraser, 2018, 2022; Moore, 2016). As a result, four dominant discourses emerged from the empirical material. However, while these discourses ultimately became naturalized as common sense, this did not happen without resistance and the emergence of counter-hegemonic knowledge claims (Jessop &

Sum, 2018; Snider, 2000). Thus, this study also examined these claims to understand what underlying power structures lead to the domination of the four main discourses.

6.1 The state's response to the mercury disaster

The first dominant discourse that emerged from the data was that of racial capitalism. Historically, the colonial state used conceptualizations of Indigenous peoples as lazy and incompetent to make the claim that they needed to be civilized. Therefore, the state was seemingly justified at the time in their violent and brutal efforts to dispossess Indigenous peoples from their land and assimilate them. These narratives were underscored in the state's justifications for their insufficient and delayed efforts to provide food, healthcare, and economic aid to AFN. Representatives of the state made claims surrounding the efforts that AFN was making to repair their economy through practices of trapping and logging. Rather than accounting for the relationship that the Anishinaabe have to the land and resources, the fact that the community were not maximizing their trapping and logging allotments was construed as laziness within the community or an unwillingness to change their situation. Additionally, when the state did provide a safe supply of fish to AFN, they did not account for the importance of AFN's traditional diet of fresh fish caught from the English-Wabigoon River. Rather, state representatives stated they "could not understand" why individuals were not eating the frozen fish, and accused AFN of purposely breaking the freezers in which the fish were stored.

Second, knowledge claims relating to Moore's (2016) Cheap Nature helped reveal how the state emphasized the need to balance the interests of AFN with the interests of corporations. AFN's economic turmoil following the mercury disaster was used to encourage further development in the territory, while the state claimed that both AFN and corporations would

benefit from such endeavours. These claims were made despite the heavy resistance to any further resource extraction in traditional AFN territory. AFN and other First Nations created blockades and issued moratoriums on logging which were successful in stopping operations from corporations such as Abitibi-Bowater. However, the state has successfully employed discourses of Cheap Nature to issue new mining permits in the area, as economic interests have prevailed over the interest of the environment and its traditional caretakers.

Third, the rule of law emerged as a prevalent discourse as the state experienced difficulties holding Reed Paper Ltd. and Dryden Chemical to account for dumping the mercury into the river. This was because the paper mill in question had changed ownership multiple times with new owners claiming they held no responsibility for the harm done. In the end, the companies were required to compensate AFN at a dollar amount that was incredibly small compared to their overall profits, with the state covering the rest of the costs. Therefore, the rule of law was employed to create a state of exception in AFN in which the corporations responsible for the mercury disaster were permitted to continue operations with little responsibility to repair the many and significant harms they caused. Additionally, the state delayed remediating the English-Wabigoon River and administering healthcare in part due to disputes between the federal and provincial governments about jurisdiction and responsibility for helping AFN.

Fourth, discourses emerged that used Western science to justify not compensating AFN for health issues caused by mercury exposure. Despite the community notifying the state that many individuals were experiencing symptoms of mercury poisoning, the state was initially reluctant to acknowledge the prevalence of Minamata disease. Even when AFN employed a renowned scientist who confirmed that Minamata disease was in the community, the state brushed off their findings as illegitimate. When the state accepted that many individuals in AFN

were suffering from mercury poisoning, it was still difficult for them to gain compensation through the established Mercury Disability Board if they did not meet certain symptoms. Finally, the state used scientific discourses to justify their delay in remediating the English-Wabigoon river – a task that has yet to be completed to this day.

It is important to note that each of these discourses are not enough on their own to influence these outcomes. Rather, they operate interdependently to produce and reproduce the social and economic conditions that AFN faces today, and that other Indigenous communities face in Canada. Capitalism relies on economic and non-economic factors working together to justify and further its expansion (Fraser, 2022). Racist and colonial logics synergize with discourses of control and dominance over nature to render marginalized communities and the environment ‘worthy sacrifices’ in the name of capitalism’s relentless need to accumulate and grow (Fraser, 2022; Moore, 2016, 2015; Banerjee, 2008). Therefore, to adequately address environmental harm, environmentalist efforts need to also engage with antiracism and anticapitalism. Moreover, capitalism requires these claims to be naturalized as common sense within broader society, obscuring counter-hegemonic claims (Snider, 2000). As is demonstrated below, AFN remains subject to these claims as the state attempts to continue industrial development in the territory (Forester, 2024; Carver, 2024). Despite this, AFN continue to resist further harm in their communities.

6.2 Asubpeeschoseewagong First Nation today

In 2024, AFN continues to bear the costs of the mercury disaster that took place in their territory over 60 years ago at the hands of Dryden Chemical/Reed Ltd. Many community members still experience health issues stemming from mercury exposure, and there are

significant delays in the construction of the mercury poisoning treatment centre that was promised to them (Forester, 2024). Moreover, the community has a suicide epidemic amongst its youth, which has been linked to mercury exposure, as well as the social conditions that have resulted from the economic downturn after the mercury disaster (Mergler et al., 2022). They also continue to be subject to unwanted industrial activity, including a nuclear waste burial site that is proposed to be built on the English-Wabigoon River, upstream from AFN (Forester, 2024). However, AFN also continue to demonstrate resilience and a determination to do what is best for their community. One of AFN's most involved activists and authors, Judy Da Silva, alongside Donna Mergler, Aline Philibert, and Myriam Fillion, was named Radio-Canada's Scientist of the Year for her contribution to research in AFN (Stimpson, 2024).

Furthermore, the state is a site of political struggle, with hegemonic and counter-hegemonic groups continuously fighting for power (Jessop & Sum, 2018). While dominant discourses are naturalized and taken as fact, they are not inevitable (Snider, 2000). There are always spaces to present alternative claims and resist. Although the dominant discourses in the data 'won out', AFN has always worked to refute these claims. Now, AFN continues to resist corporations attempting to develop in Northern Ontario without input from Indigenous communities. As of writing, the current Conservative provincial government is trying to issue mining permits within the Ring of Fire, an area about 500km northeast of Thunder Bay which spans approximately 5,000 km (Government of Ontario, 2022). AFN is part of the Land Defence Alliance, an organization consisting of five Ontario First Nations (Asubpeeschoseewagong First Nation, Kitchenuhmaykoosib Inninuwug, Wapekeka First Nation, Neskantaga First Nation, and Ojibways of Onigaming) who are fighting against mining activity in the territory (Carver, 2024). This, along with AFN's successful campaigns for a mercury treatment centre, compensation, and

money to remediate the English-Wabigoon River demonstrates the ability for counter-hegemonic resistance.

6.3 Where do we go from here?

It is not in the purview of this thesis, nor is it my intention, to make recommendations as to how best to stop corporate ecocide or repair the environmental damage that has been thrust upon Canada's land and water. Nor is it my intention to prescribe solutions to the challenges that AFN continues to face, as the community has been vocal about what they need to recover and heal. However, as this is critical research, this is an inherently political study. In that sense, I must note that Indigenous communities continue to spearhead climate action movements across the country and around the world (Morin, 2022). As has been advocated by Indigenous peoples across the country, including AFN – Indigenous peoples require ownership and control over their land and resources to reduce instances of ecocide and other harms in their communities (Vecsey, 1987; Ilyniak, 2014). Overall, this case study points to a need for an environmentalism that recognizes the interconnection between racism, colonialism, and environmental destruction through a common thread – capitalism. (Fraser, 2022). Thus, to successfully address climate change and environmental degradation, it is imperative to work toward a vision of anticapitalism that is rooted in decolonialism and anti-racism.

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Appendices

Appendix A: List of Hansard Transcripts in Reverse Chronological Order

Tabuns, P. (2022, Dec. 8th). “Indigenous Protected and Conserved Areas”. Ontario. Parliament. Ontario Legislative Assembly. *Hansard*. 43rd Parliament, 1st session. Retrieved from the Ontario Legislative Assembly Website. <https://www.ola.org/en/legislative-business/house-documents/parliament-43/session-1/2022-12-08/hansard>

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Appendix B: Official Correspondence used as Empirical Material

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