Dirty Ears: Hearing And Hearings In The Canadian Liberal Settler Colony

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Dirty Ears: Hearing And Hearings In The Canadian Liberal Settler Colony

Abstract
Despite vocal opposition from the indigenous people, public hearing processes in Canada play an important part in determining whether or not oil and gas pipeline development projects will be approved. Attention to hearing as an aesthetic and political practice has been theorized by the Canadian composer and sound theorist R. Murray Schafer as a fundamental part of culture and nation building. This dissertation explores the ways the Canadian government and settler society use hearing as a silencing technique, mobilizing the field of aurality to place limits on the expression of indigenous dissent. The research is based on two years of ethnographic work among activists fighting oil and gas development in Vancouver, and indigenous sovereignists resisting pipelines in the province of British Columbia's north. Juxtaposing case studies from different struggles over land use in British Columbia with a deconstruction of R. Murray Schafer's writings and select compositions, this dissertation shows how the field of aurality shapes land and people.

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“If anything can go wrong, it will.” - Murphy’s Law

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ABSTRACT

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IN THE CANADIAN LIBERAL SETTLER COLONY

Lee Veeraraghavan
Dr. Carol Muller

Despite vocal opposition from the indigenous people, public hearing processes in Canada play an important part in determining whether or not oil and gas pipeline development projects will be approved. Attention to hearing as an aesthetic and political practice has been theorized by the Canadian composer and sound theorist R. Murray Schafer as a fundamental part of culture and nation building. This dissertation explores the ways the Canadian government and settler society use hearing as a silencing technique, mobilizing the field of aurality to place limits on the expression of indigenous dissent. The research is based on two years of ethnographic work among activists fighting oil and gas development in Vancouver, and indigenous sovereigntists resisting pipelines in the province of British Columbia’s north. Juxtaposing case studies from different struggles over land use in British Columbia with a deconstruction of R. Murray Schafer’s writings and select compositions, this dissertation shows how the field of aurality shapes land and people.
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INTRODUCTION

A Charade of a Hearing

On January 14, 2013, the Enbridge “Northern Gateway” pipeline joint review panel hearings came to Vancouver, British Columbia, a city which sits on the territory of the Coast Salish indigenous peoples. The Northern Gateway pipeline is slated to transport highly toxic diluted bitumen from the Athabasca tarsands through northern British Columbia to the port of Kitimat. Diluted bitumen, or ‘dilbit,’ is a dense mixture of petroleum-bearing tar and chemical solvents, including naphtha, natural gas condensate, and the carcinogen benzene. Unlike conventional oil, it does not float on the surface of water, but sinks to the bottom, where it is harder to clean up, as the report by the United States’ Environmental Protection Agency on the 2010 Enbridge pipeline rupture into the Kalamazoo River, Michigan—which took four years and cost more than $765 million—suggests (EPA 2014). From Kitimat, the plan is to ship the dilbit by tanker to refineries in the USA. The possibility of a spill, either in the province’s interior or on the coast, has made Northern Gateway highly unpopular in British Columbia, particularly among indigenous communities, as a spill would result in serious damage to the salmon-bearing rivers and streams that sustain indigenous cultures and the very life of the ecosystem. A spill would also threaten commercial and sport fishing operations, as well as the tourism industry (Hotte and Sumaila 2012).
The bulk of the pipeline route traverses unceded indigenous land—in other words, land that was never surrendered through treaty to the Canadian nation state, and over which the indigenous nations have legal title. Indigenous nations have been at the forefront of opposition to Northern Gateway and the various pipeline projects underway in British Columbia (Crist 2012; Milligan and McCreary 2014). The issue has galvanized concern, protest, and a common sense of purpose, as can be seen in the “Save the Fraser Declaration” rejecting the Northern Gateway pipeline. The declaration, released in 2010, has been signed by representatives from over one hundred and thirty indigenous nations from around the province. It states that, “[w]ater is life, for our peoples and for all living things that depend on it. The Fraser River and its tributaries are our lifeline. A threat to the Fraser and its headwaters is a threat to all who depend on its health. We will not allow our fish, animals, plants, people and ways of life to be placed at risk” (Gathering of Nations 2010).

While indigenous peoples have very effectively mobilized opposition to Northern Gateway, the pipeline is also unpopular among the broader British Columbia public. The January 2013 hearings were clearly designed to avert the threat of broad public opposition. Only those citizens who could prove they would be directly affected by the pipeline were permitted to testify before the joint review panel put together by the National Energy Board (NEB), the regulatory body responsible for the hearings, and to do so they had to register a year in advance. Each speaker was allowed to bring one other person into the otherwise empty room of the Sheraton Wall Centre hotel where the NEB representatives sat
listening. The hearing room could be accessed only through a narrow skywalk blocked at both ends by security guards. Required by law to be open to the public, however, the proceedings were live streamed—piped—through the internet to another hotel three kilometers away, where members of the public could view the hearing on a large screen. Each speaker was allotted ten minutes to speak about the impact the pipeline would have on their property, their business, or their community. Not all impacts were considered valid, for example, mention of climate change was not allowed (NEB 2012).

Outside the hotel, the joint review panel was welcomed by approximately one thousand demonstrators, all shouting, chanting, playing loud music, blowing and banging on whistles and myriad other noisemakers. The “noise demonstration” was organized by the activist group Rising Tide Vancouver-Coast Salish Territories, with whom I was a member between 2012 and 2015, in defiance of the National Energy Board’s obvious attempt to stifle protest.¹ The sudden proliferation of discordant sounds was a message of sorts to the panel inside: we will be heard no matter how difficult you try to make it; and the unintelligibility and connotative violence of noise is a good parodic representation of this charade of a hearing process. By mobilizing noise as a category, and a political one, however, the protest touches on the idea of sound as a source of political energy, poetically mobilizing noise against the power of the energy sector.

¹ I was involved in planning the demonstration and scouting the location, although the idea of holding a noise demonstration was not mine.
Since Jacques Attali’s 1977 intervention, *Noise: A Political Economy of Music*, scholars in music and sound have sought to understand the ways in which sounds are more than representations of the concrete objects that are the stuff of traditional political economy: sounds inscribe and in turn bear the marks of power relations and state apparatuses (Attali 1977). Moreover, the distinctions between sounds, noise, and music are themselves political, separating out the good from the bad, the harmonious from the discordant, the healthy from the diseased, as R. Murray Schafer, writing around the same time, argued (Schafer 1977). Noise—with all its attendant connotations of sensorial overload, unintelligibility, possibility, and violence—here functions both as a disruptive force and as a parody of the joint review panel’s hearing process. Its genealogy through Attali also points, nevertheless, toward a way of understanding how the sonorous mobilizes state power to serve political ends. In this case, those ends are the construction of oil and gas pipelines through indigenous lands in spite of local opposition.

The Enbridge Vancouver hearings are noteworthy though, because the presence of the public was so actively discouraged, despite the requirement that hearings be truly public and accessible for large developments with potentially adverse effects on the public, such as Northern Gateway. The NEB’s solution to this conundrum—to pipe the livestream of the proceedings to a hotel on the other side of Downtown Vancouver—introduces questions surrounding the politics of technological mediation. The use of livestreaming technology in this case helps to foreclose on the possibility of a dissenting public’s presence. This highlights what
is at stake: if the public’s presence is a legal requirement, and yet the NEB went out of their way to avoid this situation, presence is the condition the hearings are fulfilling through their evasion. Here, Marshall McLuhan’s famous formulation can be illuminating. In *Understanding Media* he writes: “In a culture like ours, long accustomed to splitting and dividing all things as a means of control, it is sometimes a bit of a shock to be reminded that, in operational and practical fact, the medium is the message” (McLuhan 1964, 5). As such, the livestream is the legitimizing presence of the public, a means of control, and the piped conduit for the message that publics can be defined, redefined, collapsed into what is transmissible through fiber-optic wires—all in order for this oil pipeline to be constructed.

The outcome speaks for itself. Of the people who testified before the joint review panel, ninety-eight percent were opposed to the construction of the pipeline. A Nanos-Bloomberg poll conducted during June of 2014 found only twenty-nine percent of British Columbians in favor of the pipeline’s construction; and a plebiscite in the terminus town of Kitimat found that fifty-eight percent of Kitimat residents opposed the pipeline (Nanos-Bloomberg 2014). The indigenous nations affected have unanimously refused to approve the Northern Gateway pipeline. Nevertheless, the pipeline was approved by Prime Minister Stephen Harper’s Conservative federal government on June 17, 2014, provided that the company meets several environmental and procedural conditions.²

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² Subsequent developments have effectively killed the Northern Gateway pipeline, including the 2015 election of an NDP government in Alberta unwilling to push this particular
Clearly, no noisy protest could penetrate the iron inexorability of this hearing process.

As part of the group that organized the noise demonstration, one of my tasks was to scout the hearing locations to get the ‘lay of the land’ before planning the action. At the time, all we knew was that there were two hotels: one for the public and one for the joint review panel. It had not yet been made clear in early December of 2012, which hotel was for which purpose. As such, we were not yet sure what action we would take, not knowing what would be possible in such a complicated setting. My fellow scouts and I wandered the streets of Downtown Vancouver, estimating how quickly a large group of people could navigate a given path, checking to see if the route left marchers vulnerable to police ‘kettling’ (cornering and arresting large groups of people). We arrived at the Bayshore Westin Hotel in Coal Harbour near Stanley Park, and peeled off to each enter the hotel from a different door. It was surprisingly easy to get in. I walked straight in the service entrance, smiling familiarly at the guard, who waved me in.

The hotel staff were very helpful, giving us a map of the hotel layout. The ease with which I was able to enter and exit the staff quarters led me to suspect this would be an easy action to execute. The Bayshore Westin has a large central lobby with halls extending outward to ring the perimeter of several public spaces: restaurants, bars, and a spacious convention room or ballroom. The convention room, which was obviously where the hearing was to be held, was large and easily
accessible. Indeed, we were able to enter the ballroom straight from the street, even though the door was unmarked and clearly not an official entrance. In other words, the hotel space was built to be accessible to a broad public, and was remarkably hospitable to the potential staging of a disruption. We left the Bayshore Westin buzzing with excitement over the possibilities the venue offered for making dissenting voices heard.

It took perhaps twenty-five minutes to walk across the small peninsula that comprises Vancouver’s downtown, to the Sheraton Wall Center Hotel. This hotel—the tallest in Vancouver—is comprised of three towers that are joined by a low building at the level of the lobby and second-floor conference ballrooms divided between the north and south buildings. Both north and south tower are accessible from the street. The north and south towers are devoted to hotel rooms, but the central tower is for live-in residents only, and is serviced by a private elevator from the ground level. The only part of the central tower non-residents can access is the narrow hall of small third floor conference rooms. These are reached through a slender walkway from both north and south towers. They are otherwise inaccessible. The only entrance is through a doorway that leads to a staircase hidden on the outside of the building, which can only be opened from the inside. It is impossible to enter the central tower from the subterranean parking lot unless one has a key. If the walkways were blocked off by police, it would be close to impregnable. It was immediately obvious that this was where the in-person hearings would be held.

Consider how the Sheraton hotel’s design structures the possibilities of
hearing. The staging begs for lurid description: *captured regulator in the pocket of dirty oil, secret meetings convert Canada into petrostate connected by pipelines, public hearings tantamount to stoppered ears...* Similarly, the meeting rooms of that central tower can be thought of as a kind of inner ear, a walkway whose narrow opening would be guarded by police while the hearings were in session, regulating what gets in and out. The results of the process having been determined beforehand, demonstrators might fill the streets outside with unintelligible noise, they might even flood into the lobby of the hotel itself; the police would still bar the entrance to the walkway, regulating the pressure on the tympanum like so many blue-uniformed, neon-vested Eustachian tubes. The room into which the intervenors would file, each in their turn, to testify before the joint review panel, would become the cochlear antechamber to the nerves of the political decision-making process, where no mention of climate change is allowed.

This project arises from the political struggle over land use in Canada, with an emphasis on the challenge to government and industry posed by the Indigenous. This dissertation explores the ways the Canadian nation-state and settler society use *hearing* as a silencing technique, mobilizing the field of aurality to place limits on the expression of indigenous dissent, and attempting to define the subjectivity of indigenous peoples fighting oil and gas pipelines and displacement from their homes. Hearing, land, and home are connected because hearing processes can become the instrument that forces indigenous people off their land. Oil and gas pipelines pose a threat to the self-determination of
indigenous peoples; however, urban development policies reproduce the threat to indigenous individuals who live in gentrifying urban centers. Under what conditions does the settler colonial state hear, or not hear indigenous people? The ways that the Canadian settler colonial state and society mobilize hearing suggests ears that are not attuned to the possibility of difference qua dissent in contemporary Canada—resulting in polluted lands.

It is not just the figurative inner ear of the Enbridge hearings that has to be protected from undesired intrusions, though. The anatomical ear has been posited as a uniquely vulnerable organ (Schafer 1977; 2003), whose vulnerability indexed what was understood to be the oculocentrism of western civilization (Schwartz 2003). The result was what Jonathan Sterne has called the “audiovisual litany”: a host of analyses recounting how the eye has been privileged over the ear, inadvertently reinforcing a binary originating in theology (Sterne 2003). Moreover, the ear has been theorized as the site at which difference itself is produced. Like Sterne, Veit Erlmann builds on Jacques Derrida’s insight that the theological underpinnings of western philosophy separated speech from writing, the oral from the literate (logocentrism), resulting in an understanding of difference that privileged western rationality (Derrida 1976). To grapple with the problem of difference and the ear, however, Erlmann turns to historical understandings of the anatomy of the ear to draw a parallel between Enlightenment philosophy’s construction of reason as the preserve of western thought, and the resonance of an ear that can only hear itself (Erlmann 2010). Erlmann’s project traces a history of the development of modern ideas on
aurality, showing how aurality developed as a field on which the questions of inside, outside, belonging, and otherness played out.

This interest in aurality can be seen as part of a recent auditory turn (Bull and Back 2003) that seeks to compensate for the oculocentrism of western thought without falling into the audiovisual litany that is exemplified in the Canadian context by thinkers associated with the Toronto School of Communication Theory: Harold Innis, Marshall McLuhan, and McLuhan’s student Walter Ong (Sterne 2011). The question of aurality has been developed in other contexts, however, to think through the problem of difference as expressed in performance practices and audile techniques, to use Sterne’s term for the diverse means by which a listening subject is cultivated. Writing about the music of South Africa’s Basotho migrant laborers, David Coplan coined the term “auriture” to replace the more conventional “oral literature” which reinscribes the divisions between ‘the west and the rest.’ Coplan moreover notes that the category of aurality emphasizes agency—of performers and audience—much like dialogic literary theory does, since it takes place between the mouth of one and the ear of another, as it were (Coplan 1994). Ana Maria Ochoa traces the use of audile techniques during the establishment of the colonial nation of Colombia, showing how they were used to police the boundaries between the human and non-human, constructing the political categories of indigenous people and settlers (Ochoa 2015). Aurality has thus been a productive lens through which to interrogate categories that produce difference, as imposed by colonial policies and administrations.
In a critique of the notion of the “indefensible ear,” Hillel Schwartz suggests that understanding the ear as a vulnerable, defenceless organ is simply inadequate as a means of addressing the contemporary political concerns it was intended to. The alternative he suggests is to ground political engagement not in the notion of sound as such—against the destructive ones of which vulnerable ears must be protected—but rather in the idea of vibrations, rooting the endeavor in a physicality that nonetheless encompasses the question of sound (Schwartz 2003). He goes on to suggest that emphasizing the agency of the ear, as “an organ that fights back” (Schwartz 2003, 500) is necessary to overcome what he characterizes as a fatalistic resignation to deafness. Schwartz notes that deafness is a result of the ear being bombarded with a quantitative surfeit of sound, and the unfortunate consequence of framing the ear as undefended against the onset of deafness is that all the problems the ear helps us to think through are consequently cast in quantitative terms.

Jane Bennett’s Vibrant Matter: a Political Ecology of Things takes up Schwartz’s first challenge by reconceptualizing the substance of material politics as vibrant. Bennett builds on the philosophical tradition stretching from Spinoza through Deleuze, that posits that all matter is interconnected, in the process of becoming, and thus alive in a radically different sense of the word, by virtue of its vibrancy (Bennett 2010). By doing so, Bennett makes it possible to think across what are often accepted as differences: different cultures, yes; but also between the human and the post-human; and more radically, the living and the dead, since everything that vibrates is subsumed within an all-encompassing ecology.
However, the ways that difference is produced, and the process of becoming arrested, slip out of focus when viewed through this lens.

In *The Tone of Our Times: Sound, Sense, Ecology, and Economy*, Frances Dyson likewise identifies a political substrate, but rather than sound or vibration, it is *tone*. Playing on the double meaning of tone as both a quality of sound and meaning (sense), Dyson reads a sense common to both ecology and economy in the sounds, or tones, that indexed key contemporary political moments (Dyson 2015). By focusing on tone, which can be harsh or discordant, Dyson introduces the possibility of incommensurability into what might otherwise be seen as a closed system of communication where the listening ear receives the sounds of the speaking voice—but only if it speaks in mellifluous tones. This resonates with Adriana Cavarero’s writing on voice and belonging (Cavarero 2007), where she suggests that communities are built on the relationships expressed by the intimacy of the enfleshed voice; moreover, that the unique, physical identity of the speaker, as rendered audible through the grain of their voice (Barthes 1981) determines whether the message can be heard. The voice and the ear are both posited as sites at which belonging and political subjectivity and struggle are produced.

I have chosen to foreground hearing practices—audile techniques—because this reorientation around sound, the ear, and the voice takes place at a time when the political potential of the voice has a renewed potency for indigenous peoples in Canada, even as the colonial state seems determined to make sure their utterances fall on deaf ears. Glen Coulthard has persuasively argued that the
predominant mode by which the Canadian settler colonial state engages with indigenous people is through the politics of recognition (Coulthard 2007; 2014). This is a liberal mode of governance that manages difference, or multiplicity, by recognizing the right of minorities to exist (Taylor 1994; Tully 1995) while simultaneously preserving its own authority, as expressed in the power to recognize. The continued endurance of the Indigenous poses a challenge to the legitimacy of the settler colonial state, so indigenous difference must be governed and assimilated. This is accomplished by recognizing the most ‘acceptable,’ least different elements, and claiming to have a tolerance for difference, even as dissenting voices are simply not listened to. While Coulthard’s intervention does not specifically concern the ear—his philosophical interlocutor is the Master-Slave dialectic of Hegel, which perhaps lends itself to a more visual interpretation—aurality has proven to be a productive avenue along which to think the “Other [that] is recognizable as Other only as long as it remains the Same” (Ochoa 2016, 121).

Indigenous activism and claims to sovereignty have taken on a renewed force both inside and outside the academy. In *Peace, Power, Righteousness: An Indigenous Manifesto*, Taiaiake Alfred articulates what can be seen as a successor to the gauntlet thrown down by Vine Deloria Jr. in *Custer Died For Your Sins: An Indian Manifesto* (Alfred 2009, Deloria Jr. 1969). The militant indigenous activism of the 1960s, such as the growth of the American Indian Movement, which refused to recognize the authority of settler government on indigenous land, culminating in the armed standoff at Wounded Knee, South Dakota, has
reemerged in the form of indigenous land defenders asserting sovereignty over their land, often to put a stop to environmentally destructive development projects. The Idle No More movement is perhaps the most visible example of this renewed political energy, with its eruption of round dances, flash mobs, and highway blockades during the winter of 2012; however, the slower burn of resistance to resource extraction occupies an ongoing and prominent place in indigenous resistance against the Canadian government and settler society.

Project Description and Chapter Outline

The title of this dissertation, *Dirty Ears*, contains a reference to the Canadian composer and sound theorist R. Murray Schafer’s collection of listening exercises, “Ear Cleaning,” but also more obliquely references the idea of damage to a pristine natural environment. Schafer’s pedagogical project was intended to ‘clean’ the ear of sound pollution he associated with industrial society, and is premised on his romantic belief in the existence of an unspoiled nature (Waterman 1996; 1998) and its importance to the ‘Canadian character.’ When Schafer describes this character, though, the resulting image is a kind of whitewashed noble savage:

“The North is a place of austerity, of spaciousness and loneliness; the North is pure; the North is temptationless. These qualities are forged into the mind of the Northerner; his temperament is synonymous with them. There are few true Canadians and they are not to be found in cities. They do not sweat in discotheques, eat barbecued meat-balls or watch late movies on television. They do not live in high-rise apartments, preferring a clean space to the smell of neighbours’ spaghetti...” (Schafer 2012).
This description resonates with the “idea of North” developed roughly contemporaneously by Canadian classical pianist Glenn Gould, who argued that the northern frontier was the imagined condition of possibility for Canadian nationhood (Page 1990). The link between this conception of nature and nationhood has been the subject of much Canadian scholarship on music (Diamond 2008; Waterman 1998; Galloway 2010). My project is concerned with the ways the constellation of ideas surrounding nature and nation affects those for whom the Canadian nation-building project is a hostile incursion. As a liberal settler colony—that is to say, a liberal state in which settlers vastly outnumber the original indigenous inhabitants (Povinelli 2011)—Canadian nation-building is inextricably bound up with the governance of the indigenous.

My project was initially conceived around 2011-2012, during the period between the start of the Truth and Reconciliation Commission on Indian Residential Schools’ mandate and the eruption of the Idle No More movement in the fall of 2012. The ‘indigenous problem,’ or as Thomas King helpfully reformulated it, ‘the white problem’ (King 2013), was very much part of the zeitgeist, in which the discourse wavered between the rhetoric of radical decolonialism, and the institutionalization of a liberal multicultural vision of a “Fair Country,” in the words of John Ralston Saul, that would come to be represented by the concept of reconciliation (Coulthard 2014; Truth and Reconciliation Commission 2015; Robinson and Martin 2016). During this time, political tensions over the various development projects tied to the Alberta oil patch, which had replaced Ontario’s post-crash-of-2008 manufacturing sector as
the motor of the Canadian economy, continued to mount amid growing concern over the environmental threat posed by the development of the Athabasca tarsands.

In spite of this concern, the successful exploitation of the Athabasca tarsands is often represented as crucial to the economic future of Canada (Murphy 2014). The only group in a strong position to deliver a legal challenge not only to Canada’s trajectory as a petrostate—a state whose economy is dependent on the vicissitudes of the market for oil—but an actual existential threat, are indigenous peoples. When I moved to Vancouver in the fall of 2012, the Northern Gateway pipeline was the most visible environmental cause. The pipeline was a powerful symbol of everything the Harper government was doing wrong: infringing on indigenous rights, hastening climate change, running roughshod over local opposition, privileging the energy sector over fisheries and tourism, etc. Apart from the challenge posed by indigenous land title, though, which has the potential to tie any pipeline company or government up in legal proceedings until the project is no longer profitable, or else keep the companies off traditional land by reoccupying it, there was little to be done. The government’s approval of Enbridge Northern Gateway made that clear.

Oil and gas pipelines can be thought of as a contemporary nation-building project, the present-day successor to the Canadian Pacific Railroad (CPR). The building of the railroad connected the extraction of western resources in what is today British Columbia—which until 1886 was a collection of British colonies on indigenous land—to the established eastern settlements of the new country. The
CPR thus served as the spike driving westward national expansion. In his history of the settlement of British Columbia, Robin Fisher notes that the completion of the CPR in 1886 effectively consolidated Canadian control over indigenous land despite the absence of treaties (Fisher 1995). When it comes to government policy today, oil and gas pipelines have seemingly replaced trains as the means by which the nation is held together: if the unencumbered export of oil or bitumen from the tarsands is crucial to the health of the national economy, the construction of pipelines is required to hold a fragile confederacy together. Enbridge’s Northern Gateway, Kinder Morgan’s TransMountain, TransCanada’s Energy East, Enbridge’s Line 9, and many more, are planned to connect the tarsands to ports on both east and west coasts.

The pipeline thus represents the confluence of two seemingly disparate things: the spatial imaginary of the Canadian nation-building project, and the governmentality by which that imaginary becomes reality. The efforts on behalf of pipeline companies of state apparatuses like the NEB suggest that pipeline hearings in Canada are a node of governmentality, or state mechanisms of control that are designed to produce docile subjects who, in this case, participate in a process that promotes recognition, as I will show in a later chapter (Foucault 2008). This is not to suggest that those who participate in pipeline hearings have in some way abrogated their agency, but to note that interveners in these pipeline hearings are expressing their dissent, ingenuity, and agency within a format that is nevertheless set up to produce a decision \textit{fait accompli}. The hearing processes also suggest, though, that the spatial imaginary of Canadian nation building
represented by the vision of pipelines as the veins of the energy economy can productively be examined by studying how ideas about hearing that are thought of as primarily ‘aesthetic’ are also political as expressed in these governmental public hearings.

R. Murray Schafer does not want any pipelines. He has written scathingly that these developments despoil the pristine wilderness necessary for the production of a national culture (Schafer 1984; 2012). Schafer’s broad project can be described as ‘cleaning’ the ear to produce fertile conditions for the cultivation of a national culture based on connection to the natural environment. I will argue that this project’s aesthetic-ecological-nationalist aspects, and public hearings such as those set up by the National Energy Board for pipeline projects—despite their apparent opposition—have common colonial roots in the aural production of difference, and the liberal politics of recognition by which that difference is managed today. Pipeline hearings are not the only conduit by which the state listens to its citizens, though. Following a lengthy consultation period, the City of Vancouver decided to rezone large parts of the downtown core for high-rise condominiums as part of an effort to address a housing shortage. The refusal to accede to the demands of the low income residents and activists of the Downtown Eastside neighborhood, even as the municipality actively solicited testimony from them, supports the idea that funneling political energy into hearing processes is an important way that governments manage and effectively silence potentially unruly populations.

Canadian economic dependence on the development of land for resource
extraction, and the development of cities for real estate purposes, attests to the importance of land use in understanding the Canadian political terrain. Indigenous nations hold leverage, at least nominally, over many such developments, especially where their land was never ceded, no treaties were signed. This pragmatic consideration connects the indigenous with the ecological, as the rise of Idle No More made visible. However, it also speaks to a pervasive unsetledness when it comes to notions of home—*oikos*, the common root of ecology and economy (Dyson 2015; Tresch 2013)—behind the political contestation over the place of the indigenous within settler society, and vice versa. This is, after all, what the stakes are, as Schafer, land defenders, and anti-gentrification activists alike are keenly aware.

This dissertation emerged as an exploration of these questions, with a specific emphasis on how the hearing-presence nexus functions as a tool of governance when it comes to indigenous people in Canada. I posit that we learn much about how what Jacques Rancière calls the “part that has no part”—referring to that element in a liberal democracy whose voice is represented to preserve the legitimacy of the government, even as it is repressed (Rancière 2004)—is produced. In Canada, a major element of that part is the Indigenous,

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3 It is common for indigenous land defenders to claim a deep connection to their land. I have attempted to bracket that fact, insofar as it is possible, for this dissertation, in order to focus on the ways the settler colonial state makes it necessary for indigenous peoples to claim this connection. My reason for this is threefold: first, I do not wish to play into the ‘noble savage’ trope that could easily emerge due to space considerations in a dissertation with many moving parts based on multi-site ethnography that is not grounded in any one community, indigenous or not. Second, by keeping the focus on the settler colonial society, I hope to emphasize the nodes at which structural violence is produced. Finally, I aim to preserve, as much as possible, a space of Indigenous difference that is unknowable and unrecognizable, and the nature of that deep connection to land (which I, as an urban settler do not share) is an important aspect of that.
which Elizabeth Povinelli has argued poses an existential challenge to the legitimacy of liberal settler states, and is consequently managed through strategies of temporalization and territorialization she calls the “governance of the prior” (Povinelli 2011). None of this is to suggest a conspiracy, or anything other than the run-of-the-mill ways ideas and events coincide and emerge such that powerful interests get what they want in the end—that is to say, the relationship between the various practices I write about resonate sympathetically, rather than deliberately operating in concert. However, Schafer’s ideas and music, pipeline hearings, and Vancouver’s development strategies have a common intellectual genealogy that marks the Indigenous as occupying a space of difference that must be integrated, against any resistance, into the body politic.

These concerns are germane to the wealth of scholarship on music, language, and indigeneity; Schaferian acoustic ecology; Feldian acoustemology; ecomusicology; and the anthropology of sound. This project is not centered on music, or even musicking, although they certainly are fundamental to parts of it. Rather, it seeks to operate in the wake of interventions that address the constellation of issues around those categories, such as the spectrum between singing and other forms of vocalization (Feld 1982; Seeger 1987), speech acts and community (Fox 2004), aurality (Ochoa 2015), and the cultural and historical construction of those categories.

Chapter 1 is divided into three sections, providing background for what follows. The first provides a brief overview of the history of the colonization of Canada, focusing on British Columbia, as well as a look at the recent political
history and context that shaped the events discussed in later chapters. While the conflicts discussed later in the dissertation all have their roots in a long history of colonization, the terrain—in the sense used by Pierre Bourdieu to designate a realm of social interaction populated by various agents and shaped by the power dynamics between them (Bourdieu 1980)—is shaped by regional economic struggles and the politicians that came to be associated with them. The writing of this dissertation spanned the end of the Harper government and the beginning of the Trudeau government, so I have treated the philosophy towards indigenous people promulgated by prominent public intellectuals associated with each party: the Conservative Tom Flanagan and the Liberal John Ralston Saul—where they contrast, what they have in common, and how their ideas have translated into policy. I also identify common ground between the two approaches that coalesce around a shared emphasis on oral tradition as the marker of indigenous culture. I chose to focus on the writings of these public intellectuals in the first chapter rather than getting bogged down in specific policies, because what both writers have in common is an accessible writerly voice and a willingness to state their position plainly. This is not usually the case with legal documents and policy papers, although there are exceptions, as we shall see in the Chapter 3 discussion of the initial Delgamuukw v. British Columbia judgement!

The second section picks up on the centrality of the notion of “presence” that underpinned the Enbridge hearings. I argue that this is a logocentric policy, and trace a genealogy of the metaphysics of presence in Canadian thought from pioneering anthropologists Edward Sapir and Diamond Jenness through the
Toronto School of communications theory to R. Murray Schafer and the breadth of scholarship he influenced, from acoustic ecology to sound studies to ecomusicology. Finally, I end with a section reflecting on my methodology, and the often stark limits and limitations I encountered during the research and writing of this dissertation. This is very difficult to write about, and I’m sure I have done so clumsily, but in broad strokes, I was effectively thrown out of the communities with whom I was doing my fieldwork because the son of a local politician had a serious mental health episode in which he accused my partner of being an agent for the Canadian Security Intelligence Service. Given the—justifiable—paranoia regarding infiltration of radical activist groups, this has proven (so far) to be a decisive rupture between me and them, and has posed several methodological and epistemological problems, which I briefly outline.

R. Murray Schafer’s sonorous order is the subject of the second chapter. Picking up on the influence of McLuhan, as discussed in the second chapter, I provide a brief summary of Schafer’s career in the context of the official Canadian policy of multiculturalism, introduced in the early 1970s, around the time Schafer was gaining influence as a composer and educator. I show how the broad ecumenism of the sound materials on which Schafer drew resonated with the historical moment, referring to the Canadian nation-building project, the establishment of the official policy of liberal multiculturalism, and growing ecological consciousness. Narrowing in on Schafer’s use of language—especially indigenous words—and graphic notation in select ‘nature’ compositions, I argue that Schafer’s free collapse of words, things, and their sonorous and visual
representation turns on a colonial conception of aurality, overwriting the capacity of indigenous words to signify. This becomes especially clear when read against the real life constraints imposed on indigenous political expression. That is to say, the representative order set forth by Schafer operates by freely prying words apart from objects, signifiers from signifieds, and reconfiguring them in much the same way the law does. To illustrate this point, I discuss the name-theft experienced by Gitxsan house leaders during the British Columbia government’s liquefied natural gas pipeline approval process.

Pipeline hearings are again the subject of Chapter 3. However, the emphasis here is on the separate hearings required to be held for indigenous intervenors, and ‘oral tradition’ as mobilized by Canadian law. This chapter contains a brief history of the legal recognition of the validity of indigenous oral traditions, and their subsequent place in pipeline hearing processes. The approval process requires indigenous interveners to conform to the NEB’s definition of indigenous culture, which is characterized by a strict division between oral and written traditions. This requirement relegates indigenous people to an imagined past (Fabian 1983; Tuhiwai-Smith 1999) even as it compels them to partner in the development of their land on the terms of the settler society. Using the example of Kinder Morgan’s TransMountain pipeline hearings, I show how the law constrains and constructs indigenous voice to achieve something that looks like assent to development projects. The TransMountain pipeline already exists, piping diluted bitumen from the Athabasca tar sands to a terminal in Burnaby, British Columbia, just outside Vancouver; however, the company proposes to
significantly expand its capacity. The Tsleil-Waututh Nation, one of the indigenous nations on whose land Greater Vancouver sits, have tirelessly been fighting the pipeline expansion in court. This chapter explores some of their strategies, how they construct themselves in response to obstacles instituted by the NEB. I argue that the way the Canadian liberal state tries to have it both ways in how it defines the indigenous: as part of the flat, expandable topography of identities that constitute Canadian multiculturalism—a process Joanne Barker calls “making ethnic” (Barker 2006)—but when it comes to encounters with the energy sector and its designs on indigenous land, state apparatuses emphasize the voice of a distinct, indigenous “oral culture,” only to dismiss it on that very basis.

Through an examination of the writing and record of Bob Rae, a Liberal politician turned pipeline broker, I expand the frame from hearing processes to the role played by indigenous culture—as living traditions and practices, and also the notional ‘indigenous culture’ by which the state seeks to interpellate indigenous people—in the ongoing process of primitive accumulation through which the Canadian colonial state reinforces its existence and power (Coulthard 2014). I show how this plays out on the ground—literally, shaping the ecosystem—using Bob Rae’s celebration of the 2014 Tsilhqo’otin Supreme Court decision in favor of indigenous land rights, to show how recognition of indigenous title can cover for insidious goals. The results for the environment and for indigenous peoples can be devastating. Ana Maria Ochoa has argued that ecomusicology participates in the infinitely expandable order of the liberal
imaginary, with its emphasis on distinct, local communities and their environments (Ochoa 2016). Against the backdrop of the slow violence (Nixon 2011) wreaked on indigenous land, culture, and people by the Canadian state, I argue for an ecomusicology based on the principles of environmental justice, which prioritizes the concerns of those usually already marginalized people who will be the first to suffer the effects of environmental degradation.

In Chapter 4, I move away from obviously ecological questions to urban struggles over land use in Vancouver. In it I explore how aesthetic strategies claiming space by drawing on the rich cultural histories associated with that space are absorbed and neutralized by a city council intent on rezoning to make way for high-priced condominiums. In Vancouver, the high price of land has led to a housing crisis whose effects are felt everywhere, but are particularly acute in the low-income Downtown Eastside neighborhood. The Downtown Eastside has long been a site of activism, and in recent years rapid gentrification has intensified conflicts between the original residents and those moving in. The city council’s landmark 2014 acknowledgment that it was built on the unceded land of the Coast Salish peoples, Skwomesh, Musqueam, and Tsleil-Waututh seemed to open possibilities for indigenous sovereignty to challenge the city’s approach to land development. This chapter explores the idea of a neoliberal aesthetic that neutralizes dissenting voices through a politics of recognition that is expressed on the ground in the neoliberal development practice of “social mix” (Leys 2006; Shaw and Hagemans 2015). Ecological questions thus come full circle, back to the struggle of remaining in one’s home, oikos—both the literal domestic abode, and
the indigenous land on which is was built—in spite of prevailing gentrifying forces.

**How does an ecomusicology sound beyond liberalism?**

The question above plays on a few double meanings, but I would like to tease a couple out of the word “sound.” Sound is obviously an important component of our object of study as ethnomusicologists, and the word has been used as a verb denoting the foregrounding of sonorous dimensions of an object of study that seems different on the surface. This spatial metaphor extends into very material concerns, where “sounding” is a way of gauging the contours of otherwise hidden depths. This unites object and methodology in a way that is productive because the material basis for politics is what is at stake. The politics of ecomusicology are broadly liberal at the moment, like ethnomusicology, but few studies have offered an explicit political program to address our environmental crisis or its implications for those marginalized people who are already experiencing it. However, ecomusicology is still in a formative stage, at least by that name, and consequently presents what Jeff Todd Titon calls “a moving target” (2013).

Aaron S. Allen’s broad definition of ecomusicology as “the study of music, nature and culture in all the complexities of those terms” (Grove Online) has been a productive rallying point, likely because it is not prescriptive when it comes to methodology—a factor that may have helped encourage music scholars
to think across subdisciplinary boundaries. Allen’s definition resonates with that of Denise Von Glahn, who grounds ecomusicology more specifically in the traditional interpretive methodologies of the music disciplines. For Von Glahn, ecomusicology “explores relationships to the natural world and questions how those relationships imprint themselves on music and scholarship; who gets to articulate the relationships; and ... how select composers understand the essential dynamic between humanity and the rest of nature” (2011). What both these definitions have in common is that they firmly establish the pillars of the new field—its objects of study—as music and nature (and in Allen’s case, culture).

Titon, however, argues that a reconceptualization of the ‘nature’ axis is necessary for the field to be properly transformative—which scholars agree ecomusicology ought to be, as we stare in the face of an increasingly acute environmental crisis. Drawing on the history of ecological thought, Titon calls for ecomusicology to adopt an “ecological construction of nature based in a relational epistemology of diversity, interconnectedness, and co-presence.” In the interest of centering ecomusicology around the problem of sustainability, Titon provides a genealogy of conservationist ecology, which he defines as a movement that emerged in the wake of the science wars triggered by critical theorists such as Foucault, who had argued that scientific realism had provided an epistemological basis for forms of historical domination: patriarchy, colonialism, etc., and moreover, that “the misuse of Western science in the service of economic rationality had resulted in environmental destruction” (2013, 13). In place of this flawed formulation, Titon introduces Timothy Morton’s exploration of ecology
without nature—Morton argues that nature has been conceived either as “an impossible romantic fancy or as an impossible object of scientific realism”—as an intellectual project emphasizing interdependent relationships (Titon 2013, 16).

By incorporating the postmodern critique of ecology in this way, Titon recognizes how scholarship in the service of environmentalism, along with the environmental movement, failed to overcome the first ecologists’ critique of scientific realism, reproducing its relationships of domination. This is increasingly accepted to be one of the political challenges of ecology, as well as an epistemological one (Latour 2014). That there are unequal power relations in the environmental movement which disproportionately affect marginalized groups is one of the charges leveled by advocates for environmental justice against mainstream environmentalism (Mohai, Pellow and Roberts 2009). These unequal power relations map onto an unequal distribution of harm. This is because the environmental crisis is not something that will take place in some projected future, but is happening right now, although its effects are unevenly dispersed in space. The receding Arctic sea ice is not a fact of life for the vast majority of the world’s population, nor, for example, is the clear-cutting of trees and the drainage of mushkeg swamp apparent to those Canadians who do not live adjacent to the remote Athabasca tarsands. Incinerators and waste treatment plants are seldom placed in affluent, heavily frequented parts of cities, but instead are usually relegated to the outskirts inhabited by the poor. This distribution has negative effects on the health of land and populations, but they are only felt over time, and predominantly and first by already marginalized
people, in a process Rob Nixon calls slow violence (Nixon 2011).

How music disciplines can mobilize the field of ecomusicology to address this complex problem, in its political and epistemological dimensions, as well as the ‘real scientific’ one, has been a subject of some urgency (Kinnear 2014; Rehding 2011; Rice 2014). The Journal of the American Musicological Society published a colloquy dedicated to ecomusicology in 2011, in which Aaron S. Allen’s introduction posed the following questions (2011, 392): “Is musicology part of the problem or part of the solution? What role does musicology play in the welfare and survival of humanity? How does nature inform music, and what can the study of music tell us about humans, other species, the built environment, the natural world, constructed “nature,” and their connections? Does musicology adapt us better to life on earth, or does it sometimes estrange us from life? Does it contribute more to our survival than to our extinction? Is the environmental crisis relevant to music—and more importantly, is musicology relevant to solving it?” These questions cover a good deal of ground, but one gets the sense that the desired answers to the questions concerning musicology’s role—even though they are yet to be determined!—are not the negative ones. The challenge, really, is how do we conceive of ecomusicology such that it will a) not hasten the destruction of humanity and b) be relevant to solving environmental crises?

In the introduction to Music and Politics’ 2014 special issue on the environment, Tyler Kinnear likewise notes the “emerging field of ecomusicology seeks to develop discursive tools for the study of music during a time of rapid environmental change.” Kinnear goes on to quote Rehding’s call to identify
“tasks” that could be undertaken to address environmental crises: “The aim of this special issue ... is to move in the direction of identifying some of these orientations and tasks” (Kinnear 2014, 3). This frames the field as one characterized not only by political engagement, but by the development of instruments suited to political activism. In a similar vein, the subtext to Timothy Rice’s more broadly focused article in *Ethnomusicology*, “Ethnomusicology in Times of Trouble” could be read as, ‘how do we inject a sense of urgency into our work?’

Alexander Rehding identifies two approaches to ecomusicology: appealing to a sense of apocalypticism, or to nostalgia. While he recognizes the potential for apocalypse, Rehding suggests that appealing to a sense of nostalgia might be the more effective tactic to spur people into action. However, if ecomusicology derives its “relevance and topicality from a sense of urgency and from an inherent bent toward awareness-raising, praxis (in the Marxian sense), and activism” (2011, 410), its goals are already diffuse, as the chasm between awareness-raising and translating that awareness into praxis, or activism, can be quite wide indeed. (To say nothing of the fact that not all activism is effective.) I also worry that, because Rehding’s heuristic emphasizes the appeal to affect over methodology, it can threaten to bury the question of “what is to be done?” under a stratum of sentiment. These examples suggest that there is an overarching sense that ecomusicology is intrinsically political, but what those politics are remains undefined.

The indeterminate politics of ecomusicology manifests in some
counterintuitive ways. Rehding’s exhortation to appeal to a sense of nostalgia, for example, associates feelings of loving nostalgia for a lost landscape with a positive political program; it does not engage with Frederic Jameson’s argument that nostalgia in art can be expressed as a sort of politically inert pastiche (Jameson 1991). In his survey of ethnomusicology’s contribution to ecomusicology, Timothy Rice highlights an example from Mark Pedelty, who provocatively points out that U2’s touring apparatus emits an enormous amount of carbon, ironically offsetting any progress made from U2 urging the public to fight global warming (Pedelty 2012; Rice 2015). While this discomfiting point may be accurate, it is of a piece with the right-wing talking point that seeks to discredit environmentalists for ‘driving to the protest in their SUVs,’ ‘using iPhones’ and so forth. There are ecologists who have adapted ideas from ecology to critical political traditions, for example the ecological anarchism of Murray Bookchin, the ecosocialism of John Bellamy Foster, which reads Marx from an ecological perspective, and more recent explicit critiques of capitalism arguing that the crisis cannot be solved without undoing the system, such as Naomi Klein’s This Changes Everything (Bellamy Foster 2002; Bookchin 1982; Klein 2015), but that kind of explicit program has not made its way into ecomusicology.

This is not to say, though, that there is no politics to ecomusicology. Ana Maria Ochoa points out that the preservation of the conceptual pillars ‘music’ and ‘nature’ in ecomusicology permits the new field to substitute ‘nature’ in for the place usually occupied in ethnomusicology by ‘culture,’ for example, the identification of ‘natural’ musical practices, or the importance of nature to
preserve music and vice versa (2016). In an exploration of the operational definitions of ‘ecomusicology,’ Ochoa notes that both Aaron S. Allen and Denise von Glahn identify ecomusicology as an umbrella term under which multiple disciplinary perspectives can come together, permitting the exploration of how music and nature—two contested terms—intermingle. This effectively shapes the field of ecomusicology, and ethnomusicology as well, to be broadly homologous with liberal multiculturalism, which recognizes the existence of multiple tendencies (cultures, intellectual approaches) in the same space (Ochoa 2016).

The question of politics is linked to the question of methods. Rehding expresses skepticism regarding deconstruction’s ability to address the problem of environmental collapse, quoting Kate Soper, “[i]t is not language that has a hole in its ozone layer” (Rehding 2011, 411). Ochoa, however, argues that deconstructing the constellation of ideas surrounding nature, culture, and the music/sound that exists between them, might lead to productive new points of entry that can help the field forge new paradigms. For Ochoa, this means a shift toward acoustemology (Steven Feld’s term for ways of knowing the world through sound), to open both the scholarly and political field to alternative epistemologies, confronting problems of difference without incorporating it under an umbrella: “[m]ultinaturalism is not so much ‘a variety of natures’ (applying the notion of relativism to nature) but rather ‘variation as nature’” (2016, 139). In other words, how to avoid simply swapping nature for culture, reproducing the liberal paradigm?

As a liberal settler colony, Canada’s land management policy is,
unsurprisingly, liberal. It is therefore helpful to detail how that political philosophy structures the way ecosystems are made and remade, examining how the concepts of music, sound, nature, or culture are imbricated in these processes. As I hope to show in the chapter that follows, it is hasty to dismiss the potential of deconstruction for understanding the environmental crisis, on the grounds that language isn’t being strip-mined for precious metals, though. This is because aurality—and with it, language—is one of the fields, in the sense used by Bourdieu to designate social agents and their respective positions jockeying for power (1980), on which environmental struggle plays out in Canada.

Deconstruction, as a mode of reading, does not need to be limited to one of the two conceptual pillars of ecomusicological study (music, nature) which preserve the liberal orientation of ethnomusicology toward its objects. Here, Ochoa’s work on listening in 19th-century Colombia has been an important antecedent (2015), as I shall argue that the constructed nature of the concept of orality in Canadian law plays an important role in the dispossession of indigenous people from their land in the name of resource extraction. The political valence of orality takes a very contemporary and urgent form at the point where the ecological meets the indigenous.

The law uses the category of orality to define indigenous peoples’ relationship to their land and to their culture. Because orality is mobilized in Canadian law as the representative of indigenous culture, and thus the vehicle for expressing tolerance and respect for those myriad cultures, the notion of culture can be understood as contingent on the recognition of the state. In other words,
indigenous people may always be practicing their culture; however, it is when the remaking of land is in question that the state recognizes that practice, through the category of orality—that is to say, when questions of nature are at stake.

Culture is produced, recognized, and managed on the field of aurality, which supports hearing and voicing, sound, language, and music, as “phenomena that lie ‘between nature and culture,’” as Ochoa puts it (131). She points out that one of the important interventions of Steven Feld and Anthony Seeger was adapting structuralism to be open to questions involving music and sound, as a way to call into question the binary opposition of nature and culture (Ochoa 2016; Feld 1982; Seeger 2004. In this vein, I explore how culture and nature are produced as same-but-separate in the eyes of the law and enforcement when it suits them. I will trace how hearing processes for indigenous people transform any alterity that might complicate the state’s recognition of culture—for example, an alterity in which culture and nature are not separate—into an “Other...recognizable as Other only as long as it remains the Same” (Ochoa 2016) through the indeterminacy-affixing operation of the law.

As culture is fixed into the law through mechanisms that produce recognition, it becomes a source of ambivalence. On one hand, it legitimately produces continuity, community, and orientation in a hostile and changing world; on the other hand, it becomes a node of governmentality. Writing of the music of the bushmen, or Khoisan, of Southern Africa, Carol Muller argues that the existing tools ethnomusicologists use to analyze music as culture are inadequate in a context of abandonment and dispossession (Muller forthcoming).
Based on Timothy Morton’s idea that to address ecological crises we must learn to conceive of ecology without nature, Muller suggests that ethnomusicology ought likewise to think of cultural context—which is also ecological—without culture. This very much applies to the context of indigenous peoples in Canada, for whom the culture that gives life is twisted into a mechanism of control. Culture here is the site of what Lauren Berlant calls “cruel optimism,” which is “a relation of attachment to compromised conditions of possibility whose realization is discovered either to be impossible, sheer fantasy, or too possible, and toxic” (2011, 24). Muller’s call for an ethnomusicology without culture thus takes on an urgency where “salmon is life,” and “salmon is culture,” because the stakes are very high, especially when waterways that have sustained major salmon runs are polluted.

My approach to ecomusicology does not begin with music, nature, or culture, but with what I identify as a node at which the crisis (political, ecological) is managed. Taking my cue from the important antecedents set by Steven Feld and Anthony Seeger, I focus on aurality as a field of political struggle, orality as a tool of indigenous governance, and political hearings as the site at which conflict is negotiated. Furthermore, both Seeger and Feld share a concern regarding the threats posed to indigenous peoples by environmental degradation; and an openness to translating scholarship into activism. The former can be seen in Feld’s articulation of the process by which the threat posed to ecosystems such as the Bosavi Rainforest in Papua New Guinea by logging, are tantamount to endangered culture and endangered music (Feld 1992). This important line of
argument has been adapted to the specific context of the climate crisis by Chie Sakakibara, who shows how climate change’s impact on the habitat and life cycle of the bowhead whale threatens Iñupiaq culture and drumming in Canada’s Arctic, since it is the coming of the whale that brings music (2008).

The latter activist orientation can be seen in Seeger’s call for an orientation toward ethnomusicological scholarship that is open to activism (2004). While Seeger’s activism manifested as advocacy on behalf of his community to the Brazilian court system, the position that informed my framing of my work is based on two years spent as an activist in Vancouver’s environmental justice scene, organizing in support of indigenous groups defending their land from pipeline companies. While that activism does not enter into the chapter that follows, I suspect it is very difficult for ecomusicologists not working with frontline communities—that is, those who will feel the first effects of environmental degradation—to have a sense of the crisis as structural violence (Galtung 1969; see also Nixon 2011).

However, a model of recent ecomusicological scholarship that frames ecological crises as the result of structural violence can be seen in the work of Travis Stimeling, whose analyses of musical responses to the 2010 British Petroleum Deepwater Horizon explosion and oil spill in the Gulf of Mexico, as well as recent debates over Mountaintop Removal coal mines in Appalachia (2012; 2014). Rather than beginning from the music or ecology of a given culture—that is to say, one of the two pillars of ecomusicology identified by Allen and von Glahn—Stimeling foregrounds the crisis. By analyzing music as a
response to crisis, whether it is the Deepwater Horizon disaster or the ongoing effects of Mountaintop Removal, Stimeling injects ecomusicology with the sense of urgency called for by Kinnear, Rice, and Allen. In chapter 3, which focuses on oil and gas pipelines and indigenous consent, I have tried to do the same.

Methodology

The material for this dissertation is based on two years of fieldwork (2012-2014) in British Columbia, Canada, and several trips back since then. During this period I lived in Vancouver, but spent my summers traveling through northern British Columbia. My first year in Vancouver was largely spent doing participant-observation research in Vancouver’s Downtown Eastside neighborhood. This included volunteering at the Carnegie Community Centre, and attending open mics and other cultural events held there, as well as their inaugural First Nations Journeys class operated in conjunction with Capilano University. I also attended language circles at the Aboriginal Front Door, a society operated by and for indigenous people in the Downtown Eastside as a community space, resource, and healing centre; the Heart of the City arts festival; as well as many marches, rallies, and protests, including the long-standing picket of the Pidgin restaurant, which had become a major flashpoint in the fight against gentrification. I also volunteered with the Carnegie Community Action Project, helping them to canvass the neighborhood in their final push against Vancouver City Council’s planned rezoning of the neighborhood. During this year I also joined two radical
collectives: the Spartacus collective, which operated a bookstore and community space in the Downtown Eastside until rising rents forced them to move east, and the newly formed chapter of Rising Tide, an environmental justice group, with which I would spend the remainder of my time in Vancouver organizing.

Rising Tide Vancouver-Coast Salish Territories is a grassroots organization of volunteers dedicated to combating the “root causes” of environmental degradation and climate change. It is part of a loose network of activist groups around the world that operate under the “Rising Tide” umbrella; however, each local collective is fully autonomous. The North American collectives were set up by former members of the Earth First! network, and are thus rooted in the West Coast environmental activist tradition that emphasizes direct action of varying degrees of militancy. What they share is a commitment to environmental justice: that is to say, working with “frontline communities,” or those communities that will experience the immediate effects of environmental degradation; a broadly anti-capitalist orientation; and the influence of anarchist political philosophy. Rising Tide Vancouver-Coast Salish Territories was formed during the summer of 2012 in order to support the Unist’ot’en clan of the Wet’suwet’en nation—an indigenous community in northern British Columbia whose land is traversed by the proposed Enbridge pipeline route, and the routes of multiple other oil and gas pipelines.

I had originally proposed to examine music’s use as a tool of public health, to get at the question of governmentality of the Indigenous through music. However, my time in the Downtown Eastside, as well as attending the Truth and
Reconciliation Commission for Indian Residential Schools’ Vancouver National Event, impressed on me that this was an ethnographic project that could only be undertaken ethically after many more years of work with community members than were available to me as a graduate student. I therefore shifted the focus to something members of the environmental justice movement and Downtown Eastside communities were both identifying: that there is a connection between being displaced by gentrification and being displaced for resource extraction. Both causes of displacement are understood by these communities as an enclosure of the commons, although not everyone favors explicitly Marxist terminology. I then reconfigured the project to seek to understand the conditions of possibility for this shared circumstance.

In turning away, for the most part, from ethnographic representation, I had several considerations in mind: first, I recoiled from the heavy ethical burden of writing about people’s often traumatic histories of interaction with medical institutions and public health apparatuses. Still, after I had shifted the focus of my research to the struggle against displacement and for environmental justice, the ethical challenges of writing in any detail about the workings of activist communities—which can overlap with marginalized communities—and heavily surveilled communities in particular, presented themselves. Laura Nader’s warning that anything I said about marginalized communities would be used against them rang in my head (Nader 1972). Constant consideration for activist “security culture” converges with the importance of not saying sensitive things without authority granted by the community: activist principles resonate with
northwest coast indigenous traditions granting knowledge of songs, medicines, the freedom to record or otherwise represent, and the authority to speak, to specific individuals.

In keeping with the move to protect repatriate indigenous knowledge and sacred and cultural objects (Drahos 2014; Recht 2009), I believe that not all information needs to enter circles of academic reference and exchange. In light of the damage that positivist ethnographic scholarship has done to indigenous communities in particular as outlined by indigenous scholars and activists (Deloria Jr. 1969; Tuhiwai-Smith 1999), I adopted the position Sherry Ortner calls “ethnographic refusal,” which she characterizes as the refusal of thick description, whether that is manifested as “exhaustiveness” or “holism”—and the refusal can take many forms (Ortner 1995, 174). From the start I was uncomfortable pursuing the kinds of relationships that would someday allow me to gain access to privileged knowledge. In retrospect I think this stems from my early experiences in the Downtown Eastside, where people—predominantly women—would tell me about traumas they had experienced, quite readily I thought, without my having done anything to have earned that confidence. I suspect this is partly because many people are lonely and vulnerable, and perhaps because I was a young, non-white woman who didn’t appear threatening and was willing to listen.

But I also now see discomfiting similarities between the pursuit of ethnographic knowledge and the Canadian colonial state’s politics of recognition: I am deeply uncomfortable with the idea of representing the voices of those
people who would talk to me. Philip Bohlman has characterized the ethnomusicological endeavor as one based on representation in myriad forms (Bohlman 2005); however, the politically sensitive terrain on which I was operating made this framework problematic. More sociological projects with a degree of quantitative rigor would have been inappropriate and dangerous for vulnerable, criminalized, and heavily surveilled communities; but qualitative options would have risked reproducing categories of indigenous personhood based on tractability toward the researcher, to put it in stark terms. Given more time and experience, the long-term, engaged and collaborative model of scholarship provided by Carol Muller (Muller and Benjamin 2011) is something I would want to emulate; but for this project I have tried to write in the vein of Elizabeth Povinelli (Povinelli 2011) and Ana Maria Ochoa (Ochoa 2015), whose focus on conditions of possibility over specific happenings informs without revealing. Insofar as I have said anything about the communities in which I was working, I limited it to what could be deduced from information that is publicly available.

I did throw myself into activist work in support of the communities I have tried to avoid writing about in any detail. For my part, this was not done out of “allyship” (although most members of Rising Tide would probably frame it that way) so much as an instinctive desire to avoid being a voyeur and a compulsion to move toward identifying the structures that produce violence rather than the experience of it. Khasnabish and Haiven have articulated a notion of activist scholarship as taking place “outside but alongside” communities that I have
found helpful, framing the problems of activist scholarship in the context of the capitalist crises produced by the contradictions of the neoliberal university. The imperative for the individual researcher to produce positive knowledge despite the collective nature of knowledge production casts academic research as expropriation, theft (Khasnabish and Haiven 2015). Against the imperatives of the neoliberal university, Khasnabish and Haiven suggest a model of activist scholarship they call “convocation” (in contradistinction to “invocation” and “avocation”), which emphasizes the process of working with activist communities that are themselves in flux, rather than the fruits of labor—whether that labor is the production of knowledge or the production of a radical imaginary and its attendant political possibilities. This is not something I consciously set out to do at the time, but it happens to align with my experiences, and especially my positionality as a graduate student whose position in the academy is also very much in process.

However, I have also thought of this dissertation—especially the parts that were not based on fieldwork—as an example of Marcus and Fisher’s idea of anthropology as cultural critique, the point of which is, “to offer worthwhile and interesting critiques of our own society; to enlighten us about other human possibilities, engendering an awareness that we are merely one pattern among many; to make accessible the normally unexamined assumptions by which we operate and through which we encounter members of other cultures” (Marcus and Fisher 1986, ix). Moreover, I have sought as much as possible to keep the focus on the apparatuses and imaginaries of the settler colonial society, to effect a
version of “studying up” (Nader 1972). In activist parlance, one could say this is ethnography on a strictly ‘need-to-know’ basis.

A good way to narrow the scope of an ethnographic project is by selecting a community that is more or less discrete. When I expanded the boundaries of my research beyond the Downtown Eastside to include the fight against pipelines and for decolonization, and decided that the presentation of the material would not be an “ethnography” per se, but a deconstruction of a constellation of ideas on the theme of hearing, hearings and the governance of the Indigenous, I was forced to ask: what is the purpose of ethnographic research for this project? What does this process impart that couldn’t have been achieved by other means? I don’t yet have a satisfactory answer to this question, but I suspect that if I had not been on the ground, I would not have been in position to see connections between such seemingly unrelated things as pipeline hearings and gentrification. However, these are connections the communities themselves are making. As such, this dissertation is shaped to a large extent by the analysis the communities in which I was working have forged to account for their conditions. Rather than focusing on the intimate details of, say, how relationships between anti-pipeline and anti-gentrification activists were formed, however, I start by accepting that they did, and seeking to contextualize that convergence, both within the Canadian political-economy and scholarship on music and sound.

I do think that one of the reasons I could not write an ethnography is also why it was important to do it. In “overstudied,” vulnerable communities—and the Downtown Eastside and indigenous communities are excellent examples of this—
academic writing poses a known threat. I think I had to become aware of some of
the dangers that might not have been apparent otherwise, and feel some of the
threat, to get a sense for where to place my feet and where not to tread. I
therefore set out not to describe the conditions of marginalized communities, but
the conditions under which the state can hear them. Another way the state hears,
though, is by spying on people.

Reflections on Ethnography in the State of Emergency

“The situation created in the exception has the peculiar characteristic that it cannot be
defined either as a situation of fact or as a situation of right, but instead institutes a
paradoxical threshold of indistinction between the two. It is not a fact, since it is only
created through the suspension of the rule. But for the same reason, it is not even a
juridical case in point, even if it opens the possibility of the force of law.” Giorgio
Agamben, Homo Sacer, 18.

“And in the state of emergency which is not the exception but the rule, every possibility is

I will likely never visit or communicate with the Unist’ot’en again. I am dead
to them, or I may as well be for all I know: just one more settler “ally” who
dropped off the face of their planet when the going got rough, in the best case
scenario; a spy of the Canadian government sent to infiltrate them and their
supporters, in the worst. It’s impossible for me to know which, because no-one is
talking, and I have said that I would not initiate communication. The entire
Kafkaesque episode has thrown into relief the stakes of the ethnographic
project—that is to say, the disciplinary norms of ethnomusicology vis à vis the
ethnographic project, which privilege the maintenance of “good relations”
between ethnographer and informants—as one rooted in a thwarted positivism.
Positivism and paranoia make for good allies. Suspended between these vertiginous epistemic stances, the questions course through my mind: What should an ethnographer do? How should an ethnographer be? How can I answer one of the fundamental questions of reflexive ethnography, which is—if it only emerges in relation, and relations are severed, what is my positionality? I’m not a snitch or a spy—am I?

In February of 2015, an RCMP report outlining possible threats to Canada’s energy infrastructure, primarily from indigenous and environmental activists was leaked. The report’s publication created waves in the activist communities in which I had spent the previous two years, and it struck me for a number of a reasons. First, it cited a couple of master’s theses on activism, which in my reading didn’t help the authors of the report make their argument, but did clearly indicate that the police do see seldom-read products of academia. Second, in its survey of the greatest threats, the report identifies a “small community of violent extremists in northern British Columbia” (Toledano 2015). No more details were divulged. No name for the community, no specific location, no description of its members.

The Harper government had just passed controversial legislation with the support of Trudeau’s Liberals, Bill C-51, which redefined “terrorism” to include actions that harm major economic projects—a move that critics have argued is aimed at indigenous and environmental activists (BCCLA 2015). Despite the gravity of the situation, according to the RCMP report—whose ostensible purpose is to identify and describe these opponents—the greatest threat posed to the oil
and gas sector is notable more for what is not there than for what is. *Believe us, the danger is real. It does exist.*

I don’t know for certain, no-one can, but I suspect the group insinuated by the report is the Unist’ot’en Camp. The journalist who broke the story, Michael Toledano, outlined the case for Unist’ot’en being the accused “violent extremists” in question for Vice (Toledano 2015). Toledano provides details the RCMP report does not, though, informing his readers that the Unist’ot’en are a Wet’suwet’en clan of indigenous land defenders, whose unceded land sits on the planned paths of multiple oil and gas pipelines. Far from being violent extremists, they are simply refusing to consent to the construction of pipelines on their traditional land, and have built a healing centre there promoting their traditional Wet’suwet’en culture. The Unist’ot’en also host an annual summer action camp to empower indigenous people defending their land from incursions from economic interests, as well as non-violent environmental activists who share an anti-colonial outlook. But that is all I can say—*all you need to know?*—on the subject.

The week his article came out, I sat with Toledano in the apartment of an anthropologist acquaintance who is writing a dissertation on the Unist’ot’en and told them that the previous month an unstable former friend in Vancouver had started spreading rumors that my partner was a CSIS agent. I had told everyone who might be affected in order to be accountable, but nothing had come of it other than silence. Talking to Toledano about his scoop and its relation to my situation, back in my hometown of Toronto where I was recovering, he and my anthropologist friend shook their heads. *You shouldn’t have said that,* they
What I don’t manage to convey in the following chapters is a sense of the low-grade terror that pervades everyday life whether you are a land defender (the CSIS wireless hotspot that randomly appears in public spaces), a low-income DTES residents (how many people have whirled around in a panic at the sound of the too-brisk, confident footfall of an ethnographer), and life as a visible member of an activist community (the RCMP cruiser that slowly drove down Burnaby Mountain during the standoff over the Kinder Morgan pipeline expansion during the winter of 2014, did a U-turn just as it passed me, and then made its way back up the hill).

Terror as usual (Taussig 1989) is here compounded by precarity. The cost of housing in Vancouver shapes life as surely as the rainclouds do, although only encampments of homeless occupiers of Oppenheimer Park would have the rainy season used as an excuse to disperse them through police force. The urgent need to fundraise from small activist circles to pay for transportation to remote frontline communities when rumors of police intervention spreads—like squeezing blood from a rock—contributed to my feelings of generalized panic and anxiety. And always—words, words, words—the requirement to write, to produce something good, to publish or perish when post-2008 graduate students are always a few missed opportunities away from the indentured labor of adjunct professorship. But what can one say under these conditions?

Michael Taussig elaborates on Benjamin’s idea that seeing history as a series of relatively normal events that are occasionally disrupted by spectacular displays
of violence (incipient fascism) is a liberal fantasy (Taussig 1989). The task of the historian, Benjamin says, is to conceive of history as state of emergency, in which spectacular terror is given its due as part of the fabric of everyday—as indeed it is, if everything swallowed by my ethnographic refusals are any indication. I would like to say that I tried to be like Benjamin’s historian, writing to convey to the reader this state of emergency in people’s lives; however, the sad truth is that I didn’t. I tried to write reflecting the state of emergency, but the writing process—which consisted largely of aphasic failures—turned out to be very much of it. How could it be otherwise?

So the writing takes the form of what feels like a dull facticity held at length by spectral figures like Marx and Derrida. (“Externalize your oppression!” I would always say—it was practically my motto as an activist.) Deconstruction became a way of preserving neutral ground from which to write unaffected—in both senses of the word—prose. Insofar as it accomplished that, however, it still reproduces the illusory effect of the stance of liberal normality, constituting its own refusal of the state of emergency.

Another thing that is refused in the state of emergency, though, is epistemological certainty. Philip Bohlman has outlined a systematic approach to the study of aporias, that which resists knowledge, in music (Bohlman 2012). This is to help ethnomusicologists think past what might have been thought of as the limits of knowledge. What do I know? How can I verify what I know? Does the state think I am a terrorist? Am I on the threshold of civic life? How many thresholds am I on, where I do not want to be? (Count ‘em!) Your work should
say something about a community! However, I can say nothing about these communities; and I have nothing to say. The thingness of knowledge only belongs to those on the inside and perhaps those who may go between. Because I am outside, or more specifically nowhere, nonexistent, what I know are no longer things, and certainly not things that I can say. I look at those who still have access to communities, people, and things, and worry about the existence of rules and the suspension of facts.
CHAPTER ONE

History, Political Context, and Reflections on Ecomusicology

A Brief History of the Colonization of Canada

Since history is always politically fraught terrain, but especially where unceded land is concerned, I will begin from the present. The land on which I type these words was never ceded to the Canadian nation state, and is the home of the Coast Salish people. It was absorbed into Canada through a long process of gunboat diplomacy, the effects of which resonate today. Despite the subsequent imposition of British law claiming that the land was *terra nullius*, uninhabited by humans (Alfred 1999; Anaya 1996; Dickason 2006), what is now called the province of British Columbia has been home to indigenous peoples for millennia—‘since time immemorial.’ Europeans arrived to settle what is now Canada during the sixteenth century, after Jacques Cartier first landed on the east coast at the Gaspé peninsula in 1534 and eventually established a settlement down the St. Lawrence River in 1541 (Dickason 2006). Europeans did not make their way to the north Pacific coast, however, until the eighteenth century. The first contact between indigenous people and Europeans took place when the Spanish explorer Juan Perez was met by a flotilla of Haida canoes off Langara Island in 1774. With Captain James Cook’s landing at Nootka Sound in 1778, followed by the arrival of several American vessels, maritime trade trade began (Dickason 2006, 79-81). The first land-based trading posts were established in
1793, and the North-West Company sent explorers Simon Fraser and David Thompson (in 1805 and 1811 respectively) to find passage to the Pacific coast overland. They thus charted large parts of what the British were then calling New Caledonia, establishing trading posts at Fort George (now Prince George) in 1807 (Fisher 1995).

Robin Fisher’s detailed history of the settlement of the region divides the epoch into two periods: trade and settlement. Fisher’s account is controversial because he argues that the period when trading relations predominated was mutually beneficial in several regards. This was a period during which several smallpox outbreaks took place, with devastating effects on the indigenous population, as Fisher himself notes (Fisher 1995). Grappling with this problem, Daniel W. Clayton suggests that Fisher’s method of dividing the history of colonialism in British Columbia into periods could produce misleading interpretations, especially when indigenous oral accounts were not included as sources (Clayton 2000); nevertheless, the British imposed direct rule on the mainland between 1846 and 1858, renaming it British Columbia, and marking the official start of the policy of colonial settlement.

The British appointed the former Hudson’s Bay Company factor, Sir James Douglas to the position of Governor of Vancouver Island. Douglas had refused to recognize indigenous title, saying that all were heretofore subject to British law; however, he did attempt to reach out to indigenous leaders when mediating conflicts (Dickason 2006, 240). Douglas’ successor in 1864, Joseph Trutch, though, was even more dismissive of indigenous land claims, saying land was “of
no actual value or utility to them, and I cannot see why they should either retain these lands to the prejudice of the general interest of the Colony, or be allowed to make a market of them either to the Government or to Individuals” (Dickason 2006, 238). Trutch put a stop to the British government’s attempts to sign Treaties: since Trutch’s tenure, British Columbia’s method of dealing with indigenous land claims was simply to establish reservations. Even then, Trutch reduced the sizes of the reservations that had been parceled out by Douglas. This aggressive grab of already-stolen land led to the Chilcotin (Tsilhqo’tin) War of 1864 in the BC interior, which ended in defeat of the indigenous nation and the hanging of five Tsilhqo’tin chiefs. British Columbia joined the Canadian confederation in 1871. The Canadian Pacific Railroad’s completion in 1886 effectively sealed the deal that wasn’t, as Fisher notes, absorbing huge amounts of land into the Canadian confederacy without negotiation (Fisher 1995).

Having achieved a de facto conquest of land, the government shifted its priorities toward assimilating the myriad indigenous peoples into settler society. The Indian Act of 1876 was conceived as a piece of governmental legislation that not only controls the actions of those indigenous people subject to it, but it also produces recognizable categories of indigenous personhood—and it remains as such today (Alfred 2000; Altamirano-Jimenez 2013; Coulthard 2014; Lawrence 2003). Olive Dickason notes that the Indian Act was not wholly new, but built on preexisting legislation with roots in the pre-confederation administration of ‘Indian Affairs.’ This bureau entrusted Governor-appointed ‘Indian Agents’ with the management of indigenous people, and would become the Department of
Indian Affairs and Northern Development (Dickason 2006). As of 2011, this department is also known as Indigenous and Northern Affairs Canada, or INAC. The Indian Act falls under the purview of INAC, and legislates who belongs to bands, reserves, who has ‘status’, who can maintain rights and privileges.

The Indian Act is the foremost example of governmental legislation regarding indigenous people, as it was formulated, and has repeatedly been reformulated, to produce particular types of subjects. In the words of Bonita Lawrence, it is productive to think of it as a “discourse of classification, regulation, and control” (Lawrence 2003, 4). It applies to band councils—of which there are 614 in Canada—and their members, which means that its jurisdiction is limited to reservations and those who are registered there. This is the origin of the distinction often made in British Columbia between hereditary chiefs and elected ‘Indian Act chiefs.’ Because the traditional governance structure of many peoples remains more intact than it is often presented (Coulthard 2014; Daly 2005), taken with the fact that the amount of reservation land in British Columbia pales in comparison to unceded land—that is, most of the province—the authority of ‘Indian Act chiefs’ is often seen as limited. This is an example of how the Indian Act is a tool used to divide and conquer: its first function is to define who the state will recognize as indigenous. The Indian Act furthermore has a homogenizing effect, since the law defines the diverse indigenous nations under a blanket, “Status Indian” designation.

In defining its purview, the Indian Act also defines who is and who is not to be recognized by the state as a “Status Indian.” How many indigenous ancestors
does a person have, how many generations has the family lived off-reserve: this is how racist ideas about blood quantum, as well as constraints on freedom of mobility pass into law. Indigenous people who are Métis, Inuit, and those who are deemed ‘Non-Status Indians’ according to the terms of the Act, do not qualify for the Act’s benefits or restrictions. Moreover, the gendered dimensions of the Indian Act disproportionately affect women, as Bonita Lawrence has demonstrated: between 1951 and 1985, indigenous women with Status who married a man without Status—whether he was indigenous or not—lost her Status and band membership, as did any children she had. Indeed, Status could be lost if the Indian Agent suspected that the children were not those of their Status father—a patriarchal clause that gave the Indian Agent the power to police the moral economy (Lawrence 2003). As Isabel Altamirano-Jimenez puts it, “[i]n fact, the issues of inheritance of property, matrimonial property, and membership have produced more victimization for Indigenous women than any other issue” (Altamirano-Jimenez 2013, 62). This amendment was altered in 1985, when it was ruled that those women who had been disenfranchised by it could apply for reinstatement of their Indian Status; however, their children remain without Status.

In addition to reserving the power to define who is indigenous over indigenous people, and shoehorning patriarchal practices onto some matrilineal peoples, the Indian Act in effect has been aggressively assimilationist. Bans on religious ceremonies such as the potlatch, or wearing traditional regalia were instituted during the late nineteenth century and only overturned in 1951 as part
of a post-war move toward a liberal human-rights framework (Coulthard 2014).

While it was in place, the potlatch ban was draconian. As the Act stated:

“Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate any Indian Festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place, before, at or after the celebration of the same, or who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of an indictable offence.” (Indian Act 1918)

This had powerfully detrimental effects on indigenous cultures, especially since the Indian Act at the time also mandated that indigenous children must attend residential schools, where they were often forbidden to speak their language, and subject to abuse by the religious order running them. The abuses suffered by indigenous children in residential schools formed the basis for a class-action lawsuit which resulted in a legal settlement with the federal government, of which the Truth and Reconciliation Commission (TRC), which took place between 2008 and 2015, is one part (TRC 2015). Despite the federal government’s official apology for the institution of residential schools itself in 2008, the eruption of indigenous activism such as Idle No More in the years since then suggests widespread dissatisfaction with the way the government deals with indigenous issues.

As Coulthard has argued, the overt and aggressive assimilationist measures like the potlatch ban and residential schools gave way in the postwar period to an approach based on the politics of recognition (Coulthard 2014). He argues that
the state’s preferred mode of engagement with indigenous peoples encourages them, as supplicants, to mobilize their cultural identities to claim membership in the body politic. So on one hand, indigenous bands are encouraged to play up their unique cultural heritage; but on the other hand, it is done to gain state recognition, operating on the government’s terms.

The Indian Act is understandably unpopular among indigenous people, but efforts to abolish it have failed, such as the White Paper of 1969, introduced by Jean Chretien during his tenure as Indian Affairs Minister under Prime Minister Pierre Trudeau. There have since been rumblings by right-wing political movements saying that there should be only one category of Canadian citizen, which on the surface seems compatible with the unpopularity of the Indian Act among indigenous people; however, as several people have articulated, repealing the Indian Act without proposing a better alternative for indigenous people would mean assimilation without protection (Alfred 2000; Altamirano-Jimenez 2013; Barker 2005).

**Political Context**

The rise of the Idle No More movement in the winter of 2012 made it clear that a resurgence of indigenous activism was underway across Canada. Founded by four women from Saskatchewan, Sylvia McAdam, Sheelah McLean, Nina Wilson, and Jessica Gordon (who coined the name as part of a Facebook chat with the other founders), Idle No More was initially characterized by seemingly spontaneous upwellings of confrontational, non-violent indigenous activism undertaken by autonomous groups all over Canada (Kino-nda-niimi Collective 2014). These took the form of flash-mob style rallies which could take on the character of anything from a round dance to a highway blockade.

The explosion of activism around Idle No More was catalyzed by the Harper government’s passage of Bill C-38 and C-45, which, among other things, stripped
protection of Canada’s waterways. This posed a direct threat to indigenous rights, as the Supreme Court’s rulings have constructed the existence of indigenous title in the eyes of the courts to be contingent on living traditionally off their land, bring together indigenous and environmental struggles. The following section outlines Conservative and Liberal government strategies toward indigenous people, by looking at publications by the “movement philosophers” of each respective political party, identifying differences and commonalities between them.

The domestic political context for omnibus bills such as C-38 and C-45, which would catalyze the highly visible irruption of indigenous activism of recent years, has to do with the instability of Stephen Harper’s Conservative federal government (2006-2015). Prior to Harper’s election, the Liberal party had been in power since 1993, first under Jean Chrétien (until 2003), and then Paul Martin. Chrétien had won large majority governments, meaning that the Liberal mandate by and large could not successfully be opposed within Parliament.4 Martin, however, lost majority government status in the 2004 election, and was defeated in 2006 by Stephen Harper’s Conservatives, who won a series of minority governments between 2006 and 2011. The relative instability of the Martin/early-Harper years can be seen in the fact that there were four elections

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4 Under the Canadian Parliamentary system, a political party that wins more than half of the seats in the House of Commons does not require the cooperation of the other political parties to pass legislation. In a minority government situation, the party that wins the plurality of seats in an election is offered by the Governor General to lead the government, but unless they can secure enough votes from opposing parties, they cannot necessarily pass legislation. If budgetary bills are defeated by the opposition, it is considered a vote of no-confidence in the governing party, and new elections are held.
(2004, 2006, 2008, 2011) in seven years. However, the Conservatives finally achieved majority government status in the 2011 election, and governed largely without an effective opposition until October 2015, when Justin Trudeau’s Liberals rallied to win a majority.

In order to understand the differences in approach to the governance of the indigenous between the two parties, one must understand the differences in their respective bases, as well as the recent history of the political parties in the broader context of Canadian parliament. The Chrétien years followed the relatively stable government of Progressive Conservative Brian Mulroney. However, Kim Campbell, who succeeded Mulroney as party leader, suffered a devastating electoral defeat in 1993, when the Conservatives were reduced to only two seats in the House of Commons. The party spent the next ten years reconstituting and rebranding itself. The effective obliteration of the Progressive Conservatives paved the way for two previously fringe parties to suddenly win a large proportion of the seats in the House: the Reform Party, and the separatist Bloc Québécois (who became the leaders of Her Majesty’s Loyal Opposition from 1993 to 1996, in an amusing irony). Mulroney’s Progressive Conservatives had a strong base in central Canada (Ontario and Quebec), while growing discontent in the western provinces with the regional distribution of political power led to the growth of the Reform Party—a right-wing populist alliance between rural farmers and the oil and gas industry in Alberta.

Many of the Reform Party’s grievances were rooted in the Canadian response to the OPEC crisis, and its effects on the economy of Alberta. The
Liberal government of Pierre Trudeau instituted a National Energy Plan (NEP) between 1980 and 1985 to ensure that Canadians would be able to continue to afford oil. The NEP basically subsidized the price of oil for domestic consumption at the expense of the oil industry’s profit margins. The result, however, for Alberta—which had been a poor, rural province until the end of the Second World War, when it rebuilt its economy around oil and gas—was economic collapse (Macfadyen and Watkins 2014). The enraged response to the NEP is perfectly encapsulated by then-Alberta Premier Peter Lougheed’s rallying cry to “[l]et the eastern bastards freeze in the dark.”

This sacrifice of Albertans’ livelihoods by political parties based in Ontario and Quebec, then, led during the late 1980s to a schism between the Progressive Conservatives and the political base that would give rise to the Reform Party. (Stephen Harper had moved from his home province of Ontario to Alberta while this political realignment was taking place, and it would influence him to change his loyalties from Progressive Conservative to Reform.) The weakness of the Progressive Conservatives in the wake of the 1993 election led to a temporary consolidation of right-wing political power around Reform. During this period, the growth of the oil industry in Alberta, partly due to the development of more cost-effective ways to extract oil from the tarsands’ bitumen, led to Calgary becoming a major business center, and the seat of power for the new movement.

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5 The actual price of oil for consumers tended to be somewhat higher following the NEP’s implementation, but the plan was designed to stabilize the price of what looked to be an increasingly volatile commodity, rather than make it cheaper for consumers (Macfadyen and Watkins 2014).
Nevertheless, it became apparent after Chrétien won another strong majority government in 1996, that unless moves were made to “unite the right” there would be no end in sight to Liberal rule (Belanger and Godbout 2010).

The years leading up to the 2000 election saw several attempts to bring the two parties together, but it proved to be a difficult undertaking, given their different histories and political bases (Flanagan and Marland 2013). A tentative alliance formed in time for the 2000 federal election, with the parties having been rebranded as the Canadian Alliance, under the leadership of Stockwell Day. Day had won a bitter leadership contest over the former Reform leader and founder, Preston Manning, largely due to his photogenic appeal. However, it did not prove sufficient to make electoral gains, as Chrétien once again racked up a large majority. Stockwell Day’s tenure as party leader was marked by challenges to his authority, including a rebellion of several of his most experienced MPs, who formed their own shadow caucus until party apparatchiks decided to reconstitute and rebrand the merged parties once again. The new party that emerged was the current Conservative Party (minus the “Progressive” descriptor of the old Tories), under the leadership of Stephen Harper, who was drafted from his position as head of the National Citizens Council, a Calgary-based right-wing think-tank.

The Conservative Party’s electoral base was in Alberta, but to win they needed to break the Liberal stranglehold on Ontario. They accomplished this by

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6 An early attempt to rebrand the party as the Canadian Conservative Reform Alliance Party (CCRAP) was unsuccessful. The brokers eventually settled on the Canadian Reform Conservative Alliance Party, or the Canadian Alliance for short.
incorporating key figures from former Ontario Conservative Premier Mike Harris’ government. However, the new ideological foundations for the Conservative Party were articulated by University of Calgary political scientist, Tom Flanagan. Indeed, they were partly laid down by him, as he was one of Stephen Harper’s intellectual mentors, and a key figure in Alberta (and henceforth Canada) right-wing politics.

Tom Flanagan cut a flamboyant figure in Canadian public life. He is perhaps best known outside Canada for calling on President Barack Obama to assassinate Julian Assange in the wake of the Wikileaks document dump of 2010. Nevertheless, within Canada he gained notoriety for his aggressive style as a “talking head” on CBC News, delivered draped in a large bear-skin coat. Over the course of the Conservative Party’s halting reincarnation, however, Flanagan published the controversial book *First Nations? Second Thoughts* (Flanagan 2008). In it, Flanagan articulates what he calls the ‘Aboriginal Orthodoxy’: eight premises that define how Canadian academics and politicians think about issues affecting indigenous people. Each chapter of the book is devoted to dismantling one of the premises as identified by Flanagan. *First Nations? Second Thoughts* provides valuable ideological insights into the Harper government’s policies toward indigenous people. What is particularly noteworthy is how important the question of property rights on indigenous land is to the practice of government for Flanagan. Indeed, out of eight points, the final three—which directly concern land rights and economic development of natural resources—serve as the culmination of his argument.
According to Flanagan, the eight points that constitute the ‘Aboriginal Orthodoxy’ are as follows: (1) Indigenous people in Canada rightly have a special status because they were here first. (2) Indigenous cultures are as advanced as the cultures of European colonists (cultural relativism). (3) Prior to their contact with Europeans, indigenous cultures were what we’d today call ‘sovereign’ (autonomous, self-governing). (4) Discrete indigenous cultures are nations, culturally and politically (hence “First Nations”). (5) Indigenous self-government on reservations is possible and does happen. (6) Indigenous land title exists and should be recognized under Canadian law. (7) The Treaties were misleading documents that should be updated to recognize nation-to-nation relationship between Canada and First Nations. (8) Indigenous people can become prosperous by retaining control of economic and resource development on their own land (Flanagan 2008).

Flanagan argues that the indigenous people of what is now called Canada are themselves only relatively recent arrivals on the continent, and as such, European colonists should be thought of as simply the next wave of arrivals, and that the idea of indigenous title is therefore illegitimate. Indigenous cultures, moreover, should not be seen as equal to European cultures, as they were technologically less advanced and had less complex social organization. Nor should indigenous cultures be thought of as sovereign—a term whose use Flanagan reserves for nation-statehood in the European sense—because indigenous cultures at the time of contact did not reach the European standard to be considered nations, either politically or culturally. Moreover, because
indigenous self-government has been a failure, legal decisions affirming indigenous title, such as the Supreme Court decision *Delgamuukw v. The Queen* (1997), only make it impossible for Canada to achieve economic growth that benefits all citizens. Same goes for any critical reevaluation of the numbered Treaties. Because of all this, Flanagan argues, it is in the best interest of indigenous people to assimilate economically and legally into Canadian settler society.

The book’s reception was unsurprisingly violently mixed. While *First Nations? Second Thoughts* was awarded the Donald Smiley Prize by the Canadian Political Science Association, for the best book, members of the jury resigned in protest over the decision (Flanagan 2008). During the 2000 election, indigenous groups protested Harper events, as Flanagan was his campaign manager at the time. In his Preface to the second edition of 2008, Flanagan writes that the book should be understood as a reaction to the report issued by the Royal Commission on Aboriginal Peoples of 1996, along with a number of other roughly contemporaneous publications that are critical of Canadian policy toward indigenous peoples. For example, Flanagan cites Alan Cairns’ *Citizens Plus* in his defense, focusing on the fact that Cairns also suggests that better economic integration would produce better outcomes for indigenous people (Cairns 2000; Flanagan 2008). However, Flanagan also notes somewhat aggrievedly that in spite of this commonality, *his* book was widely received as racist.

Regardless of whether Flanagan, and by extension, the Harper government,
was motivated by bigotry at the level of the individual, it is worth unpacking why Flanagan’s argument reads as insensitive, uninformed, and racist. Not only does Flanagan not engage with the wealth of scholarship seeking to come to terms with colonial violence—the idea that the state may ever have harmed indigenous people is treated as an afterthought in the book—it is also couched so firmly within the political tradition of the European Enlightenment that it is not surprising some of the views Flanagan expresses are incompatible with what is now understood to be the humanity of non-European people. Certainly, his argument against the second point of “Aboriginal Orthodoxy” (the idea that indigenous peoples are culturally backward and that their conquest was thus inevitable and justifiable) is a pretty unambiguous example of racial bigotry; moreover it can only be made by bracketing the intellectual contributions of Franz Boas and most subsequent American anthropology, which Flanagan explicitly does at the outset. Boasian cultural relativism proceeds from the idea that to understand a different culture, one cannot judge it as if from a superior vantage point. While Flanagan cites Boas, he notes that anthropologists continued to use terms such as “civilized” and “primitive” because they are helpful in describing social organization. He then asks, “But if one culture is simple and another complex, is not the latter also superior to the former in some sense? Increasing complexity is a hallmark of progress in scholarship and science, as well as of technical advances in engineering, commerce, and athletics. Why not in culture generally? Boas and his school did not dwell on such problems” (Flanagan 2008, 31).
Nor, for that matter, does Flanagan himself. Having dispensed with cultural anthropology in two questions, left tantalizingly unanswered, Flanagan turns to an aggregated survey of all archaeology to resolve the question of cultural development in favor of Europe based on criteria that include agriculture, urbanization, a familiar division of labor, written record keeping, technologies employed—and a state. Mapping chronology onto the tabled archaeological data, and then reading teleology into chronology, Flanagan relegates indigenous cultures to a less-advanced past. This has been identified as a strategy that justifies colonialism by dismissing non-European ‘others,’ as has been noted by many prominent scholars, including Linda Tuhiwai-Smith in a specifically indigenous context (Tuhiwai-Smith 1999), and Johannes Fabian, critiquing the theoretical underpinnings of anthropology more broadly (Fabian 1983). Flanagan also does not mention the challenges to the culture concept leveled by James Clifford, George Marcus, Michael Fisher, and others that led to the reflexive turn in anthropology in the late 1980s (Clifford and Marcus 1986; Marcus and Fisher 1986). Indeed, the only anthropology on which Flanagan relies is that of Diamond Jenness, a Canadian pioneer of the discipline, whose work emphasized the physical archeological record to trace historical migration patterns, and in whose work indigenous voices are absent.

Despite the way Flanagan sidesteps the problem of cultural relativism, his treatment of the notion of “sovereignty” has some resonances with critical indigenous perspectives on the subject. Joanne Barker has pointed out that, while indigenous scholars and activists have found the concept of sovereignty
productive, it is of limited use when theorizing decolonization because of the term’s European provenance; as has Taiaiake Alfred, writing in some more detail on this subject to articulate new frontiers for indigenous theory and resistance (Alfred 1999; Barker 2005). Flanagan agrees with Barker and Alfred that sovereignty is a concept of European provenance, associated with European governance structures; however, he turns this point of accord into the launch-pad for the argument that existing forms of indigenous self-government—limited though they are—are on one hand illegitimate, and on the other ineffective, and should therefore be dismantled in favor of greater assimilation into mainstream (read: settler colonial) Canadian society and its apparatuses. In light of this, Flanagan’s preoccupation in the book with the Delgamuukw ruling is revealing. Flanagan relies heavily on analyses bemoaning the loss of potential economic opportunities produced by the conservative Fraser Institute think-tank (Smith 1998) in the wake of this 1997 Supreme Court decision affirming indigenous title and the validity of evidence based on oral traditions, to be discussed in more detail in Chapter 3. Flanagan’s choice of sources suggests that one of the motivating factors behind the desired dismantling of indigenous self-governing structures is the goal of clearing obstacles in the path of resource extraction.

With this in mind, we should examine Flanagan’s premises that indigenous peoples were themselves relatively recent settlers and therefore not entitled to the legal status of the “prior,” (Povinelli 2011) and that moreover they should be viewed as backward on the timeline of advancing civilizational progress and therefore subject to colonial domination. The evidence Flanagan marshals to
demonstrate that indigenous peoples did not live in their traditional lands ‘since time immemorial’ comes from reading linguistic studies of North American indigenous languages from the perspective of structural functionalist theories of linguistic drift. Because such high similarity between different language groups spoken across a huge geographical dispersion is unlikely to occur over the long period of time claimed by indigenous people themselves, Flanagan reasons that the settlement of North America by indigenous peoples was relatively recent—a mere four thousand years prior to contact with Europeans. Language becomes the vehicle by which indigenous peoples are separated from their history: in this case, the analysis of Oji-Cree languages performed by a missionary in the 19th century, read through a 20th century filter, is used to discount the evidence of oral tradition.

Flanagan’s ethical justification for colonization, however, is courtesy of John Locke (Flanagan calls himself a “classical liberal” in his mold). In the Second Treatise of Government, Locke argues that nature is meant to provide for all—at least, all who labor for it, since labor that takes place within a “state of nature” is effectively the only inalienable commodity in Locke’s view. The more the land is made to produce through labor, the greater the claim to its fruits by the laborer, since the legitimacy of property comes from labor (Locke 1980). Moreover, Flanagan buttresses Locke’s argument by drawing on the Swiss 18th-century legal

7 For a discussion of one of the histories of this formulation, see Altamirano-Jimenez 2013.

8 Flanagan draws on Lyle Campbell’s estimate of 4000 years for the historical “depth” of indigenous languages in North America
philosopher Emer de Vattel, who suggested that conquest could be justified on utilitarian grounds as long as the conquerors left enough arable land for the conquered. Flanagan asserts that the reservation system was ample enough to allow indigenous people to produce a decent standard of living - if only they were willing to adopt European (agri)cultural practices.

The Conservative approach to indigenous governance is thus articulated by Flanagan, and put into practice through policies aimed at forcing indigenous people to assimilate economically, and thus culturally, by weakening their claim to land. Rhetorically, Flanagan accomplishes this by pitting oral tradition against structural functionalist theories of language, and drawing on classic liberal philosophies of property rights. As Thomas King has pithily observed, this reveals what it is that settlers really want: land (King 2013). In practice, the Harper government sponsored omnibus bills that would make it almost impossible for indigenous communities to maintain the cultural practices necessary to prove title under the Indian Act. So for example, Bill C-38, which removed protections to the Federal Waterways Act, effectively placed the interests of polluting industries above those of the people who are required under the Indian Act to eat fish caught in potentially polluted waterways to retain land title. Under Bill C-45, which changed the requirements for indigenous people living on reserve to buy and sell property, the effect would have been greater assimilation with the settler economy, and the weakening of the autonomy of band councils. It should thus not be surprising that these two bills became the catalyst for the Idle No More movement (Kino-nda-niimi Collective 2014).
John Ralston Saul, who is a president emeritus of PEN International (Poets, Essayists, and Novelists), has in recent years written extensively about Canada’s policies toward indigenous people. His 2009 book, *A Fair Country*, makes the case that Canada possesses a unique culture which is the product of three discrete cultures coming together as equals: English, French, and Aboriginal (Saul 2009). Saul’s problematic suggestion that myriad indigenous cultures be grouped as a single, overarching “Aboriginal” cultural influence perfectly exemplifies what Joanne Barker calls “making ethnic” (Barker 2005): the de-indigenizing of the “prior” (Povinelli 2011), to collapse the challenge posed to the settler colony’s legitimacy by the Indigenous into the temporally flat multicultural mosaic. The intellectual project is clearly intended to further his conception of national unity under the aegis of political liberalism. The moves Saul makes to collapse discrete cultures into a syncretic whole (whether that whole is “Aboriginal” or ultimately “Canadian”) have been adopted by state apparatuses as well. Perhaps the most prominent initiative that draws explicitly on Saul’s framework in *A Fair Country* is the Truth and Reconciliation Commission for Indian Residential Schools. Essentially, the TRC posits “reconciliation” as the realization of Saul’s equilateral tripartite model (TRC 2015), a limitation whose aesthetic ramifications are discussed in Dylan Robinson and Keavy Martin’s collection on the use of the arts in the Truth and Reconciliation Commission (Robinson and Martin 2016).

More recently though, Saul wrote an exploration of what he identifies as an “aboriginal resurgence.” *The Comeback* was published in 2014, and can
productively be read in tandem with arguments made by prominent Liberal Party politicians who were aiming to improve relations with indigenous groups and encourage economic development at the same time. Saul’s largely sympathetic account of contemporary indigenous activism places it in the historical context of broken treaty agreements, racist intellectual histories, and assimilationist policies. Saul forcefully argues that the Canadian government needs to change its approach to a population it has wronged since before the country was formed. Some of the solutions he suggests include removing the Department of Indian Affairs from participation in Treaty negotiations, due to lack of trust; prioritizing cultural revitalization initiatives, such as language preservation programs; and encouraging microcredit initiatives on reservations and in remote northern communities. Ultimately, he says that unless Canadians earnestly commit to examining themselves and their assumptions about indigenous peoples, meaningful change will not take place.

These solutions thus fit comfortably within the framework of liberal government as it currently exists. It is noteworthy that Saul presents his call for an attitudinal shift as a radical change, while the actual changes to the operations of the government are quite small. Indeed, his intent observations on the positive effects of symbolic gestures can be interpreted as flowing from his own recent experience as consort of the Governor General, the Queen’s representative in Canada and thus the official head of state.9 Saul claims that indigenous people

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9 The position was recently occupied by his partner, the veteran journalist Adrienne Clarkson.
respect the position of Governor General because the representative of the Queen—the British monarchy that initially colonized Canada—is viewed as an impartial actor who can mediate between the government and the Queen’s indigenous subjects (Saul 2014). I suspect that much of what Saul read as respect for the Queen’s representative was a combination of politeness and respect for his life partner, but this too is pure speculation.

The frontispiece for *The Comeback* is a drawing of the “Great Peace of Montreal.” It depicts three indigenous villages represented by animals coming together in what Saul identifies as a precursor of the numbered Treaties between indigenous nations and Canada. Saul explicitly frames this as the coming together of oral and written traditions, which resonates with his call for reconciliation into a fair country of equal partnership between English, French, and Aboriginal (Saul 2014). This formulation explicitly defines difference as predicated on the distinction between oral and written traditions, and it also suggests that it can be subsumed into a common interest—a commonwealth—to create a greater identity. However, this practice of identifying, grouping, then reducing out an ad hoc common denominator exemplifies the state’s practice of a) defining indigeneity and b) overriding it in the national interest, while still paying lip service to the idea of a mutually respectful relationship. Indeed, this is precisely the operation Coulthard identifies as characteristic of the politics of recognition (Coulthard 2007; 2015). Words are repurposed, transmuting the signified “peace” into a token of “oral tradition”—and used to define that which is excluded even as it is included.
The question of oral versus written tradition, however, thus animates both broadly Liberal and Conservative approaches to governing indigeneity. The Conservatives want to abolish special status, dismissing indigenous oral traditions altogether, while the Liberals have seized on them as a way to both recognize the Indigenous and make that difference ‘ethnic’ to incorporate it into the liberal multicultural framework of Canadian settler society.

A Genealogy of the Ear

How does the oral-written divide manifest itself in the struggle over oil and gas pipelines? The Enbridge Northern Gateway Vancouver hearings were clearly designed to stymie dissent. Nevertheless, the intricate staging of the hearings suggests a value system regarding hearing itself and its importance to civic life that, in addition to squelching the possibility of protest, relegates indigenous people to a distant past. The National Energy Board’s feints allow us to trace a genealogy whose filaments extend from Enlightenment philosophy into the history of Canadian anthropology and communications theory, through music and sound studies, and into the law and government policy.

In the introduction, I drew on Marshall McLuhan’s famous formulation, that the “medium is the message” to suggest that ‘presence’ is the message of the livestream that legitimized the public hearings despite the cloistering of the listeners from the public. McLuhan’s formulation is part of a broader argument, namely that to understand the social effects of technology’s increased reach—the way it serves to extend human capacities by livestreaming distant events, for
example—it is productive to shift what we think of as a medium’s ‘content’ or ‘information.’ He goes on to say:

“The electric light is pure information. It is a medium without a message, as it were, unless it is used to spell out some verbal ad or name. This fact, characteristic of all media, means that the ‘content’ of any medium is always another medium. The content of writing is speech, just as the written word is the content of print, and print is the content of the telegraph. If it is asked, ‘What is the content of speech?’ it is necessary to say, ‘It is an actual process of thought, which is in itself nonverbal.” (McLuhan 1964, 10)

In other words, content is determined from the material attributes of the medium.

Applying McLuhan’s thinking to the Enbridge hearings suggests that the content of the livestream is presence, which is the condition for the hearings’ legitimacy. Thus, according to McLuhan’s operational and practical framework, all of our human capacities, whether they are aural, visual, or haptic, have been extended so far by technology that they can be cut off from the source—our fleshy bodies in the room—at the press of a button, and still retain the message. In this case, the message is that the joint review panel is present (or you are present with them), and your testimony as an affected citizen has been heard—albeit through a pipe of fiber-optic wires.

The condition for the hearings’ legitimacy was the presence of a witnessing public, fulfilled in this case only through livestreaming technology. If the hearings were purely political theatre, it might seem on the surface as though the legitimizing presence of the public was treated by the joint review process as an afterthought, but this view conceals the power relations at work. In detailing the
logocentrism of western philosophy, Jacques Derrida positions presence as a site at which difference is produced and ultimately governed: at the point where it is rendered metaphysical (Derrida 1976). Thus did the Enbridge hearings manage that which could not be assimilated: what is the livestream if not the metaphysics of presence? It can be said of the Enbridge hearings that testimony was heard; however, the hearing of the hearings is a sense alienated from McLuhan’s atavistic-primeval human faculties, stripped of its disruptive traces, only to subsequently be inscribed through its very literalness into the law of the land.

The idea of a technologically enabled ear is not new. It was put forward by media and literary theorists who would come to be known as the Toronto School of communications theory: this group of thinkers explored the idea that the material nature of a civilization’s communication media will determine its structure and value system. Harold Innis (1894-1952) was concerned with the maintenance of a unifying idea (empire, nation, civilization) over time and space. Innis is perhaps best known for his work, The Fur Trade in Canada, which argues that the expansion of what is now the Canadian nation is directly linked to the habitat and habits of the beaver, on whose desirable pelts the fur trade was built (Innis 1999). Geographic contours shape reach and spread, but the maintenance of order over large areas, according to Innis, is the job of communications media. In Empire and Communications, he argued that the material attributes of these media determine the special characteristics of empire, balancing those concerned with the maintenance of space and time: light, portable, papyrus allowed messages to be easily carried from the center to the
periphery, extending empire geographically; more durable materials, such as parchment, extend empire through time, and are associated with religion (Innis 1986).

In his treatment of the divide between the written and spoken word, Innis noted that they are different in their effects: “The voice of a second-rate person is more impressive than the published opinion of superior ability” (Innis 1986, 11). Despite this statement—and perhaps surprisingly, given his comparative historical method—it should be pointed out that Innis did not view the maintenance of empire through media as the result of a teleological process, or even necessarily as desirable, suggesting instead that democracy suffers when we move away from oral traditions. Communication under these circumstances—social cohesion—is not reliant on the conduit between voice and ear: with the advent of portable and durable visual media, society can be administrated.

What is notable, though, is the thread of material determinism running through his work: not only is the reach of empire determined by geography and communications media; our communicative and interpretive faculties are, too. “[Linguistic anthropologist Edward] Sapir has noted that, ‘many primitive languages have a formal richness; a latent luxuriance of expression that eclipses anything known to languages of modern civilization.’ The written tradition has had a limited influence on them. It is scarcely possible for generations disciplined in the written and the printed tradition to appreciate the oral tradition” (Innis

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10 Sapir undertook much of his research among indigenous communities in the Pacific Northwest region, where the thick meaning of words plays an important role in the shape of society, which can be seen in the gifting of names and responsibilities at the potlatch.
1986, 6-7). In other words, “civilizations” are shaped by their material media to be unintelligible to one another. This idea germinated in the work of Innis’ disciple, Marshall McLuhan.

In *The Gutenberg Galaxy: the making of typographic man*, McLuhan asserts that human faculties exist in a balance which is altered by technology (McLuhan 1962). McLuhan characterizes this technological intervention as a crisis of identity, positing a proto-human, whose sensorial ratio is in balance. The introduction of the phonetic alphabet, for example, is in McLuhan’s reading a technology that privileges vision. This contributed to what he identifies as the visual bias of western European culture (as compared to the aural bias of the eastern European totalitarian states). McLuhan suspected society was becoming more aurally dominated, which, unlike Innis, he interpreted as a slide towards despotism. McLuhan and Innis thus seem to be firmly situated within the audiovisual litany (Sterne 2003). Sterne notes as much, pointing out that McLuhan “is quite clear that a notion of orality places non-Western cultures in the collective past of the settler nations that surround them: ‘[U]ntil WRITING was invented, we lived in acoustic space, where the Eskimo now lives: boundless, directionless, horizonless, the dark of the mind, the world of emotion, primordial intuition, terror. Speech is a social chart of this dark bog’” (McLuhan quoted in Sterne 2011, 219-220).

This rigidly confining conception of oral culture as something closed to modernity also found expression in the ideas of Edward Sapir, a founding figure of Canadian anthropology and the teacher of Diamond Jenness. One of Sapir’s
theories hypothesizes that “linguistic categories constrain a culture’s perceptions of the world” (Sterne 2011, 209). We can thus see how logocentric ideas had a strong purchase on Canadian ideas about culture and communication in the early- to mid-twentieth century. However, Sterne also offers a recuperative reading of Innis’ contributions, noting that for Innis the category of orality was not based on a strict division between the eye and the ear as it was for McLuhan, but rather a multisensory, dialogic way of knowing the world (Sterne 2011). This resonates with Steven Feld’s concept of acoustemology, or the study of how people come to know the world through sound (Feld 1982; Novak and Sakakeeny 2015). Ultimately, Sterne calls for renewed inquiry into the histories of early media other than language and writing, such as painting, sculpture, architecture, and musical instruments modeled on the eclecticism and curiosity of Innis, that open up the possibility of moving beyond the Eurocentric, theological underpinnings of McLuhan’s more rigid applications of the concepts of orality and writing.

McLuhan’s characterization of the cultural and sensorial world of the “Eskimo” as a space of pure emotion and response has roots in the ideas of Enlightenment thinkers such as Giambattista Vico (1668-1744) and Jean Jacques Rousseau (1712-1778). In his “Essay on the Origins of Language, Rousseau theorizes that language and music were once one, and developed to communicate human passions (Rousseau 1966). Similarly, Vico posited that song was the vehicle through which man in the heroic age, during which man became distant from the godlike state of nature of the divine age, expressed passion prior to
mastering reason in the human age (Tomlinson 1999). The idea is that emotion comes naturally to humans, who would express pain with harsh cries, or tender feelings with sweet, soft, modulated tones. Upon this base of common sounds used to express emotions, the need arose to describe relations between objects of emotion. The first objects worked their way into language as onomatopoeia. As a common vocabulary grew, Rousseau says, writing was invented, “substitut[ing] precision for expressiveness” which lay the foundation for reason to develop (Rousseau 1966, 260).

Rousseau’s influence can be seen in McLuhan’s proto-human, or “Eskimo,” born with the sensorial and emotional qualities that make effective communication possible, although completely at their mercy. The parallels are also striking in Innis’s work, whose geographical determinism is preceded by Rousseau’s suggestion that the cold climate of northern Europe put a damper on passionate speech as people spread northward, providing the impetus for the development of reason. Derrida critiques Rousseau’s essay to develop his concept of a “grammatology” is the investigation of the origins of language without starting from the premise that there is a boundary between speech and writing which can only be traversed via an excess—which Derrida isolates as “presence” (Derrida 1976, 141). This excessive presence is the product of logocentric discourse, which privileges forms of writing based on phoneticism, resulting in ethnocentric (Eurocentric) worldviews that are manifested, for example, in McLuhan’s adoption of an evolutionary view of human linguistic capacity.

In the following chapter, I will apply this line of criticism to the thought and
compositions of R. Murray Schafer. Schafer studied with McLuhan, and his influence can be seen in compositional and notational techniques; but McLuhan’s ideas also undergird Schafer’s pedagogical project intended to “cleanse” an unadulterated, thinking ear—the training of which includes references to “that ancient time when soundmaking was half musical and half verbal” (Schafer 1992, 16). Schafer would also seize upon McLuhan’s idea of the technological extension of human capacity, coining the term schizophrenia to describe a split between a sound and its source. In the words of Schafer, “[o]riginal sounds are tied to the mechanisms that produce them. Electro-acoustically reproduced sounds are copies and they may be restated at other times or places. I employ this ‘nervous’ word in order to dramatize the aberrational effect of this twentieth-century development” (Schafer 1977, 273). How do Schafer’s conception of language and sound enable a similar split between indigenous words and the thick semantic circuits in which they operate?
CHAPTER TWO

The Sonorous Order of R. Murray Schafer

“Art within the constraints of a system is political action in favour of that system, regardless of content.” - R. Murray Schafer

In the spring of 2009, Colin Eatock published a piece commemorating the seventy-fifth birthday of Canadian composer, pedagogue, and sound theorist R. Murray Schafer in the journal *Queen’s Quarterly.* Although Eatock claims that the piece is primarily about the music, it becomes clear that limiting the discussion to Schafer’s compositional contributions is almost impossible, they are so closely linked to his numerous other artistic and intellectual endeavors. Providing a sense of the scope of Schafer’s oeuvre, and the ways it remains ambivalent, even after a long successful career, Eatock concludes by stating, “[Schafer’s] stature is fraught with contradictions. Although he has a global following ... most Canadians have never heard of him. He’s internationally recognized as a writer, yet he’s had to publish many of his own writings himself, through his own company, Arcana Editions. His educational theories have been well received in Europe, Japan, and Latin America - but his ideas have few advocates at home. And while his more "sensible" works are performed with a frequency that would (and does) make other composers jealous, Canada can’t seem to figure out what to do with the *Patria* cycle. We should figure out what to do, and do it. R. Murray Schafer is one of the most extraordinary artists this

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11 Colin Eatock is a Canadian composer and writer based in southern Ontario.
country has produced” (Eatock 2009, 116). This pervasive unsettledness surrounding a major artist, particularly when it comes to questions of Canadian identity, suggests an unsettledness when it comes to the nation itself, and invites a reexamination, a *rehearing*, of Schafer’s work in the contemporary moment.

Such a line of inquiry should not be limited to those grappling with the relevance of an extraordinary artist to the nation, though, as the artistic ambassador of a nation can never be politically neutral. In the case of R. Murray Schafer, he himself has made this explicit, taking strong positions regarding ecology and culture. Schafer’s emergence as an important figure was roughly contemporaneous with Canada’s postwar efforts to forge a cultural identity distinct from that of Great Britain, resulting in the 1970 adoption of an official policy of multiculturalism.12

These efforts took place as part of the broader postcolonial moment, whose manifestations within Canada included the consolidation of the movement for Quebec sovereignty, but also a watershed moment for indigenous activism, of which the cross-border American Indian Movement is a prominent example.

The postwar period also marked a shift in the way the state treated indigenous peoples: what had been a relationship of overt colonial dominance shifted to what Glen Coulthard has identified as the “politics of recognition” (Coulthard 2007; 2014; Tully 1995). This is a form of governmentality in which

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12 Canada gained its independence from Great Britain in 1867 (Confederation), but maintained very close ties with Britain until quite recently. While the Queen remains the official head of state, the Canadian Constitution was repatriated in 1982, which was arguably a decisive move for achieving greater legal independence. Before that, however, the turn toward multiculturalism in the late 1960s represented a major break with tradition.
the state offers indigenous peoples conditional ‘recognition’: of treaty rights, of a nation-to-nation relationship between the government and indigenous peoples, of the right to self-determination, and so on. One of the changes was the 1951 amendments to the Indian Act that for the first time allowed indigenous people to retain legal representation against the Canadian government (the “Crown”). This introduced the possibility for “land claims” to take place within the legal system. These developments, taken with the upswing in militant activism, would dramatically change the terrain on which indigenous peoples and the Canadian State could negotiate their relationship to land.

Because a contested relationship to land (through language, graphic notation, ecologically themed compositions) is an important feature of both Schafer’s work and the existentially-unsettled settler colony of Canada, questions emerge regarding how those relationships are produced and reified. What is the relationship between land and language? What role does hearing play in forging and filtering connections to the land, whether through an ecological awareness or a deep relationship over time? And how does what Eatock describes as Schafer’s “magpie” compositional style (Eatock 2009, 101) play into this?

In this chapter, I trace how Schafer’s use of language and graphic notation suggests a sonorous order of things that inscribes the material world and its politics, through readings of ecologically-themed compositions. This sonorous order does not exist apart from the mechanisms that produced and reproduce the Canadian nation-state. Schafer himself has been an outspoken critic of the large-scale development of the natural resource extraction industry, saying that by
violating pristine northern wilderness these projects kill the myth a nation needs to survive (Schafer 2012). I argue, however, that the sonorous order articulated by Schafer reinscribes the political order of the liberal multicultural settler society in much the same way that the wilderness-destroying development projects he castigates do: by overwriting indigenous consent. I do this by contextualizing Schafer’s intellectual projects (compositional, pedagogical, conservationist) within their historical moment, and by deconstructing key compositions that feature ecological themes. Subsequent chapters will address how the mechanisms described here play out in pipeline hearing processes for indigenous peoples, exploring some of the implications for activists and a politically engaged ecomusicology.

The Construction of a Multicultural Liberal Settler Colony

“I will build a new culture, fresh as a young animal. It will take time ... It will take time ... There will be time.” - R. Murray Schafer

Canada is perpetually engaged in a nation-building project. Former Prime Minister Pierre Trudeau once famously quipped to American journalists, “[l]iving next to you is in some ways like sleeping with an elephant. No matter how friendly and even-tempered is the beast, if I can call it that, one is affected by every twitch and grunt.” The importance of maintaining good relations with the mammoth trade partner next door, a relationship that underpins the entire economy, suggests that Canada’s existence and well-being is permanently accompanied by an unspoken “or else.” In other words, Canada’s constitution as an economic entity cannot be overlooked as a determining force building and
maintaining the nation—and having a land base from which to extract resources is a key part of that. The existential threat posed to Canada by America is economic rather than military, but it is partly fought through the creation of ‘cultural identity’ that is distinct from the major influences of both Britain and America (Berland 2009).

Working in a vein reminiscent of Benedict Anderson’s theorization of the nation as an imagined community through literature and media (Anderson 1993), Jody Berland claims that, “Canada’s formative literature on culture joins the idea of culture to political goals of nation-building and political sovereignty, and, within these definite constraints, to the idea of justice and equity in difference” (Berland 2009, 9). The formative literature she is referring to is the work of Toronto School theorists such as Harold Innis and Marshall McLuhan. Berland provocatively asks, “If culture is a mode of government within which identity and subjectivity are produced and regulated, where does utopian imagination or transformative solidarity arise?” On the surface it would seem that R. Murray Schafer certainly possesses a utopian imagination when it comes to classical music in Canada, one that he has applied to the excavation of a national culture on which transformative solidarity would be based. Berland, however, cautions that ideas regarding culture in Canada, as articulated by the Toronto School, mean that such transformations have limited utopian potential. Schafer’s ambitions for the ear as a builder of sociality can be described as cosmic, and I will argue that the appeal to a universal and unmediated sense helps veil the processes of primitive accumulation that characterize contemporary Canadian
nation-building.

Musing on the challenges faced by small nations—and Canada’s population in comparison with that of the United States marks it as such, despite its geographic vastness—Czech émigré novelist Milan Kundera notes that, “What distinguishes small nations from the large is not the quantitative criterion of the number of their inhabitants; it is something deeper. For the small nations, existence is not a self-evident certainty but always a question, a wager, a risk; they are on the defensive against History, that force which is bigger than they, which does not take them into account, which does not even notice them” (Kundera 2007). Kundera is writing here specifically about the challenges facing European nations, but as the elder Trudeau’s quip suggests, his observations seem pertinent to the Canadian context.

Kundera’s main concern, however, is the status of art in a context of national insecurity. He goes on to observe that a work of art has two contexts: the ‘large’ context—the art form itself—and the ‘small’ context of the nation in which it was produced and by whom it is subsequently claimed. The heuristic of ‘large’ versus ‘small’ is a productive way to examine Schafer, for he is the rare Canadian composer who has managed to “transcend” his national context (Ross 2007) while nonetheless remaining a vocal agitator for the importance of engagement on that level (Schafer 1984; 2012). To Kundera’s categories, I would add a third: the cosmic, which can be seen in Schafer’s ambition to break down the

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13 This can be seen in Schafer’s disappointment that works by Canadian composers seldom receive a second performance.
boundaries between art as culture, and culture as both nation and nature.

My aim is not to describe a *sui generis* musical nationalism—although a corollary of my argument is that compositional techniques which ostensibly transcend the small context are nevertheless inescapably ‘of’ it—but rather to situate Schafer’s oeuvre within its national historical moment, and then tease out how key themes in his artistic and cultural vision have continued into the contemporary project of Canadian nation-building. This is not the musical nationalism of Grieg or Smetana, based on appeals to national sentiment, but nation-building, where the sounds themselves become the building blocks.

Kundera’s observation about small versus large contexts is helpful not only because it provides a useful heuristic with which to examine the social lives of a work of art, but because he specifically grounds the small context in the anxious awareness that a small nation could easily cease to exist. That is to say, the small-large binary—even though it applies to the realms of literature, music, and art—is grounded on the ever-present awareness that what is possible for the nation (small context) is informed by what is demanded by the world (large context) in the realm of geopolitics. One understanding of culture as a mode of government, to adopt Berland’s formulation, might make clear that the small context in art can be produced to serve the needs of the large context in geopolitics (in Marxist terms, this is the idea that the base determines the superstructure). As we see in the Trudeau anecdote, this problem can be understood as the result of proximity to the United States of America. However, the ways Schafer redresses what he identifies as the musical dimensions of this problem suggest that anxiety over
lack of a national culture runs deeper than “sleeping beside an elephant,” extending roots into a settler colonial imaginary, especially as concerns the “nervous” position occupied by multiculturalism and the Indigenous in Schafer’s oeuvre.

Schafer’s furthest-reaching contributions to the “large” context are arguably scholarly ones; in particular, his theorization of the soundscape as a “publicly circulating entity that is a produced effect of social practices, politics, and ideologies while also being implicated in the shaping of those practices, politics, and ideologies” (Samuels et al 2010). *The Soundscape: Our Sonic Environment and the Tuning of the World* was an important intervention introducing sound to the exploration of questions regarding the relationship between nature and culture. This line of inquiry has prominently been taken up in ethnomusicology by Steven Feld (Feld 1996), David Samuels, Thomas Porcello, Ana Maria Ochoa, and Louise Meintjes, who have suggested that Schafer’s definition of soundscape is a productive starting point from which to develop an anthropology of sound (Samuels et al 2010); sound studies (Bull and Back 2003; Kelman 2010; Novak and Sakakeeny 2015); as well as ecomusicology (Allen 2011; Allen, Titon and von Glahn 2014), owing to Schafer’s explicit concern for the physical, as well as sounded, environment (Schafer 1977a; 1977b), and the soundscape’s potential to inform environmental activism. The boundaries between these areas of study I have listed are porous, and there is overlap between them.

Schafer’s compositions have been studied from a variety of perspectives: biographical, analytical, ethnographic. Stephen Adams’s biography is the first
extensive study of Schafer’s musical and scholarly career. It is quite tightly focused on the details of Schafer’s life and oeuvre up to 1983, divided between biography and some brief analytical sketches (Adams 1983). The two other in-depth treatments of Schafer’s work are PhD dissertations by Ellen Waterman (Waterman 1997) and Kate Galloway (Galloway 2011). Waterman’s project is largely an analytical one, although it is based on her years of participation in Schafer’s Wolf Project, an annual gathering at a northern Ontario lake where performances of Schafer’s *And the Wolf Shall Inherit the Moon*, the conclusion to his epic *Patria* sequence, are staged. The project is the first musical analysis of one of Schafer’s environmental theatre works, although the *Patria* sequence has since been used to theorize the aesthetics of site-specific theatre (Ali 2015). Waterman thus makes the first step in framing Schafer’s music and theatre itself as a legitimate object of in-depth study, opening onto interrogations of Schafer’s conception of wilderness (Waterman 1997, 1998). In contrast, Kate Galloway’s PhD dissertation explores the more experiential aspects of the Wolf Project, analyzing the community dynamics among participants using ethnographic tools.

Finally, Schafer published his own autobiography in 2012.

Schafer’s former colleagues at Simon Fraser University, Barry Truax and Hildegard Westerkamp, have written vividly about the importance of an ecological awareness of sound. This is what Schafer called acoustic ecology, which would later be transformed by Steven Feld into acoustemology, which shares acoustic ecology’s study of sound environments, but with a focus on “the experience and agency of listening histories, understood as relational and
contingent, situated and reflexive” (Novak and Sakakeeny 2015), both in its own right and as a compositional tool. Both Truax and Westerkamp are electroacoustic composers who have used their compositional work as a springboard to explore the influence soundscape composition has had in communities of musicians and listeners (Truax 1984; 2008; Westerkamp 2002). Westerkamp is also a radio host: as one of the founders of Vancouver Co-op Radio, she hosted a weekly program, “Soundwalking” which consisted of recordings of the Vancouver soundscape with the occasional quiet interjection by Westerkamp, drawing the audience’s attention to salient sounds.

Schafer himself is a prolific writer and polymath whose edited collections of E. T. A. Hoffman’s and Ezra Pound’s music criticism (Schafer 1961; 1975) signal his romantic proclivity and interest in questions of sonorous materiality and representation. Taken with his pedagogical work (Schafer 1967; 1986), theory of the stage (Schafer 2002), the soundscape (Schafer 1977), and compositions themselves, the potential range of his influence becomes clear. However, this range, and his methods, which involve throwing huge amounts of information at the reader, are also what lend themselves to multiple interpretations, and even conflicting definitions, as Samuels et al. point out (2010).

To demonstrate how the ‘large’ context of art illuminates some ‘small’ context ones, I begin with an analysis of an early work by Schafer, Loving/Toi, a bilingual piece meditating on what novelist Hugh McLennan called the “two solitudes” that comprise the nation and constitute it as English and French. Loving/Toi was broadcast by the CBC in 1965, shortly before Canada’s 1967
centenary celebrating Confederation. This piece is notable because it features several characteristic compositional traits in an embryonic form, and represents a shift toward a mature style, as Stephen Adams has argued (Adams 1983). Schafer himself has written about it in some detail (Schafer 2002), so *Loving/Toi* provides a frame for understanding themes that will be developed later in this chapter. This section will also address the artistic, intellectual, and political historical milieu Schafer inhabited during the 1960s and 1970s; a period—contemporaneous with the broader postcolonial moment—in which Canada emerged from predominantly British influence to become the liberal multicultural settler society it is today.

**Artistic Emergence around Canada’s Centenary - Nationalism, Post-Colonialism**

“We have spoken so much, spoken as if to avoid saying something. And every word you spoke complicated the mystery of you. And now, once again, I’ve forgotten your name.”

- The Poet in R. Murray Schafer’s *Loving/Toi*

In 1965, the premiere of R. Murray Schafer’s *Loving/Toi* took place on both French and English CBC television networks. Schafer describes the bilingual work, which features orchestra, electronic sounds, singers, actors, and lighting effects, as “an audiovisual poem,” (Schafer 2002, 12) on a large scale, laying the groundwork for what he would call the ‘Theatre of Confluence,’ later developed in his gargantuan *Patria* sequence. Schafer’s vision of the Theatre of Confluence is as follows: “Ideally what I want is a kind of theatre in which all the arts may meet, court and make love. Love implies a sharing of experience; it should never mean the negation of personalities. This is the first task: to fashion a theatre in which
all the arts are fused together, but without negating the strong and healthy character of each” (Schafer 2002, 12). This is to be distinguished both from the Wagnerian concept of *Gesamtkunstwerk* (even though they both bring together music, theatre, and text), as well as the multi-media presentations of the time as described by Schafer, in that the Theatre of Confluence intentionally preserves the points of articulation—the joints—between the various media that comprise it (Schafer 2002). Paradoxically, in order to produce a transcendental whole, the arts must not meld seamlessly.14

Schafer introduces *Loving/Toi* and the Theatre of Confluence in two short essays which open his book exploring the *Patria* cycle, positioning them as germinal to ideas and techniques that would later be associated with his compositional and theoretical oeuvre (Schafer 2002). These techniques include graphic notation, staging, and an exploration of the ways in which language fails to communicate semantically. A preliminary exploration of *Loving/Toi* allows us to distill insights about the position of language and materiality within Schafer’s sonorous order more generally, as well as how the process of producing sound can be overlain by the production of the nation.

In his writings on the Theatre of Confluence, Schafer singles out *Loving/Toi* as an early version of the ideas he would later develop in the mammoth *Patria* sequence, twelve immersive musical and theatrical events that explore the

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14 This specification likely arose from Marshall McLuhan’s influence on the young R. Murray Schafer (see Schafer 2012). McLuhan’s insight in *The Gutenberg Galaxy* was that the human sensorium was not a fixed entity, but could rather be enhanced, the balance shifted, through technology. For Schafer each medium corresponded to a sense.
Platonic-cum-Jungian idea of two divided halves (“Wolf” and the “Princess of the Stars”) seeking to reunite across time, space, mythology, and culture (Schafer 2009; Waterman 1997; 1998). This play between division and union is an important way that Schafer’s philosophical ideas work their way into his compositions. The structure of Loving/Toi, like Patria, opposes ‘male’ and ‘female’ aspects: a male actor speaking French, and a female actor speaking English, while female singers voice aspects of what Schafer calls the “female psyche” in both languages.

The work opens in a dark space with a swirl of blue and green lights accompanying the orchestral and electronic sounds that gradually take shape. The libretto, written by Schafer (with French translations by Gabriel Charpentier), is replete with puns and wordplay, but the principle underlying the pun—the juxtaposition of similar sounds with different meanings—is not limited to language, but extended to a broader set of similitudes. The open mouth of the singer might freeze, in a mute tableau, only to ‘emit’ the sounds of the tape recorder; a photograph might be accompanied by recorded sound associated with the object being depicted. Over the course of the work, the male actor (and his tape-recorded counterpart, La Poète) seeks to communicate with the female actor, while Schafer’s text-setting variously unites and separates them. For example, the tape recorded voices often line up with the live voices via a syllable, or even a single consonant15

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15 Here McLuhan’s influence shows: for example, the alphabet for McLuhan functions as one of these joints, because in the phonetic alphabet, a sound becomes visual—it becomes spatial in a different register (it was already spatial, partaking of acoustic space).
—repeated, strained at—so that sounds align even as meanings diverge. The breakdown of language into its constitutive sounds, and the joining of the recorded syllable to the spoken or sung syllable through sound speaks to two interests: first, it is the most microcosmic level of Schafer’s “desire to discover the precise point where the nervous systems of the different sensorial experiences touch” (Schafer 2002, 28), which forms the basis of the Theatre of Confluence; and second, it is an example of Schafer’s belief that language deployed to be semantically unintelligible can nonetheless communicate a deeper truth.

Schafer describes Loving/Toi as a “synaesthetic work” that is plotless, and located “any time and any place or all times and all places or any number of times and places” (Schafer 2002, 13). It is an exploration of opposing aspects, which Schafer characterizes as masculine (Don Juan, the Warrior, the Poet) and feminine (Vanity, Modesty, Ishtar—after the Mesopotamian goddess of war and sex). He stresses that these are archetypes, not individual characters: they are explicitly divorced from culture and social setting. Nonetheless, Schafer avers that there is something curiously Canadian about the work: a bilingual romance “whose only purpose is to mystify, deceive and enchant” (Schafer 2002, 12). Conceived for the stage, it has never been produced according to Schafer’s original design; but was rather taken up by the Radio Canada producer Pierre Mercure, truncated, and adapted for television broadcast. It is scored for chamber orchestra and six percussionists, while the dramatis personae consist of four mezzo-sopranos, a female actor, a male actor, and pre-recorded voices on tape. In addition, the piece calls for photography, videography, lighting effects,
and optional dancers.

*Loving/Toi* was composed near the beginning of Schafer’s development of the Theatre of Confluence, and as Adams and Schafer himself have pointed out, it features many of the themes and concerns for which he would become well-known; however, it is also an example of Schafer’s incorporation into musical works of ideas taken from his philosophical milieu. Specifically, Marshall McLuhan clearly influenced Schafer’s preoccupation in the Theatre of Confluence with articulating the precise points at which the senses meet. In *The Gutenberg Galaxy*, McLuhan argues that the division of the human sensorium into five discrete senses masks their plasticity, and that the senses can be extended through technology, and the balance of the sensorium shifted (McLuhan 1962). Using the invention of the printing press as an example, McLuhan argues that western oculocentrism arose as a result of technological change. Moreover, he suggests that this is a productive, material basis by which to interrogate the nature of different cultures. Schafer’s incorporation of these ideas regarding the sensorium into his compositions builds on McLuhan’s belief that artistic endeavors are an ideal site to explore such matters.16

In *Loving/Toi*, the multimedia aspects of the performance (staging, acoustic and electronic instruments, lighting effects, photography and videography—and in the original television/radio broadcast) are intended to correspond with and stimulate a given sense. Schafer is quite clear that the “preservation of the joints”

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16 McLuhan’s arts-focused approach contrasts with his colleague Harold Innis’ approach, which viewed communications theory through the lens of economic history.
between the senses is crucial, each sense is expressed in a different medium: to simply overwhelm with a multimedia experience would be tantamount to “mindless slopping” (Schafer 2002, 12). This forceful caveat can perhaps be attributed to the fact that while McLuhan’s thought posed a serious challenge to then-current ways of thinking about the sensorium, *The Gutenberg Galaxy* does not overturn formal divisions between the senses. McLuhan’s primary intervention is to argue that the senses, being malleable, can be extended through technology; not to question the fact of division itself.

While *Loving/Toi* does not contain explicitly national themes, Schafer’s statement that there is something Canadian about the work encourages us to interpret his description of the Theatre of Confluence in the Canadian context. The French-English language divide further supports this interpretation. It is thus a useful starting point to situate Schafer in the historical and political context in which these formative works were composed. Let us revisit Schafer’s definition of the Theatre of Confluence as “a kind of theatre in which all the arts may meet, court and make love. Love implies a sharing of experience; it should never mean the negation of personalities. This is the first task: to fashion a theatre in which all the arts are fused together, but without negating the strong and healthy character of each” (Schafer 2002, 12). The idea that experiences should be shared in a space, but the distinctness of the participants preserved, is formally identical to the vision of Canadian multiculturalism that was coalescing at the time. Compare Schafer’s description with this excerpt from a notable parliamentary speech on the subject of the country’s new policy of
multiculturalism, given on October 8, 1971 by Pierre Trudeau, who was then Prime Minister:

A policy of multiculturalism within a bilingual framework commends itself to the government as the most suitable means of assuring the cultural freedom of Canadians ... National unity, if it is to mean anything in the deeply personal sense, must be founded on confidence in one’s own individual identity (in Mann, 2012, 491).

Although this speech was delivered some five years after the premiere of Loving/Toi, the intervening time spans a fundamental attitudinal shift in Canada from a dominion oriented toward Britain (and France) encapsulated by the “White Canada” set of policies, toward a multiracial, multicultural society situated within the wider world contemporaneous with nations elsewhere throwing off colonial rule. Canadian immigration law only introduced a clause preventing discrimination on the basis of race in 1967, and only officially adopted a policy of multiculturalism in 1971 (Mann 2012), but Schafer’s vision attests to a then-contemporary liberalization that would uproot previously entrenched identities and settle down again in new formations. Confluence has an analogy in multiculturalism; as would be made more explicit in the Patria sequence—particularly Patria I: Wolfman, which depicts the protagonist’s quest as that of an immigrant, or displaced person, struggling to make his way in a foreign society—which casts the nation building project as a quest to unite the senses and achieve a whole from fragmentary parts.

Many of Schafer’s works are characterized by a towering ambition, ranging from forging a new kind of multimedia, multisensorial experience in the vein of Scriabin, to incorporating wilderness environments and music, to indexing the
nation through an archetypal, psychic quest on an enormous canvas. As a result, many of his ambitious works are seldom produced. Indeed, some of the *Patria* sequence has yet to be staged, although they have all been written. Schafer’s anxiety that there is insufficient support for original Canadian compositions, and that the training institutions were hopelessly conservative is palpable in his writings on music in Canada. For example, of *Loving/Toi* he writes: “I have waited since 1965 for a stage production of *Loving*. It could easily be done since the resources are not extravagant and projections could be used for decor ... But Canada has no interest in reviving its cultural history. It seeks to live exclusively in the present tense and a work performed once is simultaneously dead” (Schafer 2012, 123). Elsewhere in his autobiography he writes scathingly of his brief time as an undergraduate in the University of Toronto’s Faculty of Music. To compensate for these perceived deficiencies, Schafer took it upon himself to train, or retrain, ears to appreciate new sounds, so they could participate in furthering what he saw as the forging of a national culture.

The country’s slowness to accept art open to multicultural influences was a long, painful process for Schafer. His position on the politics of multiculturalism is complicated: he has since objected to it forcefully in an interview with The Globe and Mail, stating:

"At the government level, there’s a slippage toward funding multicultural entertainments rather than Canadian entertainments, and a diversion of funding away from the Councils. It's all political - they're after the new votes. I think that's crap. It revolts me, makes me want to throw up. I'm not in favour of multiculturalism. I think you should forget wherever you came from, and live where you are, and build a culture based on Canadian social and climatological
experience” (Everett-Green 1991).

However, while Canada was still ‘white,’ Schafer railed against what he saw as the stultifying creative climate of the Toronto musical establishment of the time, which was largely devoted to the style of organ and choral music exemplified by the composer Healey Willan, in keeping with the English tradition. According to Schafer, the culture at the University of Toronto Faculty of Music (which he attended for a couple of years until, frustrated, he dropped out) during the 1950s was dismissive of the European avant-garde, much less the Canadian one. As Robin Elliott notes, the Canadian music scene of Schafer’s youth (circa 1930-1950) was marked by a transition from being largely the domain of amateurs to that of professionals. Elliott cites a quote by composer Godfrey Ridout, pointing out that the figure of the poorly-paid church organist at the time was largely responsible for the musical life of the community (Beckwith and Cherney, 2011, 41).

The winds of change were starting to blow just as Schafer would have been embarking on his studies—John Weinzweig and several of his former students founded the League of Canadian Composers in 1951. Elaine Keillor notes that the League had as its main criterion for membership a commitment to composition as a professional occupation, as opposed to any unifying aesthetic outlook: the

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17 This troubling position, expressed twenty years after the dismantling of key ‘White Canada’ policies, has prompted some allegations of bigotry. In On Canadian Music, Schafer recounts the story of an American journalist who, presented with Schafer’s ideas on culture, asked, shocked, “What are you, a God-damned Fascist?” (Eatock 2009; Schafer 1984). Schafer’s response indicates that he is obviously concerned with questions of intolerance and especially colonialism, and that it is perhaps unfair to dismiss him as a bigot; however, there is an element of chauvinism at play, and it is worth reading his work with that in mind. How that chauvinism functions in the context of “actually existing colonialism” is the question.
League was formed by modernist and jazz composers; however, Healey Willan (along with French-Canadian counterpart, Claude Champagne) was made an honorary member in 1955 (Keillor 2006). Nevertheless, these interventions had not yet influenced Canadian classical music institutions, and Schafer’s gloomy experience at the University of Toronto was largely salvaged by an informal reading group led by Marshall McLuhan, in which participants read aloud *Finnegan’s Wake*—a jolting counterpoint to his music studies. That Schafer would years later in his autobiography promote McLuhan’s reading of the Joyce tome, (“It’s a radio play,”) speaks to how revelatory McLuhan’s concern for questions of media and orality were for him (and that while he may not have absorbed much of the music education on offer, he had received a masterclass in the art of the pun).

Upon leaving the University of Toronto, Schafer took a job on an oil rig, and used the money he made to travel Europe—essentially self-financing what would be his real studies. During his time in Germany, he would undertake to translate the works of E.T.A. Hoffman into English (Schafer 1975); while in Italy, he met with the exiled Ezra Pound (Schafer 1961); he studied Eastern European folk music, attending several conferences behind the Iron Curtain using grants from what would become the International Council for Traditional Music (Schafer 2012). Schafer the polymath was thus established by publications, radio broadcasts, and compositions begun during this period.

The enormous creative and intellectual output that grew out of this period in Schafer’s life, and the possibilities afforded to him (although it was he who
scrambled to create the opportunities) are evidence of the efflorescence of the post-war period, when Europe was rebuilding as Canada sought to build itself as an independent nation. It is difficult to imagine a young, uncredentialled Canadian artist and composer today being given Pound’s personal contact information by his publisher; or the BBC scheduling broadcasts of such a person’s conversations about composition with the best-known British modernist composers. These formative experiences and accomplishments highlight Schafer’s Romantic orientation and interest in E.T.A. Hoffman, questions of synaesthesia and media, Pound’s school of poetry, Imagism, was concerned with the expression of one sense in a medium associated with another, and the ethnomusicology of the time: suspended between the Lomaxian imperative to “save the lore,” and the Bartokian impulse to invigorate composition with folk elements.

What Schafer wanted as a composer was not to be constrained by limited musical materials (he had originally aspired to be a visual artist), so it is not surprising that he chafed against the modal harmonies and church-based instrumentation associated with Willan. Because the musical establishment was not supportive, to say nothing of classical music audiences at the time, it would therefore be necessary to produce—through a new pedagogy and new artistic practices—an audience whose sensorium would be better attuned to the new, expanded world of music, indeed, better attuned to the world. The production of an audience is thus a concern of Schafer’s that extends from his musical compositions to his activities as a sound theorist and pedagogue.
Upon Schafer’s return to Canada, he joined the League of Canadian Composers, and having established himself as a highly original, prolific voice, took an academic position at the recently established Simon Fraser University in Burnaby, British Columbia just east of Vancouver. During the 1960s, many Canadian universities were established, and SFU’s Communication, Art, and Media department would have presented an opportunity to work in an interdisciplinary, experimental setting—radically different from the University of Toronto Schafer had left (Grayson 2013). While in Burnaby, Schafer would collaborate with other composers, notably Barry Truax and Hildegard Westerkamp, to establish the World Soundscape Project.

The World Soundscape Project, initiated in the late 1960s, is an interdisciplinary undertaking to collect and categorize all the sounds of the world. Its main purposes are to a) preserve sounds threatened with extinction by the encroachment of modernity, b) to seek to better understand human environments through the study of sound, and vice versa, c) with the goal of creating a new interdisciplinary field, “acoustic design,” which would transform the former activist and academic goals into policy recommendations, to improve human function. The project was shaped by the intellectual currents of the time, sharing the “save the lore” ethos of folklorists and ethnomusicologists, as well as a broader formalist, positivist outlook. It is also an excellent example of the ambitious, even universalist, scope that characterizes much of Schafer’s work. It

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18 This particular aspect of the intervention has largely migrated to the field of Urban Studies (Samuels et al 2010; Bijsterveld 2008).
is worth noting that the frontispiece to Schafer’s landmark book describing the aims and methods of the World Soundscape Project, *The Tuning of the World*, which casts all sounds as “the comprehensive dominion of music,” is a reproduction of Robert Fludd’s 1617 engraving of the same name, which depicts the spheres as being linked through their harmonic resonances (Schafer 1977).

This macrocosmic way of thinking fit in with the contemporaneous moment in which the modern environmental movement was forming. The first recordings of whale songs became publicly available in 1970, the same year George Crumb wrote *Vox balaenae*, and Greenpeace—which was founded in Vancouver—purchased their first anti-whaling boat, *The Rainbow Warrior* (Hunter 1979). The early 1970s thus saw the confluence of a movement toward a liberal multicultural vision of Canada, and a dawning environmental awareness that propelled conservationist thought from the preserve of anthropology into the mainstream. The World Soundscape Project represented a progressive way of engaging with the new modernity, combining a radical conception of sound’s role structuring the environment and consequently society, with a conservative impulse to preserve sample relics of the changing soundscape. In other words, the project offered a formalist way of seeking to understand environmental change through sound that was very much in keeping with its historical moment.

For example, one of the project’s publications, *The Vancouver Soundscape*, employs maps, tables, acoustic graphs, to indicate the sound level and types of sounds one might hear in the city. It lays out municipal bylaws pertaining to sound (World Soundscape Project, 1978), and you can also see this formal,
taxonomic tendency in the categories Schafer expounds in *The Tuning of the World*, where the soundscape can be divided into keynote sounds, soundmarks, signals, and archetypal sounds, where each tells us something about the natural and physical environment, as well as the cultures that live there, and their values (Schafer 1977). Here again the influence of Innis and McLuhan can clearly be discerned.

As has already been mentioned, the art music scene in Toronto (and English Canada more broadly) during the 1950s was mostly limited to the church-organ-based tradition of Healey Willan. However, outside the confines of institutional music training, composers in Canada, as elsewhere, were embracing musical modernism. As Beverley Diamond notes, modernism in the context of Canadian art music is widely associated with internationalism, atonality, and the large cities— Toronto and Montreal in particular (Diamond, 2000). Moreover, Jody Berland situates the growing modernist artistic movement within a nationalist framework with an explicitly non-American orientation—particularly as regards the commercial music industry; as well as a move toward creating an autonomous community of artists (Berland 2000), which can be viewed as part of the process of professionalization identified by Elliott (Elliott 2011).

These tendencies can be seen in some of Schafer’s contemporaries, the students and associates of John Weinzweig. Simultaneous national and professional definition found expression in an emphasis on landscape not only in the work of Schafer, but also that of his contemporaries, especially Harry Freedman and Harry Somers, both of whom also employ graphic notation in
idiosyncratic ways (Cherney 1975; Dixon 2004). Schafer could thus be grouped with a number of different compositional movements: his fellow Canadian modernists who came of age as Canada was starting to forge an independent identity, musically expressed through the indexing of landscape and culture; post-modernists who were interested in pushing the boundaries of what had hitherto been considered music (Schafer notably says that the work of John Cage lay the groundwork for the intellectual intervention that became *The Tuning of the World*) (Schafer 1977, 5); fellow soundscape composers whose concern was the acoustic environment, rather than the natural environment, per se; and what could be called environmental, or ecological, composers—artists such as Schafer’s American contemporary, George Crumb, up to the present-day. John Luther Adams, for example, claims to have been inspired both by the natural environment and the mythoi that grew from it (Adams 2012).

Schafer’s work on the soundscape affectively aligns with his compositional practice in a conservationist anxiety: the world’s sounds are changing, and the soundscape becoming increasingly lo-fi; the wilderness is being despoiled and we are unaware of its importance to our well-being. While several of Schafer’s compositions feature themes pertaining to the natural environment, the sense of *despoilment* really comes through in the program notes. When Schafer says, of the inspiration for *Epitaph for Moonlight*, “The moon is dead. I saw her die,” or of *North/White*, “*North/White* is inspired by the rape of the Canadian North. This rape is being carried out by the nation’s government in conspiracy with business and industry. The instruments of destruction are pipelines and airstrips,
highways and snowmobiles,” this is made explicit (Schafer 2012). However, the majority of Schafer’s compositions on natural themes simply depict through a sort of sound mimesis (Levin 2006) the various incarnations of water, for example, as in *Miniwanka: The moments of water* (Schafer 1974). *North/White* is the exception, where an actual onstage snowmobile shatters the delicate northern textures and timbres mimetically suggested by the orchestra. I turn now to an examination of the ideas and techniques used in select nature-themed compositions by Schafer to produce this sound mimesis, focusing on linguistic play and graphic notation.\(^{19}\)

**How Musical Materials Mean**

> “The nature of things, their coexistence, the way in which they are linked together and communicate is nothing other than their resemblance.” - Michel Foucault, *The Order of Things*, 29

Schafer’s fascination with the sonorous qualities of language (as opposed to their signifying qualities) as well as the idiosyncratic use of graphic notation are both fundamentally related to the emphasis Schafer places on the importance of being present in a place, and the related idea that vocal utterances gain evocative power when they are grounded in such a presence. This theme can be seen in his compositions for chamber ensembles—for example, the entrances and exits of String Quartet no. 3 (1981)—as well as the gargantuan *Patria* sequence. Likewise,

\(^{19}\) In contrast with Ellen Waterman’s and Kate Galloway’s work on what is probably the most salient feature of Schafer’s large-scale environmental works: their staging in the Canadian wilderness (see also Alex Ross), my analysis can be analogized as a more molecular look at the building blocks of such music-theatrical epics. I argue that it is at the molecular level that the shared conditions of possibility with the nation-building apparatuses of the state can be identified.
pedagogical works such as *The Thinking Ear* emphasize the cultivation of an aural awareness of one’s surroundings. Schafer states:

“I have tried always to induce students to notice sounds they have never really listened to before, listen like mad to the sounds of their own environment and the sounds they themselves inject into their environment... [E]ar cleanliness is an important prerequisite for all music listening and music playing.” (Schafer 1986, 46)

This awareness is also the basis for the World Soundscape Project, as evidenced by the theoretical publications that came out of it, such as *The Tuning of the World*, and Schafer’s call for “Clairaudience not ear muffs” (Schafer 1977, 4).

I argue that Schafer’s concern for the soundscape in his compositions and elsewhere expresses a desire to transcendentally unite the geographical with the musical through the physicality of vibrating sound waves and the materiality of the musical score. To accomplish this, I do a close reading of the Schafer composition *Epitaph for Moonlight* (1971), and the program notes to *North/White* (1973). I set out to show how Schafer’s treatment of language, sound, and the natural world in select compositions, and his use of graphic notation articulate a relationship that obtains in the contemporary world as a mode of colonial governance. The ways Schafer uses language—existing languages as well as made-up ones—amounts to a negation of listening and hearing, even as it appears on the surface to be a radical expansion of the audible realm.

The interest Schafer had in aurality can be seen in ways the World Soundscape Project, which sought to document and catalogue the world’s sounds with an ear towards preserving those in danger of vanishing due to technological
change, overlapped with Schafer’s interest in radically reconceptualizing music pedagogy. The former can be thought of as his conservationist work; however, Schafer’s pedagogical interventions, on which he lectured and published extensively, are more actively interventionist, in that Schafer’s goal is to reconfigure the basics of music pedagogy to create a new kind of attuned listener. Both projects undertook to increase awareness of the sonorous, and rehabilitate, or “clean” the ear. Both were also concerned with setting out concrete guidelines by which these ends could be accomplished. For example, one aspect of the World Soundscape Project was to compare which municipalities around the world had introduced legislation to control the soundscape, and the pedagogical project introduced exercises intended to train the ear to become conscious of sonorous surroundings. This included some overlap: one of Schafer’s “100 exercises in listening and sound-making” is to research your municipality’s noise bylaws (Schafer 1992).

Most of Schafer’s exercises, though, involve making sounds (or not making sounds!) and practicing awareness of existing sounds. They are comparable to instrumental technical exercises. Thus, Schafer attempted to create a technique of the ear. To combat the invasion of the natural world by the internal combustion engine, the intrusion of Moozak into public spaces, the numbing of our aural awareness of our surroundings through white noise, Schafer avers that the ear can clean itself and rediscover an innate intellectual faculty.

*Ear Cleaning* was published as a set of 100 exercises—pedagogical practices designed to strip what Schafer sees as the sound pollution of contemporary life
from a primeval ear. These exercises vary from sitting quietly and trying to identify all the sounds one can hear, to creating different types of sounds. Several exercises require the participants to communicate vocally without language. An example of this is the exercise that requires the student to invent new words for objects based on onomatopoeia—that is, the words possess some sort of similarity to the objects to which they refer, harkening to Rousseau’s *Essay on the Origins of Language* (Schafer 1992, 64). This particular exercise made its way into the composition, “Epitaph for Moonlight” for children’s choir, whose text is made up of words for moonlight invented by children.

The words invented by the children in the composition include: sloofulp, neshmoor, shalowa, nu-u-yul, noorwahm, maunklinde, shiverglowa, sheelesk, maloom, and shimonell. The only English words—or for that matter, signifying words—that appear are “moon” and “light,” sung fleetingly by soloists during a quiet moment. Two things are happening here simultaneously: on the one hand, this exercise rejects linguistic signification, employing purely sonorous means to represent a non-sounding object. On the other, the exercise effectively reboots linguistic signification, affirming it on the level of onomatopoeia. That is to say, existing words are inadequate when it comes to representing moonlight; however, words can evoke moonlight—but they have to be the right words, the words whose sonorous qualities align with the material qualities of the object itself. This can also be thought of as a form of presencing—of conjuring: Schafer’s treatment of speech as iconic, not symbolic, operates according to the principles of sympathetic magic, where changes are effected by virtue of an object’s
similarity or contiguity to another object.

The graphic score of “Epitaph for Moonlight” opens to unfurl as one long scroll, folded into a thin book. The first image is of a series of points that arc downward across the page to imply the shape of a quarter circle. Each point is the start of a horizontal line that tracks through the remainder of the score. The vertical dimension represents the range of vocal parts, and the horizontal represents the progression of music through time. The score is full of circles, indicating that the singers must commence or cease singing on a staggered basis: sound and silence are plotted by whether there is black ink in a particular region of the white page, contrasting with their traditional positions on the relative abstraction of the musical staff (whose vertical and horizontal plotting—pitch meets time—Schafer nonetheless retains). Apart from the occasional appearance of a pitch-time grid, the visual qualities evinced by the score are those of roundness, and contrast between light and dark. Schafer goes out of his way to preserve the areas within the circles as light.

The score is clearly conjuring the moon—and it is almost audible. To be light, or to be round, is to be silent—or feathered with vowelless consonants. The clear voices provide a soft, steady, largely unwavering ground against which faint rustlings can be discerned (see Figure 1). Of his inspiration for the composition, Schafer writes:

“Why did I call it Epitaph for Moonlight? In 1969 American astronauts landed on the moon to the excitement of the whole world. But something died then. No longer would the moon be a numinous and mythogenic symbol; it threatened to become a piece of property covered with neon. That hasn’t happened yet, but in today’s polluted cities with their twenty-four-hour glare, no one even notices the moon anymore. The moon is dead. I saw her die.” (Schafer 2012, 130)
This composition, then, is generated from two seeming contradictions: moonlight (the signified) exceeds the capacity of moonlight (the signifier) to signify. The onomatopoeic likeness of moonlight is thus harnessed to signify moonlight through language. The moon loses its potency as a “numinous mythogenic symbol” due to its being unromantically situated in the material world (it can be reached if you travel far enough); however, it regains its symbolic power and meaning through the physicality of acoustic vibrations traveling through the same unromantic material medium: the phenomenal world in which the moon and we concurrently exist. Matter is the medium for sound.

Compositions of Schafer’s such as “Miniwanka: the Moments of Water” (1971) and “Snowforms” (1983) also use words, but these words have histories. In these compositions the words are taken from indigenous languages. (The words
in “Snowforms” are Inuktitut for different types of “snow”; in “Miwanka” the words come from various North American indigenous words for forms of water such as rain, river, waterfall, waves, etc.) As in “Epitaph for Moonlight,” the scores are graphic, the contour of the sound seeming to emerge from the contours of the objects. The words, taken on their own, out of context, cannot signify—certainly not in the Saussurean sense—and insofar as they retain their meaning in the compositions, that meaning is overdetermined by the material qualities of the sound–qua–object.

This compositional technique is not unique to Schafer. Other prominent Canadian composers, contemporaries of Schafer such as Harry Freedman and Harry Somers have similarly mined indigenous languages for use in their compositions (as well as the use of graphic scores to represent natural or geological phenomena). In fact, at the time, the use of indigenous words or themes and inspirations was not uncommon for Canadian composers. In her wonderful comprehensive survey of Canadian music, Elaine Keillor provides a list compiled by David Parsons of Canadian musical works that use landscape as a theme. It is worth noting that many of them could also be categorized as having an indigenous theme, whether through the text, the title, or the program, which speaks troublingly about the facility with which indigenous people are essentialized into the landscape (Keillor 2006).

For example, Schafer’s close colleague and contemporary, Harry Freedman

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regularly used words from indigenous languages and themes in his works. This has long been a feature of Freedman’s choral compositions, as evidenced by works from the early 1970s until shortly before his death in 2005. As with *Snowforms* and *Miniwanka*, the text for Freedman’s 1971 choral composition, *Keewaydin* is entirely made up of northern Ontario place-names in Ojibwe (Anishinaabe), and is written to evoke the wilderness lakes on which Freedman loved to go fishing (the piece ends with a loon call). Freedman chose the words “purely for their sound rather than their meaning,” as Gail Dixon puts it (Dixon 2004, 84). This appears to be the same technique used by Schafer: both are concerned with the effect the sound of the words will have on an audience rather than their capacity to communicate with the audience semantically. However, Freedman only selects words because they are indigenous, and because they have a particular sound. In the vein of Stravinsky, the effect of Freedman’s music is divorced from that of language it employs.

Schafer, on the other hand, chooses words that are indigenous, that have particular sonorous qualities, *and* that have meanings related to the theme of the composition, even though the words are not being deployed to signify. In light of this use of language, Schafer’s statements bemoaning the lack of emphasis placed on Canadian culture, and a culture that is based in Canadian *nature*, would seem to valorize indigenous cultures as possessing a purity and authenticity that the broader newly multicultural settler society does not. There is a degree of noble-savagism happening here, although it is difficult to pinpoint as such because when it appears (the use of indigenous language to meditate on a natural theme)
it is non-signifying.

It might be tempting also to assert here an uncomplicated reading of cultural appropriation rooted in the idea that the indigenous cultures of North America had been wiped out—an idea that was prevalent in the academy at the time *Keewaydin* and *Miniwanka* were written, the rise of the American Indian Movement notwithstanding (Deloria Jr. 1969). I want to resist this reading, even though Freedman’s use of indigenous words is based on the idea that they are dead and available to conjure the living nature (Dixon 2004); and even though Schafer’s usage implies that the words live in nature and can be recontextualized as culture. I would like to tease out how these composers use indigenous words, so that the way these uses map onto existing politics is more apparent. Schafer’s use of indigenous languages is an excellent example of the term he coine, “schizophonia,” as adapted by Steven Feld. The term was originally used by Schafer and Truax to refer to the split between a sound and its source made possible by technology in the context of electroacoustic composition (Schafer 1977). Feld adapted the term to a wider usage, asking what happens when a sound, through reproduction, is removed from its cultural context—not simply separated from its physical source—the modes of circulation enabled by modern technology, infrastructure, and political economy (Feld 1996).

How Schafer uses language—including his use of indigenous words—is thus significant, even if the words do not signify. In his autobiography, he recounts a humorous anecdote about a performance of *Miniwanka* by the Canadian Children’s Opera Chorus on the occasion of the Queen’s visit in 1973, told to him
by the conductor, Lloyd Bradshaw:

Mayor Crombie introduced Lloyd Bradshaw to the Queen. The Queen said: “How do you do Mr. Bradshaw?” Lloyd said: “How do you do Your Majesty?” Lloyd looked at the Queen. The Queen said: “They were singing Indian words, were they not?” Lloyd said: “They were Indian words describing the forms of water, such as rain, stream, lake, waterfall, and so on.” There was a pause. Lloyd filled it with “When we sang this out-of-doors once before, it brought on a rainstorm. I’m glad that it didn’t do that today.” Pause. Lloyd continued with “We thought you might like to see the score since the notation is not traditional.” Whereupon Lloyd showed the score to the Queen. The Queen said: “Oh yes, I saw some of the children moving like that.” Lloyd replied: “That is the storm at sea, and those are the chords demonstrating it.” There was a brief pause, then Prince Philip said, “Will you please extend our congratulations to the choir,” and Lloyd said, “I will, thank you.” That seemed to be the cue to end the conversation so Lloyd turned and left the platform as he had been instructed. (Schafer 2012, 41)

Her Majesty’s failure to grasp the significance of the use of both indigenous language and graphic notation in Miniwanka is humorous in Schafer’s telling because there is something significant to grasp which she plainly missed. Even though she caught the surface details: use of indigenous words, graphic notation, relationship between the score and physical gesture during the performance, it seems clear that she missed the point. (Perhaps the anecdote simply suggests that the Queen was not interested in the performance, aside from the curiosity provided by the “Indian words.”)

Schafer uses words in compositions to say something about Canadian nature and culture in three different ways. There are the onomatopoeic coinages of Epitaph for Moonlight; there is the schizophonic, significant use of indigenous words, as in Snowforms and Miniwanka (this is also employed in the Patria
sequence); and then in *Loving/Toi* there is the use of the two official languages, English and French, whose text setting highlights their communicative failures. To channel Schafer’s characterization of schizophrenia, this is “nervous” because the indigenous words are taken from an extremely thick cultural context, in contrast to the bricolage and coinage Schafer also employs. In the Pacific northwest region, for example, the act of giving people ancestral names at the potlatch—and names are after things—brings them more fully into a world of rich social relations, personhood, meaning (Mauzé, Harkin and Kan 2004). The case of Gitxsan name theft discussed at the end of this chapter illustrates how this plays out.

What is happening here is more than cultural appropriation, and more is at stake than the manifold threats to the survival of remaining indigenous languages. Schafer’s use of language—existing words are inadequate so invent new ones; words can be taken from their thick contexts and used in a completely different way while still retaining a mysterious thickness; language used to communicate fails on some level—deploys musical space to dismantle the capacity of indigenous words to signify. Techniques intended to enhance the expressive possibilities of sounds result in the silencing of words. Thus it is not so much that Schafer wishes to retain for music the capacity to express something ineffable, or sublime, over language; it is that he collapses the distinction between the two in his medium: the material world of sounding objects. Music replaces language.

What of Schafer’s prodigious use of graphic notation? The very material
roundness of the moon, as can be seen in the score of “Epitaph for Moonlight” (see Figure 1), is inscribed on paper and then conjured into sound vibrations. What is more, these graphic scores suggest a contiguity not only of sound and image, but material presence as well—which can be seen in the score to Schafer’s No Longer than Ten (10) Minutes (see Figure 2), where the conductor is instructed to walk offstage via a pattern of footsteps drawn diagonally across the orchestral parts, and other pieces such as the 2nd and 3rd String Quartets, where players are instructed to exit and enter the stage while playing.

Gary Tomlinson has argued, in the vein of Derrida, that logocentric renderings of indigenous song (transcriptions and early descriptions) serve to trap indigenous vocality in an inaccessible past subsequently to be shaped by Western discourse (Tomlinson 1995; 2009). He suggests that material depictions of indigenous sound-making that do not recourse to phoneticism (which relies on the metaphysics of presence to claim its superior evolutionary status) contain material traces by which we might glimpse song as part of an Aztec cosmology. These material song traces do not function as presence in the sense of the excess that is required to bridge the written/spoken divide—an excess that Tomlinson links with the trope of metaphor, which relies on an excess of signification to operate. Instead he suggests that the presence of the traces is that of metonymy, which functions via association rather than analogy, and which relies on the contiguity of objects in a given world to operate (Tomlinson 1995, 367). Tomlinson gives a compelling reading of the material-metonymic qualities of Aztec song cosmology. However, Schafer too uses graphic notation as metonymy
rather than metaphor, the unfolding graphic score of “Epitaph for Moonlight” being one example.

Figure 2. No Longer Than Ten (10) Minutes, excerpt.
Schafer’s replacement of language is a result of how he conceives the relationship between sound and land, and their shared role in culture. This is demonstrated in the liner notes to a composition of Schafer’s that does not use language, or voices, at all. North/White was composed in 1973 for full orchestra and snowmobile. Of this piece, Schafer writes:

“I call this piece North/White because, like white light, which is composed of all visible frequencies, it combines all the producible notes of the symphony orchestra from the deepest to the highest instruments.

The North is not described by the adjective “pretty” and neither is this piece. North/White is inspired by the rape of the Canadian North. This rape is being carried out by the nation’s government in conspiracy with business and industry. The instruments of destruction are pipelines and airstrips, highways and snowmobiles.

But more than the environment is being destroyed by these actions, for, just as the moon excursions destroyed the mythogenic power of the moon (it ceased to be poetry and became property), Canadians are about to be deprived of the “idea of North,” which is at the core of the Canadian identity. The North is a place of austerity, of spaciousness and loneliness; the North is pure; the North is temptationless. These qualities are forged into the mind of the Northerner; his temperament is synonymous with them.

There are few true Canadians and they are not to be found in cities. They do not sweat in discotheques, eat barbecued meat-balls or watch late movies on television. They do not live in high-rise apartments, preferring a clean space to the smell of neighbours’ spaghetti.

But these few remainders from an authentic time are apparently to be sacrificed and the North, like the South and the West and the East, is to be broken by men and machines. That, at least, is the design which the little technocrats of progress have planned. They seek not only to civilize the North but to civilize the imagination of the North. They do not realize that when they chop into the North they chop up the integrity of their own minds, blocking the awe-inspiring mysteries with gas stations and reducing their legends to plastic dolls.

The idea of North is a Canadian myth. Without a myth a nation dies.

This piece is dedicated to the splendid and indestructible idea of North.”

He goes on to say this:

“The real idea for North/White came to me during a polar flight from Europe to Vancouver over Greenland and Baffin Island. The myriad tints of green and blue in the ice caps suggested a full chromatic spectrum of white sound that would be filtered to reveal certain changing hues. I decided to place a snowmobile in the percussion section as a symbol of noise and pollution generated by technology. While this attracted a good deal of press attention at the première,
North/White has rarely been performed, and never by a major orchestra. The reason: capitalist patrons might find it insulting.

North and East are the only directions that interest me: the East for sunlight, warmth, history and mythology; the North for purity and austerity. For me the West is just cowboys and chopsticks, and the South symbolizes tropical humidity and laziness. And so, having written East and North/White, I let matters stand.” (Schafer 2012, 46-47)

There is much that can be discussed here, but it is important to note that Schafer opposes the wide-scale resource-extraction-based development of what is predominantly indigenous land. He does not oppose it on the grounds that it is indigenous land, but because he has constructed the land as a pristine frontier necessary to imagine the nation (Schafer 2012). On the one hand, he effectively empties it of indigenous people, to say nothing of rich networks of signification; on the other, he champions the position on resource development expressed by many indigenous people in Canada today—a position that strikes at the heart of contemporary colonialism: the expropriation of land, displacement of populations, and their subsequent governance through the various patronage structures surrounding resource extraction (Coulthard 2007; King 2013; Pasternak 2014). This contradictory relationship recurs and recurs—in Schafer’s work, as well as at myriad nodes expressing the governance of indigenous populations. Schafer collapses language, sound, visual representation, and the material world into a metonymic contiguity. A surface similitude in these

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21 These scholars show how colonialism is an ongoing process, rooted in acts of land enclosure commonly associated with resource development. Indigenous land or water are reserved to be turned into mines, or tailings ponds, or cleared for rights of way; the indigenous population which had previously been living on the land is displaced since it can no longer sustain their traditional livelihoods; they end up trapped on the reservation, fully dependent on the state, or in some cases navigating urban poverty.
compositions and their intent conceals the mechanisms by which the capacity of indigenous words to signify is undone (notably in the absence of indigenous bodies). The medium is the obliteration of the message.

**What's in a Name?**

We do not experience the world of things represented by language in the same temporality that we apprehend language as a system of signifiers. This incommensurability grants to words an excess that allows them to float above their signifieds, attaching themselves to others in a chain of meaning: this is the source of the power of symbols (Lévi-Strauss 1955). Building on this important insight of structuralism, scholars have demonstrated how sounds can likewise split off, whether they are physically divorced from their sources at the point of production (Schaeffer 1966; Schafer 1977; Truax 1984), as a copy enters economic and cultural circulation (Feld 1995), or by the metaphysical processes through which Western philosophy defines its objects (Derrida 1976). These reconfigurations take place as part of the vibrant material terrain of politics, on which laws and music are written, culture and utterances inscribed. The processes by which nations are built, national mythologies founded, and cultures

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22 In seeking to account for the anthropological significance of the incommensurability between the signifier and the signified, Claude Lévi-Strauss turns to Marcel Mauss' essay on the gift (Lévi-Strauss 1950; Mehlman 1972). Failing to find French words that adequately expressed the force that binds a community together through a system of reciprocal gift-giving extending forward in time, Mauss imported the Polynesian terms *mana* and *hau* from Bronislaw Malinowski's observations (Mauss 1923). According to Lévi-Strauss, this was a powerful gesture, because it marked the first time that an anthropologist resisted making empirical observations, turning to those of another to theorize; a move he would make himself in *Tristes Tropiques* by turning to structural analysis (Lévi-Strauss 1955; Mehlman 1972).
constituted and recognized—or not—can thus be read in the ways words, sounds, and things come together and apart.

In May 2014, the Vancouver Observer published an article with the curious headline: “Northern LNG push is ‘stealing’ Gitxsan chief names, allege leaders” (Prystupa 2014). Gitxsan territory covers approximately 30,000 square kilometers in northern British Columbia, around the towns of Hazelton and Kispiox, and extending north. The provincial government has been pushing to develop a liquefied natural gas (LNG) industry. The gas is already being extracted by hydraulic fracturing (“fracking”) in northeastern BC, and transported through pipelines to cooling plants planned to be built on the coast. It would then be shipped by tanker to markets in Asia. Multiple gas pipelines have been proposed, three of which cross Gitxsan territory: TransCanada’s Prince Rupert Gas Transmission, Spectra Energy’s Westcoast Connector Gas Transmission, and AltaGas’ Pacific Northern Gas Looping Project (Prystupa 2014).\(^{23}\)

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\(^{23}\) Some critics have suggested that it is not an economically sound project: since the industry would need to be developed from the ground up, an enormous provincial investment of taxpayer money is required (quote amount, cite). The criticism is that there is little guarantee the initial investment would pay off in the long run, because the market for LNG is in Asia, and British Columbia faces stiff competition from other export markets (Australia, the United States, Russia) who are geographically closer, or who already have the basic infrastructure in place. Furthermore, calculations that show LNG development would be profitable were based on a temporary anomaly in the price of gas in Asia: between 2012 and 2015 gas prices in Asia were approximately four times what they were elsewhere—a disparity not expected to last.

However, much of the local opposition to LNG development is due to the adverse impact the industry would likely have on the environment. These range from the global concern for reducing carbon emissions (the extraction and cooling process for LNG requires a large energy input, taken with methane leakage from gas wells, adds up to high carbon emissions even before the fuel is burned) to more local concerns: the fracturing process pumps potentially dangerous chemicals into the ground, risking the poisoning of groundwater; gas wells are known to leak into water mains, hence the “flammable tap water” phenomenon; gas could leak or explode at any point in the transportation process; rights of way for pipelines involve the clearing of trees and blasting through rock; and the proposed cooling plant terminals would also be built in environmentally sensitive areas. There is the added concern that pipelines built to carry gas could
development is a polarizing subject in BC, particularly among indigenous communities, because the industry would leave a large environmental footprint; however, it is the cornerstone of the provincial government’s economic plan. What appears to have transpired is as follows. Gitxsan traditional house leaders who oppose the development of LNG have accused a corporation facilitating consultation between the Gitxsan and gas companies of conscripting unauthorized Gitxsan people into signing agreements with LNG companies on behalf of their houses (Prystupa 2014).

The approval process for large-scale resource extraction projects can take years. After a pre-application period, during which the project description is put together and lists of interested parties are compiled, the actual application is filed. At this point, environmental impact assessments must be undertaken. Then there is a period of public hearings, when the public’s input on the project is taken. Finally, the government decides whether the project can go ahead, and on what conditions/grounds (National Energy Board 2014). A time consuming part of the process is the public consultation phase, during which affected communities can explain how the project will impact their lives, and express their approval and disapproval. Not only must companies consult with the broader public, all potential projects must hold separate consultations for affected indigenous groups.

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someday be extended to the Athabasca tarsands, and converted into bitumen pipelines, with their potential for ruptures and toxic spills. Given all of these factors, it is thus not surprising that the BC government, which had been reelected in 2013 on a platform based around the successful development of an LNG industry, was rushing proposals through the approval process (Stephenson, Doukas, and Shaw 2012).
In the case of the Gitxsan, pipeline companies (through their intermediary, the Gitxsan Development Corporation) need to gain the approval of 11 out of 65 house leaders—those whose land will be crossed by the pipeline. As stringent as these requirements may seem, the imperative to consult nevertheless takes place within the historical context of the disruption of traditional indigenous modes of governance, and the incommensurability of traditional modes of governance with the court system. The cumulative effects of this inherited quagmire leads to a situation in which even the hint of uncertainty (to say nothing of open conflict) regarding the identity of traditional house leaders can exacerbate divisions within communities, leaving them susceptible to manipulation by outside interests.

The stolen names in question are the traditional house names that have been circulating among the Gitxsan for generations: ancestral names associated with each house that are gifted to individuals who must then live up to the responsibilities of the name, manifesting the qualities associated with that ancestor (Beynon 2000; Daly 2005; Mills 2005). This is common in some form or other to most Pacific northwest indigenous cultures (Drucker and Helzer 1967; Kan 1989; Mauzé et al 2004). So for example, Prystupa recounts the experience of Mel Woods, one of those whose names were stolen. Woods is the hereditary chief of the White Owl house, Gutginuxw. One day, however, he received a telephone call from a “Gitxsan Energy” company, saying that Gutginuxw had signed an agreement with an LNG company. Mel Woods never signed anything, but someone else claiming to be Gutginuxw had done so in his place (Prystupa 2014). The way this story unfolded highlights the fraught status and power of
words at convergence of a liberal politics of recognition and colonial practices. The Canadian state’s understanding of how names confer legitimacy is exceeded by the names’ function within indigenous social structures—an incommensurability with the power to shape lives and remake land.

According to Prystupa, five hereditary chiefs who refused to sign agreements on behalf of their houses received calls from the Gitxsan Development Corporation, which is based in Delta, BC (just outside Vancouver), only to find, as Mel Woods did, that someone else from the community had signed their traditional names in their place. The signatories were accepted on their face by the gas companies. In the words of Rick Connors, the CEO of the Gitxsan Development Corporation, “All we do is go to those people, and we understand that Mel Woods is Gutginuxw [based on schedule B of section 11 of a record with the Environmental Assessment office] ... and so Mel Woods is the representative. That doesn’t mean that there wouldn’t be some ‘house business’ that gets in the way, and somebody might claim to be Gutginuxw. That’s not our issue, and we do not take direction from that person.” Similarly, the British Columbia Aboriginal Relations department says that, “Government has no role in determining who the appropriate hereditary chiefs or house boundaries are. These are matters for the Gitxsan to resolve internally”

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24 As part of the push to develop the extractive industry, corporations often set up what are effectively lobbies, aimed to influence the indigenous community concerned (instead of the government) in favor of the project. These can be led by indigenous community members or experienced negotiators who are settlers (an example of this will be discussed in the following chapter), but these lobbyists can have the effect of sowing confusion and division within indigenous groups. This is particularly true where the traditional governance structure is still largely intact, as with the Gitxsan in British Columbia, where both band council (elected, Indian Act) chiefs and hereditary chiefs must be consulted (Milligan and McCreary 2014).
(Prystupa 2014).

Internal conflict aside, once agreements are signed, the legal requirement that companies consult with affected indigenous peoples is considered fulfilled. The law thus states its limits (it is not for the state to determine the legitimacy of traditional indigenous leadership claims) even as it recognizes specific claims (on schedule B of section 11 of an unidentified record in an office). In this way, the Gitxsan Development Corporation can take advantage of the limits of the legal framework to further the goals of LNG companies. When the circulation of a traditional name is disrupted, its différance arrested on the page of a legal affidavit, the physical world can be remade as a result: trees are cut down to clear a right of way, a pipeline is built, land is fractured to extract gas, and a community frayed.
CHAPTER THREE

Pipeline Hearings and the Gerrymandering of Aurality

“What do Indians want? Great question. The problem is, it’s the wrong question to ask ... There’s a better question to ask. One that will help us to understand the nature of contemporary North American Indian history. A question that we can ask of both the past and the present. What do Whites want? ... The answer is quite simple, and it's been in plain sight all along. Land. Whites want land.”
-Thomas King, *The Inconvenient Indian*, 2012

The way the Canadian law defines the identity of indigenous people has an impact on the environment, as the case of Gitxsan name theft makes clear. This chapter explores how public hearing processes for oil and gas pipelines define and redefine ‘oral tradition’ to impose constraints on indigenous interveners. Amid the expansion of oil and gas infrastructure exemplified by the Northern Gateway pipeline, which is just one of many proposed projects, public hearings are a small but important potential bottleneck in the process. The National Energy Board, which is responsible for holding these hearings, is required to hold separate hearing processes for indigenous people. At these hearings, maneuvers on the terrain of aurality play an important role in what I will argue is the colonial production of environmental injustice.

The chapter opens with the hearings held by the National Energy Board for indigenous people affected by the Kinder Morgan company’s TransMountain pipeline expansion. This particular hearing process, unlike the Enbridge Northern Gateway one, imposed constraints on how indigenous interveners could provide testimony by defining and redefining ‘oral tradition.’ As Carileen Thomas,
from the Tsleil-Waututh Sacred Trust, put it: “[The National Energy Board is] not giving us the space to be clearly heard” (Scanlon 2014). I will argue that the hearings constitute the gerrymandering of aurality, and are an example of what Elizabeth Povinelli calls the “governance of the prior” (2011b). This is a formation of power in liberal settler colonies across which indigenous people and the state are “caught in strategic manoeuvres of temporalization and territorialization” around the challenge to state legitimacy posed by the existence of the indigenous (2011b, 16).

To put this very contemporary political struggle in historical context, I trace the history of oral traditions’ acceptance as valid evidence in Canadian law, taking a critical look at celebrations of the recent Tsilhqo’tin Supreme Court of Canada decision acknowledging indigenous title in British Columbia; and the Mount Polley mine tailings pond breach that happened around the same time. The Kinder Morgan hearings’ definition of oral tradition fits into the audiovisual litany (Sterne 2003; 2011) that relegates indigenous voices to the past, even as it touts their expression in the present. This relationship is expressed and repressed in the hearings, in the courts, and in policy—and ultimately inscribed on the land itself. This chapter can thus be situated within an emerging discourse that questions the value of ecomusicology based on the liberal multicultural notion of discrete cultures and natures (Ochoa 2016), and even the categories of culture and nature themselves during an epoch characterized by dramatic upheaval for people and land (Muller forthcoming).

We start from a crisis: the crisis of slow violence that results from the
dispossession of indigenous people of their land to make way for oil and gas pipelines (Nixon 2011). In political-economic terms, this dispossession is a contemporary enclosure of the commons, which Marx identified as the forcible removal of a population from their land that supported them, that is then compelled to sell their labor to the capitalist class, having no other way of securing the means to survive:

“In the history of primitive accumulation, all revolutions are epoch-making that act as levers for the capital class in course of formation; but, above all, those moments when great masses of men are suddenly and forcibly torn from their means of subsistence, and hurled as free and “unattached” proletarians on the labour-market. The expropriation of the agricultural producer, of the peasant, from the soil, is the basis of the whole process. The history of this expropriation, in different countries, assumes different aspects, and runs through its various phases in different orders of succession, and at different periods.” (1887, 802)

Glen Coulthard has demonstrated that this process of primitive accumulation, which Marx defined as the originating act of violence necessary for the establishment and systematization of capitalism, is ongoing in Canada and expressed in the relationship of the Canadian government and industry to indigenous land (2007; 2014). I will argue that pipeline hearings mobilize oral tradition to manage indigenous dissent, rendering it legible—legislatable—in order to allow this primitive accumulation to continue apace. In other words, the distribution of power on the field of aurality reproduces a colonial relationship of domination even as it produces local and global environmental crises.

Because large-scale development projects depend on timing (availability of money, a labor force, a government willing to promote the project, favorable price fluctuations), and public consultation takes time, it is in the interest of those promoting these developments to move the hearing process along quickly.
Conversely, the hearing process is one of the points where the pace of development can be slowed, even to the point of scuttling the project: investors can lose interest, price changes might lead to the project no longer being economically viable, and so on. Because indigenous people occupy a special legal status of the *prior* in the liberal settler colony, indigenous resistance is particularly effective at slowing or altogether stopping development. This is not to romanticize or universalize the struggles of indigenous land defenders, for whom the crisis is often immediate and acute. The spatial distribution of the settler colony masks the fact that the crisis is already happening elsewhere (Hunt 2013); it is not in some apocalyptic future.

**The Kinder Morgan Hearings**

The Enbridge hearings were not the only hearings to mobilize logocentrism to circumscribe what can be heard—nor was their method of accomplishing this by craftily restricting access to space and mobilizing technology to head off dissent the only one being used. As we have seen, the Enbridge hearings modeled an ear that was far from wide open. However, every pipeline project is required to hold its own set of public hearings, each with its own format decided upon by the NEB. Moreover, the National Energy Board is also required to hold separate hearings for indigenous interveners—that is, those indigenous peoples who risk being directly affected by the project, as defined by the NEB. The legal rationale for holding these separate hearings is that they can accommodate the culturally
specific presentation of evidence. As we shall see though, the hearings for indigenous interveners are not necessarily formatted to be accommodating. Jonathan Sterne defines a format as “a set of rules according to which a technology can operate” (Sterne 2012, 7). While Enbridge’s Vancouver hearings for the general public used live-streaming technology to manage the movement of bodies in space, the format the NEB established for Kinder Morgan’s TransMountain pipeline hearings for indigenous interveners set strict parameters for how “oral traditional evidence” could be given (NEB 2014). In other words, the rules for the Kinder Morgan hearings circumscribed the technology of the written word, effectively defining how indigenous cultures can present themselves as recognizable by the government. This places indigenous interveners in an obvious catch-22: the failure to comply means that one’s testimony will be dismissed, but to be heard one’s testimony must be legible to the ears of power—“the Other is recognizable as Other only as long as it remains the Same” (Ochoa 2016, 121).

Kinder Morgan’s TransMountain pipeline expansion proposes to double the capacity of an already existing pipeline carrying diluted bitumen from the Athabasca tarsands to the port of Burnaby, just east of Vancouver. It is a bitterly controversial project, not only for indigenous interveners, and one that has brought to the surface allegations of corruption, as well as confrontations leading to many arrests. In June 2014, around the time that allegations of bad faith over the NEB’s rules for indigenous intervenors were being aired, the economist Robyn Allan withdrew as an intervener from the TransMountain hearings.
process, penning an open letter accusing the NEB of being a captured regulator that was surreptitiously promoting the TransMountain pipeline expansion. She frames this bias as a result of the federal government’s gradual capitulation to regional economic interests, in this case, the Alberta oil patch:

The NEB is not a national energy board; it is a parochial board steeped in Calgary petroculture, run by corporate interests.

Industry bias began in the 1990s when the NEB moved from Ottawa to Calgary, leaving two-thirds of its staff behind and requiring permanent Board members to live in proximity to Calgary. Regulatory capture continued as the Federal Government and Board adopted the practice of offering Board and staff positions to people with energy industry backgrounds, at the expense of establishing a diversification of interests. (2014a, 7)

Allan further accuses the NEB of approving a “war chest” that would help capitalize the pipeline expansion at the expense of consumers. In 2011, the National Energy Board granted Kinder Morgan permission to levy a $1.45 CAD “firm service fee” for each barrel of oil shipped from its existing facility in Burnaby. According to Allan’s report, this fee amassed $136 million for Kinder Morgan in pre-development costs, which were ultimately offloaded by the shipping companies onto consumers and taxpayers (2014b). As such, the $136 million war chest means that the Texas-based Kinder Morgan company’s shareholders did not bear any of the risks of capital investment. Derek Corrigan, the mayor of the terminus city of Burnaby—which opposes the expansion—expressed shock at Allan’s discovery of the war chest, saying that it creates an enormously unfair advantage for the pipeline company. Corrigan points out that the NEB allots approximately $1 million in funding for interveners, in comparison. “[Interveners] feel the game is rigged, that the favoritism for the
multinational corporations that are imposing their will is significant. To make the odds 136 to one, I mean you get better odds as the long shot in the Kentucky Derby” (Globe Staff 2014).

Canada’s National Energy Board is a government agency whose task is to regulate the oil and gas industry and provide some oversight. Moving the Board’s headquarters from Ottawa to Calgary—the seat of the oil and gas industry and the heart of what would become Stephen Harper’s Conservative political movement—is obviously seen by Allan as symbolic of the NEB’s change from an ostensibly arm’s length organization to a captured regulator. By effectively subsidizing Kinder Morgan’s bid, the NEB fanned the flames of suspicion. The economic advantage accorded to Kinder Morgan, though, is not the only factor behind allegations of NEB bias; the hearing process set up for the pipeline also provides grist for the mill. Like the Enbridge hearings, the Kinder Morgan hearings refuse to admit into evidence the impact of climate change, or environmental damage at the point of extraction. The NEB also eliminated oral cross examination of the company from the schedule, for which they were admonished by the Department of Justice, who claimed cross examination “is the greatest legal engine ever invented for the discovery of truth” (Allan 2014, 5).

The Kinder Morgan hearings for the general public were also delayed for over a year, from the summer of 2015 to fall of 2016. The delay was ordered because in 2013 Kinder Morgan filed evidence in favor of the pipeline expansion that had been prepared by the consultant Steven Kelly (Canadian Press 2015). In 2015, Kelly was appointed to sit on the National Energy Board, potentially posing
a major conflict of interest, and attesting to the close relationships between the NEB and the oil and gas industry it is supposed to regulate. As a result, Kinder Morgan was ordered to resubmit any evidence that had been prepared by Kelly.

One possible effect of the delay might have been the defusing of public anger over the TransMountain pipeline. In the fall of 2014, the company had dispatched workers to perform initial survey work in an environmentally sensitive part of Burnaby Mountain designated public parkland, against the wishes of the City of Burnaby. While the municipality desperately tried to obtain a court injunction against the company, the surveyors went ahead with their work. However, a group of concerned citizens proceeded to set up a camp on the site in question, inspired by indigenous land defenders who evict surveyors working on their land without permission by telling them to leave (Prystupa 2014a).

Eventually, Kinder Morgan filed a $6.6 million strategic lawsuit against public participation (SLAPP) against five visible pipeline opponents, also requesting a court injunction to keep protestors off the area being surveyed. The court granted Kinder Morgan the injunction; however, this decision prompted a massive outpouring of support for the protestors. The result was a weeks-long standoff with RCMP, during which 126 protestors were arrested for contempt of court (Prystupa 2014a). The surveyors ended up doing their work under extremely heavy police supervision, while protestors camped out meters away in the rain. Once the survey work had been completed, the court dismissed almost all the charges on a technicality, and Kinder Morgan dropped the SLAPP.
Nevertheless, these events attest to the discord over the proposed pipeline expansion, and give a sense of the displays of force the company has used in its relations with the broader public.

Returning to the hearings, the legal precedent established in 1997 with *Delgamuukw v. British Columbia* (discussed later in the chapter) requires the NEB to accommodate indigenous evidence—that is, evidence whose form might not be considered valid by the British-derived legal system. In practice, this has meant holding a different set of hearings for indigenous people, dedicated to evidence gleaned from oral traditions. The requirements and regulations for these hearings are, as with the settler hearings, established by the National Energy Board. However, the NEB retains the ability to determine the format of each hearing on a project by project basis. We can thus see in the discrepancies between hearing formats the nodes along which difference is reified by the law and manifested as colonial governance.

Indigenous land defenders were often cited as the inspiration for the tactics of protestors on Burnaby Mountain. However, this masks the fact that indigenous opposition to the Kinder Morgan pipeline expansion takes different forms. The Tsleil-Waututh Nation, one of the Coast Salish peoples on whose land Vancouver is built, spent years amassing information, commissioning six independent researchers to compile an assessment of the project’s potential effects, environmental and cultural, on the Tsleil-Waututh. In June of 2015, Chief Rueben George announced the results of their careful assessment: the Kinder Morgan expansion presents a grave threat to the health of the Burrard Inlet and
consequently the Tsleil-Waututh, the “People of the Inlet,” and would not receive their approval (Tsleil-Waututh Sacred Trust 2015). The assessment incorporated scientific evidence with detailed anthropological study, and was accompanied by a statement written by four law professors, recognizing the assessment, contextualizing it vis à vis the Canadian Constitution, and outlining its significance within the legal history of Aboriginal title (Christie et al. 2015). Thus, for years the Tsleil-Waututh Nation has, in its opposition, carefully and deliberately sought to engage the Canadian legal apparatus in ways it should have been able to recognize.

In light of this, the format for the TransMountain pipeline hearings for indigenous interveners that was announced by the National Energy Board in the spring of 2014 can be seen as a slap in the face. The hearings for indigenous interveners set strict rules for the presentation of oral evidence, restricting the use of visual aids, refusing to admit scientific evidence or the opinions of anyone other than the speaker, and rejecting any expressions regarding what the Board ought to do, on the grounds that the special hearings for oral evidence are not the place for “argument.” The details can be seen in the following excerpt from the letter dated May 5, 2014 that the National Energy Board sent to interveners.

“The National Energy Board (Board) understands that Aboriginal peoples have an oral tradition for sharing stories, lessons, and knowledge from generation to generation. Since this information cannot always be shared adequately in writing and the Board believes it would be valuable for its consideration of the Project, the Board will be gathering oral traditional evidence from Aboriginal intervenors as set out in the Hearing Order ...

The Board must complete its review of the Project application within 15 months. As a result, there will be limited time for the Board to hear oral evidence. Aboriginal intervenors are encouraged to file the majority of their evidence in
writing so as much time as possible can be spent listening to evidence that can only be provided orally.

To assist those providing oral traditional evidence, the Board recommends that they focus on how the Project would impact their community’s interests and rights. In addition, the Board does not consider the following types of information to be oral traditional evidence, and should not be included in any oral presentation:

*Technical and scientific information.* This may only be provided as written evidence, with additional explanation during the argument phrase of the proceeding.

*Opinions, views, information, or perspectives of others, whether obtained from news clippings, personal discussions, or written materials.* This information may only be provided as written evidence.

*Detailed views on the decisions the Board should make and opinions about the Project.* This is considered argument. Additional information on argument will be provided at a later date.

*Recommendations to the Board on whether or not to approve the Project or the terms and conditions that should be applied if the Project were to proceed.* This is considered argument. Additional information on argument will be provided at a later date.

*Questions that require an answer from either Trans Mountain or the Board, or rhetorical questions.* Questions to Trans Mountain can be asked in written information requests. Issues that require a decision from the Board may be raised in a notice of motion. Rhetorical questions may only be provided as argument.” (NEB 2014)

The National Energy Board’s stipulation later in the letter that visual aids “can only be used as tools for oral evidence,” makes it difficult, for example, for indigenous interveners to use maps when showing the extent of their use of their land—especially given the time constraints stressed by the Board (NEB 2014). Indeed, the Tsleil-Waututh Assessment contains a map of the “consultation boundary,” with the note “This map is a living document and is intended to be amended and refined over time. It is not an expression of the location of Tsleil-Waututh aboriginal title, rights, or interests. The data used to produce this map
originates from many sources and are presented without prejudice” (Tsleil-Waututh Sacred Trust 2015). The map, in other words, is not just a tool to be used as a visual aid, but takes on the status of cultural expression, as legal scholar Lorraine Weir has pointed out (Scanlon 2014).

Given all this, one might wonder what, exactly, the NEB imagines indigenous interveners can say on the subject. What is more apparent is the kind of subject the hearings are designed to produce: isolated, unable to invoke the support of anyone else; anachronistic, inoculated from the modernizing effects of science; quiescent, expressing no dissent, or even assent—in short, a subject of colonial domination (Coulthard 2007; 2014; Fanon 1967). Weir calls the NEB regulations “a new and very, very limited and drastically restricted understanding of what they call an oral tradition of sharing stories, culture and knowledge” (Scanlon 2014). Carleen Thomas, the manager of the Tsleil-Waututh Sacred Trust, put it mildly to the Vancouver Observer: “It’s a totally flawed process. This is just another aspect that makes it more difficult for First Nations to participate fully ... They’re not giving us that space to be clearly heard” (Scanlon 2014).

The imposition of constraints upon the expression by indigenous people of their oral traditions should be understood as the arrogation by the state of the ability to define indigenous culture. As many have pointed out, the act of defining indigeneity from outside is one of the ways in which the colonizers asserted and maintain their power (Alfred and Corntassel 2005; Haber 2007; Tuhiwai-Smith 1999). Against the burden of the history of colonization, indigenous interveners must negotiate the ability to transcend recognition without being dismissed at
these hearings. It is possible that by giving oral testimony that draws on oral traditions without constraints, indigenous interveners can transcend the categories imposed by the colonial society, such as the one between scientific discourse and cultural tradition, nature and culture. Indeed, Lorraine Weir says that the oral hearings she attended in the summer of 2013 between the Tsilhqo’tin Nation and New Prosperity Mine achieved such an effect, because the Tsilhqo’tin interveners were not hamstrung by rules regarding how they might express their culture (Scanlon 2014).

The NEB argues that the constraints for the Kinder Morgan hearings were necessary because the entire process had to be completed in a limited amount of time; however, when it comes to listening to oral traditions and properly appreciating and respecting their alterity, it may be that time—and a lot of it—is of the essence. Julie Cruickshank has criticized academic and institutional understandings of the oral histories of indigenous cultures, saying that the protocols of large institutions, of which the legal apparatus is certainly one, emphasize analysis and public explanation, rather than the gradual absorption of “successive personal messages revealed to listeners in repeated tellings” (Shoemaker 2002, 4). This reading resonates with Carleen Thomas’ statement on the Kinder Morgan pipeline hearings: “They should listen to communities and listen to people, and get a real understanding of our situation, and not rush the truth” (Scanlon 2014). By rushing the truth, it certainly appears that the National Energy Board wished to smooth out potential roadblocks for the Kinder Morgan pipeline expansion, especially taken with the other advantages the Board
procured for the company.

All this is to say that if the government valued a relationship with indigenous peoples based on mutual respect, the entire timeframe of the process would be drastically different—much more collaboratively envisioned all the way through. At the very least, the NEB would operate at a pace directed by indigenous interveners, and not investors. The fact that it is not doing this suggests that one of the functions of these pipeline hearings is the management of indigenous dissent, the governance of the prior.

Elizabeth Povinelli defines the “prior” in “governance of the prior” as those populations whose existence on the land presently occupied by the liberal settler colony predates—that is, is prior to—the founding of the nation state (2011b). It is a formation of power that serves as a means of distinguishing between populations defined by their temporal position relative to the nation state’s founding. The moment of founding represents the dividing event across which indigenous people and the settler state face each other. Povinelli points out that, in the eyes of the state and the law, settlers possess rights and freedoms based on their occupancy of the position of the self-authoring subject of liberalism, “the autological subject” (2011b). This is contrasted with indigenous people, whose continued existence challenges the nation state’s legitimacy, and who are therefore recognized as part of the body politic through the idea of “the genealogical society,” which requires indigenous people to constantly become legible by appealing to—communal, rather than individual—traditions inherited and passed down from that time (2011b). While Povinelli primarily focuses on
how this plays out in contemporary Australia and the United States (2011a; 2011b), her formulation is also highly applicable to the contemporary political landscape in Canada.

The existence of separate pipeline hearings for settler and indigenous interveners maps onto the divide between autological subjects and genealogical society. In other words, the NEB retains the power to decide what testimonial format is appropriate based on whether one is defined as an autological subject or a member of the genealogical society—the marker for which is “oral tradition.” As we see with the Kinder Morgan hearings, this is accomplished by drawing and redrawing boundaries between the oral and the written; science and tradition; nature and culture; visual and voiced; what is deemed authentically indigenous and what is contaminated from outside, all in order to achieve specific goals. This is the gerrymandering of aurality. By invoking the sharp distinctions of the audiovisual litany as rules for indigenous interveners, the NEB brings the governance of the prior into the space of the pipeline hearings.

The gerrymandering of aurality along metaphysical lines is a contemporary example of an anthropotechnology, which Ana Maria Ochoa defines, following Fabián Ludueña, as a series of techniques “used in the service of distinguishing the human from the nonhuman” (Ochoa, 2015, 17). Ochoa documents anthropotechnologies that mobilize aurality, turning to the historical archive to demonstrate how audile techniques pertaining to the voice, the ear, and language constructed categories of personhood as Colombia emerged into nationhood during the 19th century. These audile techniques, ranging from orthography—
including musical notation—to etymology to the production of eloquence, served to separate the speaking subject of political life from those deemed outside humanity. In other words, the political question of who is and is not human (zoopolitics), is inscribed through the separation between nature and culture on the terrain of aurality.

The situation is somewhat different in the contemporary Canada of the pipeline hearings, where the liberal politics of recognition precludes defining indigenous people as outside humanity, even if they are denied coevality (Fabian 1983). The process of categorizing whose life can be understood as properly political in nineteenth-century Colombia relied on the metaphysics of presence; in contemporary Canada the NEB relies on it to distinguish between different categories of political subjectivity—settler society and the prior—to manage populations’ participation in democratic processes. But is this applicable beyond the narrow question of pipeline hearings? How does the gerrymandering of aurality reflect Canadian politics more generally? The position occupied by language in liberal political philosophy also speaks to the production of subjects of recognition through recourse to the notion of intelligibility (Samuels 2004).

As David Samuels notes in a discussion of the role played by the categories of “sense” and “nonsense” in the birth of nations during the “Age of Exploration,” John Locke “offered a proto-Saussurean model of language in the Essay on Human Understanding (1690), in which he argued that categorization is not in the world, but in the mind—an arrangement of particular instances agreed upon by human beings” (2004, 302). This would seem to suggest a kind of relativism,
an openness to difference; however, Samuels points out that there is more to Locke’s model. According to Locke, all languages came into being for the same reason: to describe the empirical world in ways that could be communicated. Thus, the seeming proto-Saussureanism represented by the mind’s act of categorizing objects, is secondary to the order given by the world. The idea that the world comes first, and human attempts to use language to make sense of it take place at a level subsidiary to empirical reality, is a model that resonates functionally with the politics of recognition. This is because the politics of recognition acknowledges difference (i.e., “cultural” attempts to make sense of the world), even as that difference is subsumed as the same under the higher authority of the state’s order of things.

Samuels traces this genealogy of liberal language ideology and its role in the modern nation-building project to show how the idea of unintelligibility, represented by Doo Wop and Apache storytelling express a difference through language and music that resists the dominance of the white settler nation. This is in contradistinction to Ochoa’s project, which is concerned with identifying the audile techniques that define and produce a legible—legislatable—category of personhood, establishing the post-colonial nation through what she calls a “eugenesis of the tongue” (2015, 181). The public hearings for the Kinder Morgan pipeline held by the National Energy Board redefined “oral tradition” to exclude insights from western science, and the showcase of any “visual” aids, regulating and inscribing a divide between oral and literate cultures.

The effect is to render indigenous opposition more diffuse. This is
accomplished prior to the hearing itself by splitting the concept of culture, driving a fault-line through the notion of orality: culture-qua-orality is cordoned-off from anything that might reflect the empirical world posited by Locke, either by representing it visually, or as science. This strategy can also be read as an example of Steven Feld’s adaptation of R. Murray Schafer and Barry Truax’s term “schizophrenia,” meaning the separation of a sound from its source (Schafer 1977; Truax 1984). Through his discussion of Pygmy hindewhu, Feld expands the usage of schizophrenia to refer not only to the technologically enabled split between acoustic vibration and source that makes sampling possible, for example, but also to the separation of a cultural form from its thick context (Feld 1996). The NEB’s separation of spoken testimony from the so-called empirical, material world—the nature that cultivated it—thus mobilizes schizophrenia as an audile technique deployed as an anthropotechnology to produce indigenous subjects of recognition against the seemingly empirical backdrop of the nation and settler colonial law.

Pipelines thus contribute to Canada’s nation-building project in two ways: they ensure that the economic engine of the petrostate is connected to the coasts, facilitating the flow of capital as oil and gas; and the regulation process “governs the prior,” defining indigeneity by pitting orality against writing to legitimize the settler colonial state. That is, economic incentives connect with the ideological project of colonial nation-building by consolidating control over land and over people. The play with words shapes the terrain on which the struggle over land plays out, as the following section will show. A reading of key actors’ words reveals how the state attempts to reconcile contradictions in the language of the
law, to neutralize the challenge posed to legitimacy by the instability of networks of signification (i.e., the notion that the conceptual boundaries suggested in audiovisual litany are porous). How do contemporary actors navigate this field? The following section examines Canadian realpolitik of the 2014 Supreme Court Tsilhqo’tin decision on indigenous land title to show how the law’s construction of indigenous personhood plays out on the ground.

**Consultation, Consent, and CO2lonialism**

In June of 2014, in the case *Tsilhqo’tin Nation v. British Columbia*, the Supreme Court of Canada decided in favour of the Tsilhqo’tin, granting aboriginal title to over 1,750 square kilometers of land near Williams Lake, BC. Tsilhqo’tin territory occupies a sizable part of interior British Columbia, including the Cariboo Mountain Range and the cities Williams Lake and Quesnel that are a gateway to northern BC. The land in question is the land of the Xeni Gwet’in band, who were fighting logging on their territory by Carrier Lumber. On July 4, 2014, Bob Rae, former leader of the federal Liberal Party and a former Ontario Premier, penned an editorial in the Globe and Mail under the headline, “The Supreme Court’s B.C. land-title decision? It’s more important than you think” (Rae 2014). In it, he heralded the recent Supreme Court decision stating that the Tsilhqo’tin possess legal title over their unceded land.

Tsilhqo’tin land was the site of events during the late nineteenth century that ultimately led to the absorption of what is now the province of British Columbia into the Canadian state (Fisher 1996), as was discussed in Chapter 1.
The Chilcotin War ended with the hanging of five Tsilhqo’otin Chiefs following the devastation of a smallpox epidemic that killed huge numbers of indigenous people all over the region. Given this history of violent conflict, the Supreme Court decision was received jubilantly in some indigenous and activist quarters as a sign of improving relations. The Tsilhqo’otin had been battling the companies that wanted to develop on their land, and this victory seemed to ensure that they would be able to put a stop to that. Environmentalists also heralded the decision, as indigenous title increasingly appears to be the last legal avenue that is effective against the approval of resource extraction projects.

For his part, Rae cites the Tsilhqo’otin decision as a case of justice being done. Rae references the long history of Canada’s dispossession of indigenous people from their land, and the resulting poverty and violence in indigenous communities. The Supreme Court’s ruling, he suggests, is a good first step toward righting past wrongs. The editorial contains a not-so-thinly-veiled dig at the Harper administration for dragging its feet on ratifying the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):

Just a few years ago, the Harper government dropped its longstanding opposition to the United Nations Declaration on the Rights of Indigenous Peoples, and agreed to sign. That document calls for "free, prior and informed consent" before developments can proceed.

The policy path is clear. Aboriginal people and their political entities have a valuable part to play in the federation as governments alongside provincial and federal governments. ... Peoples that have been systematically abused, ignored, and sidelined by development, now have a right to jurisdiction over their lands based on history and facts on the ground. These governments should have the right to decide how they will be used and to share in the benefits that flow from that, as well as the right to be consulted, involved, accommodated, and indeed compensated if they are to be expected to agree to development. (Rae 2014)
The declaration, which passed in 2007 with only Canada, the United States, Australia, and New Zealand refusing to ratify it—all liberal settler colonies—enshrines the principle of Free, Prior, and Informed Consent (FPIC) as the standard for all interactions between the state and indigenous peoples:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. (United Nations 2007, italics mine)

Canada eventually signed the Declaration in 2016. Rae’s discussion of the FPIC principle situates it within the ‘nation to nation’ framework for states to engage with indigenous peoples. This is the approach (currently promoted by Liberal John Ralston Saul) laid out in the 1996 report of the Royal Commission on Aboriginal Peoples (RCAP), in response to which Conservative Tom Flanagan wrote First Nations? Second Thoughts (Flanagan 2008; Saul 2014). The nation to nation approach has been criticized by indigenous scholars like Taiaiake Alfred (2009) and Glen Coulthard (2014) as disingenuous: by endeavoring to engage on equal terms despite uneven power relationships and the history of violent colonial rule, ‘nation to nation’ represents a whitewashing of the past as well as a refusal to redress past injustices. The conception of justice implied by ‘nation to nation,’ in other words, is at odds with the remunerative sense suggested by Rae when he says that much damage has been done, and governments will have to pay the costs. Nevertheless, he says that FPIC lays out a fair way forward.

Rae’s argument is interesting for what it reveals about how liberal governance manages the indigenous in practice. Rae clearly advocates for
principles outlined by Ralston Saul, such as respect for indigenous culture, the
preservation of self-governance within the context of the Canadian nation-state,
and restitution for past wrongs. He says as much, here:

“[T]hings have been done in the name of development that have been truly
destructive. The flooding of vast swathes of land without recognition of both the
environmental degradation and the economic costs, mines that have never been
properly cleaned up, the pollution of rivers and lakes that has destroyed the
fishery and human health and never been paid for: the list goes on, and there are
still days of reckoning ahead. Will this cost the provincial and federal treasuries?
Yes, indeed, but these are bills that must be paid.” (2014)

However, the path forward as laid out by Rae still accords most power to the
Canadian government, with a limited sovereignty ‘in name only’ for indigenous
people. This can be seen in his call to negotiate for treaties everywhere they do
not exist.25 Sovereignty is a contested term, as Joanne Barker and Taiaiake Alfred
have pointed out, noting that its currency dates to the postwar discourse on
human rights. “Human rights for indigenous peoples ... became translated to
mean rights to a self-determination that was indelibly linked to sovereignty. So
strong is this conceptualization that it is now virtually impossible to talk about
what sovereignty means for indigenous peoples without invoking self-
determination” (Barker 2005, 20). If indigenous nations were to negotiate
treaties, they would be subject to the limited self-determination afforded by the
Indian Act. Rae is thus promoting a very slippery recognition of indigenous title.

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25 In his call for the negotiation of treaties, Rae says: “Two recent books, James Daschuk's
Clearing the Plains and John Long's Treaty 9, raise important issues about the moral and legal
foundation of these agreements, and their implications for the modern world.” However, he does
not specify what those important issues are. The omission is telling, because if a reader of the
Globe & Mail were to track these books down, she would find that they frame the negotiation of
the numbered treaties that made way for the Canadian nation state as acts of genocide—of which
Rae gives no hint.
We see this slippage in Rae’s shift toward emphasizing consultation, despite his celebration of free, prior, and informed consent in the previous paragraph. The interchangeable use of consultation and consent in Rae’s op-ed is an important one, because the standard for consultation in Canadian law is not as rigorous as FPIC, as defined in the UNDRIP. Oil, gas, and mining companies must meet the requirements of the National Energy Board, which are simply a) to meet with indigenous groups affected by a given project, and b) that subsequent NEB hearings should accommodate traditional forms of knowledge. As we have seen with the Gitxsan name theft in the previous chapter, consultation with indigenous peoples can fulfill the letter, and not the spirit, of the law in many different ways. This fact is covered up by Rae’s elision of Canadian requirements with FPIC, obscuring the ways the appearance of consent is achieved.

Another perspective on the Tsilhqo’tin decision that takes the discrepancy between appearances and reality into account comes from Ian Mulgrew, who provides a dissenting voice to Rae’s celebratory narrative in the Vancouver Sun: “‘Welcome to Colonial Courtrooms,’ should have been the title of the Supreme Court of Canada’s landmark aboriginal rights judgment” (2014). Mulgrew points out that the recognition of indigenous title in Tsilhqo’tin nonetheless contains a proviso allowing the federal government to override indigenous decisions regarding their land, if the development project is deemed to be in the national interest. Not only can indigenous title be overruled by the Crown, Mulgrew predicts that the ultimate effect of the decision will be to relocate battles over land to the courtroom—an expensive and time consuming option.
This poses a threat to claims of indigenous sovereignty greater than that afforded under the Indian Act. The problem is twofold: first, there is no indigenous veto over development projects; and second, claimants must go to great lengths to prove to the court that their occupancy of the land has been continuous since before the imposition of colonial rule, which requires a monumental and painstaking process of evidence-gathering. In British Columbia, where most of the province has never been ceded, the decision reaffirms the important precedent that indigenous peoples have legal title to their land; but it subsumes the sovereignty that accompanies possession of land title under the authority of the Supreme Court. Legally, this is functionally identical to the land ownership of a settler. In Mulgrew’s words, “Although aboriginal peoples have some extra rights constitutionally, government can still expropriate or place easements on their land—just as they can to anyone else’s in the name of the greater good. Like the rest of us, the natives have the right to take their case to court, said Justice McLachlin” (2014).

The fact that projects deemed to be in the national interest can be pushed through regardless of consent is a sure indicator that the sovereignty recognized by the courts is limited. Chief Justice Beverley McLachlin’s statement that, “aboriginal title flows form occupation in the sense of regular use of land” (2014) also replaces the nation to nation framework for meetings between the Canadian government and indigenous nations. The sovereignty afforded by the nation to nation framework of the RCAP and UNDRIP is distinct from the recognition of indigenous culture as expressed through living on the land over unbroken
generations. Where Justice McLachlin identifies the decision as part of a new framework of “reconciliation,” Mulgrew sees assimilation through recognition of culture and land, combined with the negation of meaningful sovereignty expressed through veto power: “We can infringe on native title as long as we justify it as a “necessary part of the reconciliation of Aboriginal societies with the broader political community of which they are part” (Mulgrew 2014). In other words, indigenous consent can be overruled by the interests of the nation.

If indigenous consent was not upheld by the Tsilhqo’tin decision—at least not consent that did not depend on the approval of the Canadian government—why then does Rae emphasize the principles of free, prior, and informed consent? Here it is useful to take note of the transitions high-ranking politicians have made, following their retirement from elected office, to lobbying and advocacy. Bob Rae signed on to be the leading representative of First Nations Limited Partnership in 2014, a coalition ostensibly of indigenous groups lobbying in favor of Chevron’s Pacific Trails Pipeline (PTP) (Fitzpatrick 2013). The PTP is a proposed pipeline that would carry gas extracted by hydraulic fracturing (“fracking”) in northeastern BC to a proposed Liquefied Natural Gas cooling plant at Kitimat on the northern BC coast. The path of much of the pipeline is similar to the Enbridge Northern Gateway route, and thus encounters much of the same resistance, albeit at a lower media profile.

Some of the most intractable indigenous resistance comes from the Wet’suwet’en Nation, whose hereditary chiefs have all categorically said no to all pipelines. However, when it comes to elected “Indian Act” institutions, the
Moricetown Band Council is the sole holdout of the sixteen Wet’suwet’en reservations, the remainder of which consented to the pipeline. The Unist’ot’en clan of the Wet’suwet’en have set up a camp and healing center on their traditional land, which the PTP is slated to cross, along with Enbridge’s Northern Gateway and TransCanada’s Coastal Gas Link pipelines. The Unist’ot’en have revived a traditional protocol for those wishing to enter their land. To enter, one must answer the questions posed by the Unist’ot’en while standing on the bridge over the pristine Morice River. 1) Who are you? 2) Where are you from? 3) Why are you here? 4) Do you work for Industry or Government who are destroying our lands? 5) How long do you plan to stay if we let you in? and 6) How will your visit benefit my people? Everyone who wishes to cross into Unist’ot’en territory—loggers, tree-planters, hunters, surveyors, environmentalists—must pass protocol. As the Unist’ot’en website puts it:

“This is a living breathing assertion of the Traditional Laws of the Wet’suwet’en... The Wet’suwet’en also had to present themselves as such when traveling to neighboring peoples’ lands to conduct trade, protocols, build and maintain peace, assist with allies’ battles, and attain resources or trade work. The People can get denied regardless how much energy or resources people used to get to the lands of their neighbors. Other things to watch for in the ancient knowledges were the rigorousness of the questions. Some visiting nations would be required to dance their stories while waiting on the canoes to show to the host nations that they truly are who they say they are.” (Unist’ot’en 2013)

The Unist’ot’en have explicitly framed this traditional protocol as an example of free, prior, and informed consent; and the question, “Do you work for government or industry that are destroying these lands?” precludes pipeline companies from entering. They thus bring to bear the combined moral force of their traditional law and UNDRIP. In the face of powerful opponents such as
Chevron and the British Columbia and Canadian governments, this kind of maneuver, which mobilizes every form of legitimacy possible, is likely necessary.

In light of this indigenous resistance, one possible explanation for Rae’s interchangeable use of “free, prior, and informed consent” and “consultation” comes into focus: could it have been an attempt to overwrite—in Canada’s newspaper of repute—Unist’ot’en’s mobilization of FPIC to reject a pipeline in which Rae has an interest? By framing the revived protocol as an example of FPIC, the Unist’ot’en erect a barrier of law, tradition, culture and identity against oil and gas pipelines, even as Rae tries to insert chinks into this barrier by placing the words “free, prior, and informed consent” into a different context. In other words, Unist’ot’en’s alignment of their traditional protocol with the principle of FPIC situates international law within the Wet’suwet’en cultural context; whereas Rae seeks to assert the legitimacy of a different chain of signification by equating the principle of FPIC with the practice of consultation—cutting the indigenous cultural context out. Both parties are playing on différance, to use Derrida’s term for the difference and deferral of meaning inherent in language, preceding networks of signification (Wood and Bernasconi 1988); but Rae is doing it in an attempt to overwrite indigenous non-consent.

Consultation or consent? Here too is another binary, but this one maps on to the effort to expose inconsistencies between de facto and de jure relations between the state and indigenous peoples. Competing narratives index competing networks of signification: histories, world views, epistemologies. On one hand, the law consists of a chain of referents that transmutes everything that comes
within its orbit into still more links in the chain of precedents. On the other, and as the Unist’ot’en point out in their description of the protocol, Wet’suwet’en social order is likewise based on a chain of referents: names are given along with responsibilities to certain lands, songs, ancestors and practices, recycled over time (Daly 2005, Mills 2005). As we can see with the example of Rae’s editorial, the state asserts its legitimacy against indigenous challenges by aligning the network of signification that is Canadian law with international law. The response of Unist’ot’en has been to align international law with indigenous law. The following section details an important precedent for both parties that informed the NEB’s pipeline hearing strategy: a historic legal challenge to the state, and the role played by orality in bridging difference only to reproduce it.

The Recognition of Oral Tradition in Law

In the summer of 2015, representatives from TransCanada tried to access Unist’ot’en land to do some preliminary survey work. This is something the Unist’ot’en have been vigilant about, as pipeline companies knowing they will be rebuffed frequently try to sneak onto Unist’ot’en land by helicopter or backcountry routes. These emissaries, however, were very upfront about what it was they wanted. They were stopped by Freda Huson, spokesperson for Unist’ot’en and leader of Unist’ot’en Camp. Following the encounter, the Camp posted a video of the workers being rebuffed. At one point, the company’s spokesperson shifts his weight uncomfortably while Huson cites the 1997
Supreme Court decision *Delgamuukw vs. the Queen*—which upheld the existence of indigenous title on unceded land—as a precedent for why he could not conduct survey work on her traditional land. TransCanada's spokesperson hems and haws, mumbling, “...well, that decision refers to *those* people and their land...” He obviously didn’t know that the Unist’ot’en *are* those people, and that the land in question is the very land his company was trying to access.

The *Delgamuukw* decision was a watershed moment for indigenous land rights. Although the initial decision found in favor of the defendant (the Crown) in 1991, on appeal the Supreme Court ruled that the Gitxsan and Wet’suwet’en houses covered under *Delgamuukw* did in fact possess title to their lands that had not been extinguished by de facto settler colonialism, and that title included exclusive possession of the land, including subsurface mineral rights, since British rule was imposed—in 1846 (Mills 2005). The case also represented the first time traditional knowledge was admitted as evidence, unlike previous decisions in favor of indigenous plaintiffs (Culhane 1998). For example, the 1973 *Calder* decision concerning Nisga’a land (to the west of the territory covered by *Delgamuukw*) ruled that Aboriginal rights were legal rights, and cases must consequently be settled by courts.26 However, *Calder* was framed and argued entirely by settler lawyers and indigenous voices were completely absent (Mills 2005), whereas the Gitxsan and Wet’suwet’en chiefs planning the *Delgamuukw* case from the beginning had envisioned an *indigenous* challenge to Canadian

26 Rae cites the 1973 *Calder* decision, conveniently omitting the case that directly adjudicated on his interests.
land claims.

The conception of *Delgamuukw* would have taken a long time. It was conceived as a challenge to the pre-existing legal framework on a number of levels. (Daly 2005) Land claims were first filed in the 1960s and took many years to compile, as the Canadian government had a policy of not hearing more than six indigenous land claims cases at a time (Culhane 1998), so *Delgamuukw* was a very drawn out process. This bottleneck can be seen as the government’s relatively recent “control” approach to indigenous land claims. Until 1951, the Indian Act prohibited indigenous people in Canada from hiring legal representation and bringing claims against the Crown, so it was impossible for the adjudication of any land claim to happen until then. By limiting the number of cases heard at any given time, the Canadian government retained a large degree of control over the process, preventing a deluge of simultaneous claims—meaning that the global postwar rejection of colonialism’s effects in Canada were mitigated, certainly in the legal sphere. The long path leading to the *Delgamuukw* Supreme Court decision meant that it was one of several cases of international significance concerning indigenous rights to have been decided around this time, Australia’s 1992 *Mabo* decision being another prominent example, along with the 1990 American passage of the Native American Graves Protection and Repatriation Act (NAGPRA).

The ultimate Supreme Court ruling on the plaintiffs’ appeal in 1997 was a stunning reversal of previous decisions by lower courts. The contested status of traditional knowledge had been a major sticking point in the provincial courts,
attesting to how instrumental its use would have to be for admission as evidence in Canadian courtrooms. As several anthropologists who have examined the significance of the Delgamuukw decision have noted, Justice Allan McEachern’s refusal to admit accounts based on oral tradition as evidence was significant for the indigenous plaintiffs, but also had ramifications for anthropology (Cruickshank 1992, Culhane 1998, Daly 2005, Mills 2005). McEachern dismissed the epistemological value of oral traditions by saying:

"[M]uch evidence must be discarded or discounted not because the witnesses are not decent, truthful persons but because their evidence fails to meet certain standards prescribed by law ... I am unable to accept adaawk, kungax and oral traditions as reliable bases for detailed history but they could confirm findings based on other admissible evidence" (McEachern 1991, 49; 75)

This dismissal went hand in hand with the relegation of Gitxsan and Wet'suwet'en societies to a lower civilizational rung—in the words of Julie Cruickshank, “Justice McEachern uses the term ‘primitive’ with remarkable unselconsciousness when he refers to Aboriginal social organization” (1992, 28)—as this passage from the preface to the decision makes clear:

“It would not be accurate to assume that even pre-contact existence in the territory was the least bit idyllic. The plaintiffs’s ancestors had no written language, no horses or wheeled vehicles, slavery and starvation was not uncommon, wars with neighboring peoples were common and there is no doubt, to quote Hobbes, that aboriginal life in the territory was, at least, ‘nasty, brutish and short” (McEachern 1991, 13, emphasis mine).

Justice McEachern, in other words, refused to admit evidence from oral tradition—a key component of what the Delgamuukw plaintiffs had envisioned as the specifically indigenous aspect of the challenge—on the basis that it was not rigorous enough; even as he dismissed the value of indigenous culture on the
same count. Lack of rigor was thus equated with a lower form of civilization.

However, the Supreme Court, reversed this decision on appeal in 1997, explicitly establishing the important precedent that legal dealings with indigenous people must accommodate traditional ways of knowing. As Justice McClachlin (who also presided over *Tsilhqo’tin*) wrote, “[t]he laws of evidence must be adapted in order that this type of evidence can be accommodated and placed on an equal footing with the types of historical evidence that courts are familiar with, which largely consists of historical documents” (McLachlin 1997, 87, emphasis mine). Thus, the 1997 *Delgamuukw* ruling incorporated indigenous epistemologies into the liberal multicultural framework, on the grounds that they are equal but different to European ways of knowing.

Bruce Granville Miller’s study of the issues raised by the legal system’s engagement with oral tradition begins from the question, how do oral narratives become documents? Miller points out that, “[t]he Crown has argued that oral materials are transformed into documents and hence are amenable to standard historiographic methods” (2011, 9). He goes on to note Julie Cruickshank’s suggestion that oral traditions should be treated as “parallel to history,” but this cannot be done when testimony based on oral traditions is used as a “repository of data,” as McLachlin’s “equal footing” suggests is the court’s method (2011). To determine how oral narratives become documents, Miller interviews several indigenous oral historians and archivists. The archivists’ answers suggest that oral narratives have a form of life force, they are open to revisions by their authors, and are associated with culturally specific forms of ownership, and
attendant networks of belonging and reciprocity (see also Mauss 1955).

As far as how Crown researchers use oral materials is concerned, Miller observes that decisions about the nature of the materials are made before court proceedings, to help craft a narrative for Crown litigators. One of the archivists Miller interviews, Sonny McHalsie, is a Stó:lō oral historian whose engagement with the problem of the “floating gap” (the space between ancient “mythological times” and the present), paints a picture of the nature of community responsibility for and ownership of oral traditions. McHalsie says that there is a responsibility to recall roughly seven generations backward and forward (people usually know their traditions seven or eight generations back, ten being around the outside limit) so that the integrity of what he calls “Indian names” is maintained. This is a practice associated with the potlatching indigenous nations of the northwest Pacific coast and neighboring inland nations, in which the names of ancestors are given at feast to people who evince particular qualities of that ancestor. The newly named must know that ancestral history in order to live up to the name—achieving a kind of spiritual or symbolic immortality for the ancestor and their place within the social order (Kan 1989; Miller 2011).

The life force upheld by oral traditions, then, can be seen as parallel to written evidence in that both participate in complex networks of referents and references, as with Unist’ot’en. Elizabeth Povinelli points out, though, following Derrida, that the justice meted out by the law is always located in a future horizon produced by the incommensurability between the law’s general address and the specifics (people) who are subject to it (2011b). She goes on to note that
indigenous land claims that are brought forward are intensely specific; whereas the law can never quite recognize this, as according to its purview it must address not only the indigenous plaintiffs but also settler society and any possible future subjects. This contrasts with the specificity and immediacy of the responsibility to live up to one’s traditional name and its attendant ancestral attributes.

Legislation refers to preexisting pieces of legislation; names demand to be honored through a life lived: the metaphysical incommensurability between these two systems of referents is the source of the force of law (Derrida 1990; Povinelli 2011b).

The fallout from Justice McEachern’s original Delgamuukw decision can thus be seen as the result of a conservative and retrograde approach to law, as anthropologist Richard Daly, one of the Delgamuukw plaintiffs’ expert witnesses, suggests. Daly, whose testimony based on detailed ethnographic work was dismissed by Justice McEachern in part because at that time the ethics code of the American Association for Anthropology stated that anthropologists’ first duty was to protect their informants, and he was therefore deemed an “interested party,” argues that the courts should engage with current scholarship in the fields of expert witnesses, rather than “trying to turn the profession of history or anthropology back fifty years (or more) and conforming to the outdated ‘necessary positivism’ of the courts” (2005, 21). However, Povinelli’s reading of indigenous land claims through Derrida’s “The Force of Law,” together with Sonny McHalsie’s account of the long temporal arc—with a moving focal point of seven generations—of oral tradition, suggests that the disconnect is not one that
can be remedied solely by the courts resolving to keep up with current scholarship. It is more fundamental, because it does not originate in cultural difference—even if it is expressed along those lines—but with the establishment of settler law. In order to grapple with the disconnect between settler law and indigenous knowledge passed down through oral tradition, it is therefore necessary to confront the primal violence that accompanied the establishment of settler law (against which indigenous people are categorized and managed as the “prior”). The concluding section of this chapter outlines how the traces of that originating violence are manifested today.

**When That Which Gives Life Becomes Poison**

“This pharmakon, this ‘medicine,’ this philter, which acts as both remedy and poison, already introduces itself into the body of the discourse with all its ambivalence.” - Jacques Derrida, *Plato's Pharmacy*

How does the law inscribe itself on bodies—of people, of water, of the earth? Recent examples of grassroots indigenous resistance to resource development on unceded land demonstrate how the metaphysical meets the physical in colonial Canada through the courts’ practice of granting injunctions and enforcement orders. In 2014 members of the Tahltan Nation, the Klabona Keepers set up a soft blockade over construction of the Red Chris gold and copper mine that was taking place on their unceded land in northern British Columbia, near Iskut. Red Chris mine is owned by Imperial Metals. In November 2014, the BC Supreme Court granted Imperial Metals a temporary injunction with no enforcement order against the Klabona Keepers. This was celebrated as a victory for the land
defenders, because as Arthur Manuel has pointed out, court injunctions are increasingly used to dispossess indigenous people protesting resource extraction from their land in the name of economic interests (Manuel 2015). A temporary injunction with no immediate enforcement order, however—meaning that the Klabona Keepers would not be forcibly and permanently evicted from their land by police and could continue to live off it, provided they did not interfere with the mine’s operations—is a chance to fight another day.

This contrasts with events on the opposite end of the country, near Rexton, New Brunswick, where in October of 2013 the RCMP conducted a guns-drawn militaristic operation against members of the Elsipogtog, Mik’maq First Nation. The Mik’maq Warriors and other protestors had been blockading surveying equipment of SWN Resources, which had obtained a permit to explore the possibility of fracking for natural gas, against the wishes of the hereditary chiefs, who have legal title to the land. On October 17, 2013, hundreds of police squared off violently against hundreds of protestors leading to the arrest of over forty people.

This is how indigenous resistance to resource extraction is broken up: there is the law, a system of referents; and then there is the enforcement order, the exertion of physical force directed at a chokepoint in the flow of resources and capital. Irruptions such as Elsipogtog and Red Chris Mine are shaped by their local, specific, indigenous histories, but also larger systemic processes. However, the fundamental relationship of domination is expressed at the point that the metaphysical excess produced by the force of law—addressing specific individuals
and contexts as general ones—is released and transformed into violent, colonial acts of land enclosure. Before it gets to this point, though, all the mechanisms of the law that govern indigenous life (the Indian Act; Bill C-45 which catalyzed Idle No More by gutting protection for Canada’s waterways; or the 2015 passage of Bill C-51, which redefined terrorism to include any acts threatening economic projects deemed to be in the national interest) similarly work to circumscribe indigenous resistance to environmental movements.

What about the land? Focusing exclusively on the effects of environmental degradation can run the risk of reinforcing power relations that perpetuate environmental injustice. In contrast, Foucault’s conception of biopower as a governmental paradigm that replaced control over territory (2004) could encourage a focus on people over land, which is very much at stake for the extractivist state. Nevertheless, these things are not mutually exclusive, as reinscribing land leaves marks on bodies. On August 4, 2014, a month after the Tsilhqo’tin decision reaffirmed indigenous land title, one of the tailings ponds at Imperial Metals’ Mount Polley gold and copper mine ruptured its walls. The mine, which operates on unceded Secwepemc territory neighboring Tsilhqo’tin, had for years been operating the tailings pond at a capacity high than that approved by the engineering firm that designed it. The spill emptied almost the entire contents of the tailings pond, which measured four square kilometers, into Polley Lake, the Cariboo River, and Quesnel Lake. Partly because the Cariboo River runs into the Quesnel River, a tributary of the Fraser River whose massive salmon runs play an enormous role in the ecology of much of the province, the
Mount Polley breach is one of the worst environmental disasters in Canadian history (Bailey 2016).

Imperial Metals president, Brian Kynoch, said shortly after the spill that the water in the tailings pond had been “close to drinking water quality” (Coppin and Brach 2014). However, this is not a reliable measure of the damage, obvious optics aside, because heavy metals take a long time to make their effects felt. Kynoch’s suggestion that the risk is to the quality of drinking water is misleading, however. Drinking water does not bear the long-term effects of such spills because the heavy metals and other potentially toxic contaminants sink to the bottom—where they still have an effect, but not on the potability of the water. The example of the Fort Chipewyan Athabasca Band, whose reservation sits downstream the Athabasca River from the Alberta tarsands, provides a potent lesson.

In the early 2000s, the doctor serving the band noticed extremely high incidences of cancer of the bile ducts, a very rare cancer, usually afflicting one in every 100,000 to 200,000 people per year. The Band numbered just over a thousand people, and over the past decade there had been four cases of the disease (Marsden 2007). The Band’s leadership was convinced the cancer was caused by effluent from the tarsands, and raised objections, noting that the fish caught from the Athabasca River had tasted like gasoline since the 1980s. However, Ralph Klein’s Alberta government dismissed the validity of the Band’s claim, pointing to government tests showing that the water was potable. In response to the pressure the accusations were placing on the Alberta government,
the local doctor who raised the alarm, Dr. John O’Connor was muzzled, and
Alberta’s Chief Medical Officer, Dr. James Talbot, eventually ruled that there was
no conclusive proof that the tarsands were causing the cancer (Marsden 2007).
Nevertheless, the extremely high incidence of a rare cancer has yet to be
otherwise explained. The focus on water quality overshadowed a likely culprit:
the vegetation, fish, and moose that the Band ate. Heavy metals accumulate in
fatty deposits higher up the food chain, through a process called biomagnification
(see Gray 2002). It is therefore possible for drinking water to be perfectly safe,
but still produce terrible effects for those who also derive their sustenance from
the land. One can drink the water and live, but eat the meat—that is, practice
hunting as part of one’s tradition—and fall ill.

The claim has always been that the great danger to waterways consists in
the threat posed to the salmon who spawn there (Davis 2014). The annual salmon
run supports the entire ecosystem, and rich cosmologies and economies for
indigenous peoples. The fish are the building blocks of life—from the time they
swim upstream to spawn, to be caught and eaten by bears, eagles, and people,
until their remains fertilize the temperate rainforest—the material substrate that
sustains both nature and culture. They also serve as a connective tissue of sorts
between communities, exemplified by the saying, “we are all downstream.”
However, that which makes live can also let those who depend on it die, to adapt
Foucault’s formulation describing biopower (2004). The system of laws that
requires indigenous peoples to prove continuous occupancy if they want to retain
title means that salmon must be caught and eaten. The very salmon that
nourishes the ecosystem and sustains so many systems of meaning, turns to poison through the operation of the law. The law expresses its violence when chains of deferred meaning are frozen at the moment of enforcement: “Your culture must mean this; therefore you must do this.” The traces can be read on the land, in the fish, and the bodies of indigenous people.
Image 1. “Culture Saves Lives”

Image 2. Tent city established at 58 West Hastings St. on July 10, 2016
Image 3. Gallery Gachet protest art at W. Hastings and Carrall

Image 4. A police officer surveys the informal economy that has sprung up on this block
Image 5. A passerby plays the piano in the atrium of the Woodwards Building. The department store went out of business in 1993 and became the site of the Woodward Squat before being redeveloped for luxury condominiums. Entitled "Abbott & Cordova, 7 August 1971," the gigantic image by Vancouver artist Stan Douglas represents a crucial moment in Vancouver and the Downtown Eastside's history, when Vancouver police violently broke up a peaceful marijuana protest of the commercial rezoning of the neighborhood.
CHAPTER FOUR

Claiming Space and Losing Ground in Vancouver’s Downtown Eastside

“More than four years of thoughtful restoration and renovation has turned this Vancouver heritage landmark into a private exhibition space for the Rennie Collection, an internationally acclaimed collection of contemporary art. Elegant, clean lines integrate with rich historic elements to create expansive spaces for art with focus on identity, social injustice, appropriation, painting and photography.” - Description of Chinatown’s Wing Sang Building, which houses the private art collection of Vancouver’s “condo king,” Bob Rennie. From the website.

“The war of the poor and the rich is also a war over the very existence of politics.” - Jacques Rancière, Disagreement

“EVERYTHING IS GOING TO BE ALRIGHT” proclaims the back of the sixth story of the oldest building in Vancouver’s Chinatown in neon lights. The words are courtesy of an art installation by the English, Turner Prize-winning artist, Martin Creed. In the photograph accompanying the exhibit’s description on the art gallery’s website, bright block lettering sprawls across a clean, red-brick building. In the foreground are the green tops of trees, while the bluish silhouette of the North Shore Mountains looms in the background. The roofs of some other buildings are visible, but the overwhelming impression is of words emerging out of an urban oasis bathed in light, between the shadows of trees and the mountains. Work No. 851: EVERYTHING IS GOING TO BE ALRIGHT’s description on the Rennie Collection’s website says, “[t]his public gesture coming from the heart of Vancouver’s Downtown Eastside (known as one of the poorest postal codes in Canada) celebrates optimism amidst the pervasive—and often exaggerated—negativity found within many of the messages we routinely encounter, offering hope for the future” (Rennie Collection 2016).
The message of hope offered by Creed’s art exhibit is not recognizable to everyone, however. My time in the field proved to be a decisive one for Vancouver’s Downtown Eastside, during which the low-income community and the activists who work on its behalf sustained a crucial series of defeats. The community still lives and fights on, but in a diminished capacity. The terrain has fundamentally shifted due to the city’s 2013 decision to change the neighborhood’s zoning laws in order to encourage the building of high rise condominiums, exacerbating the rapid gentrification that was already taking place. This rezoning, however, is merely the most recent chapter in a long history of displacement.

The major catalyst for the most recent wave of condominium development was the 2010 Winter Olympic games, which were held in Vancouver and Whistler, BC. Not only did the Vancouver Olympic bid play a huge role in reshaping the city, the details provide an excellent case study delineating the forces and some key players that are reshaping the Downtown Eastside. The $7 billion price-tag for the Games included enormous projects to improve or build infrastructure, such as expanding the highway between Vancouver and Whistler, which was previously a narrow and potentially dangerous road; and building a public transit SkyTrain line between the Vancouver airport and the Downtown (Hume 2013). The majority of the overhead was paid for by the provincial and federal governments, but according to a report written by the City of Vancouver, the municipality spent $524 million to build and improve competition venues, but also to revitalize the city’s core (City of Vancouver 2010). Of this money,
approximately $300 million went toward the Athletes’ Village, which the city promised to turn into affordable housing units after the Games, to quell the sustained protest that had arisen over the city’s pursuit of the Olympics over tackling the problem of homelessness.

A section of the city’s financial report under “Other Related Issues” notes that, “[t]he SEFC Olympic Village development included civic infrastructure as noted above and a large market development. As has been reported to Council on a number of occasions, the City took on the role of financier of the market project. This report has not included in the above analysis any information in regard to the market loan of up to $969M to the developer, Millennium Development Corporation, nor any future recoveries and revenues” (City of Vancouver 2010, 5). This refers to the 2009 bankruptcy of the real estate company tasked with developing the area around the Athletes’ Village, South East False Creek, into “market housing.” When Millennium Development Corporation went bankrupt, the City of Vancouver took on debt to shoulder the costs, and the companies Ernst & Young and Rennie Marketing Systems took over the development, recovering costs (Kerry Gold 2015).

The Athletes’ Village, like many of these revitalization projects, is adjacent to the low-income neighborhoods of the Downtown Eastside and Chinatown, near the southeastern end of False Creek. This area has been redeveloped several times since the 1970s, when False Creek—which was then a swamp—was dredged and paved over to build viaducts and redeveloped as a residential and tourist area, including Yaletown condominiums, Science World, and the artisanal
market at Granville Island. By taking over the task of selling the housing units available once the athletes had vacated the premises, Bob Rennie cemented his position as the “condo king” of Vancouver, but particularly as one of the major players in the gentrification of the Downtown Eastside and Chinatown.

Prior to the Olympics, Bob Rennie told the *Vancouver Sun*, “Vancouver has become a resort city where rich foreigners live a few months per year ... It’s a trend, whether you like it or not, the Olympics is likely to accelerate” (CCAP 2010). The researchers and activists at the Carnegie Community Action Project (CCAP) have argued that the Olympics were a pretext for generating a massive amount of government spending that would cover the capital costs for projects that would pave the way for growth in real estate development. CCAP notes that, “way back in 2002 Frank O’Brien wrote in the Western Investor ... ‘The real purpose of the 2010 Olympic bid is to seduce the provincial and federal governments and long suffering taxpayers into footing a billion dollar bill to pave the path for future real estate sales. In the same article O’Brien quotes Jack Poole, real estate developer and the late chair of the 2010 Bid Corporation, ‘If the Olympic bid wasn’t happening we would have to invent something’” (CCAP 2010). Thus, Rennie made hay while the sun shone, seizing the opportunities presented by massive public investment in private projects.

In addition to development opportunities, Bob Rennie is passionate about social justice—that is to say, socially conscious art. Rennie’s headquarters in the Wing Sang Building in Chinatown, which he painstakingly renovated and refurbished, also contain a private art gallery housing his collection of art
concerning social injustice. Rennie is chair of the Tate North American Acquisitions Committee, as well as the Tate International Council, and pieces from his collection have been loaned out to art museums such as the Guggenheim, Metropolitan Museum of Art, Pompidou, Smithsonian and Tate (Rennie Collection 2016). In other words, he is a major player in the worlds of both art and real estate.

What appears to be a dedicated concern for social justice is perhaps best understood as an interest—in the sense of a financial stake, as well as a genuine curiosity and concern—in the theme of social justice. Jean Swanson, one of the coordinators for the Carnegie Community Action Project and a longtime anti-gentrification activist asked of the gallery, “Who does it benefit? Maybe it makes the area look prettier. Meanwhile, residents are being pushed out, rents in crummy hotels are running $800 a month” (Kingston 2010). It could be argued that in his capacity as a purveyor of socially conscious art, Rennie is trying to mask his real interest: turning a profit at the expense of a low-income community. What is certainly true is that in the Downtown Eastside, art plays a complicated role in the creation and preservation of community. As Klisala Harrison’s in-depth ethnography of music making in the Downtown Eastside shows, musical practices in particular can play an important role in individual healing and community integration (Harrison 2008). However, the sense of community forged through music making in the Downtown Eastside was ultimately overwritten by what can be seen as the artistic vision of a powerful developer. This might seem to be a bit of a facile juxtaposition: given the array of
forces allied against the low income community, of course monied interests won out in the end—art and music have little to do with that! However, what is noteworthy is the way art is mobilized to coat the pill of gentrification with a veneer of social justice.

A widely accepted understanding of the role played by the arts in the process of gentrification, as outlined by Daniel Makagon in a recent critical review, is that it is a more or less “organic” process in which “artists move into working-class residential neighborhoods and warehouse districts, beginning a makeover that will culminate in a wealthier class of people populating these sections of the city,” when the cost of housing elsewhere becomes unaffordable (Makagon 2010, 27). They then set up small businesses which attract more well-heeled clienteles, who in turn begin to view the area as desirable and move in or set up shop themselves. The increased demand for housing leads to higher prices, and incentives for landlords to raise rents, which leads to the original residents no longer being able to afford living in the neighborhood. According to this narrative, artists serve as the spear-headers of gentrification, the first wave of colonizers. However, as Harrison points out, there were already artists and musicians in the community: the Downtown Eastside community has long been home to many musicians who played an important role in sustaining a sense of community and well-being (2008, 52-61). Thus, there is a tension in our understanding of art and gentrification that reflects the tensions that exist between the newcomers and those from the original low-income community who have mobilized art against their impending displacement.
Previous chapters were concerned with the foreclosure on the possibility of hearing indigenous dissent through the celebration of liberal pluralism in music and acoustic ecology, as well as through the legal apparatuses of settler colonial governance. This chapter explores what happens after the hearing is held, and a decision made against the wishes of many community members—that is, after dissenting voices have fallen on deaf ears. It is a more sustained engagement with the aesthetics of the politics of recognition in a liberal multicultural society, which is also a heavily urbanized settler society, in a context where issues pertaining to social mix and quarantine are loudly and regularly negotiated.

While the struggles of low income urban communities may seem remote from the dangers posed by environmental disasters to the unceded land off which indigenous peoples subsist, the underlying issues are the same. Vancouver was built on unceded Coast Salish land, so the Delgamuukw and Tsilhqo’tin Supreme Court decisions affirming indigenous land title potentially hold powerful ramifications for the City. Moreover, the majority of indigenous people in Canada now live in urban centers, and disproportionately in low income neighborhoods (Benoit 2003; Culhane 2003), so issues affecting the urban poor are issues many indigenous people will have to deal with. Activists in the Downtown Eastside frequently connect the struggle against resource extraction with the struggle against urban displacement, framing both as examples of colonial spatial logic (Pasternak 2014; Razack 2002) and capitalist accumulation through enclosure of the commons (Coulthard 2014). Finally, what is at stake is the question of home, belonging, oikos, which gives its meaning to the prefix “eco”: in other words,
urban displacement can be seen as a fundamentally ecological issue.

This chapter is in two parts: the first theorizes the rezoning of the Downtown Eastside through the lens of the aesthetics and politics of recognition, according to which the state manages minority groups by acknowledging their culture, rights, etcetera (Coulthard 2014; Gutmann 1994). The second part focuses on strategies used by Downtown Eastside artists and activists to claim space. In the first part, I read the politics of ‘social mix,’ which is a set of policies designed to promote the co-existence of people from multiple cultures and social classes in the same space, against the aesthetics of the liberal representative order. This is to identify the sleight of hand by which, for example, Bob Rennie’s interest in the aesthetics of social justice overwrites the struggles of the homeless and displaced. Scholars in urban studies have noted that policies promoting ‘social mix’—which is the strategy by which Vancouver seeks to accomplish its goal of “Revitalization without Displacement” (City of Vancouver 2013)—are predicated on the belief that diversity will result in improved outcomes for the marginalized. In practice, however, the ‘trickle-down effect’ predicted by advocates of social mix have not materialized, leading scholars to suggest that this approach is a good example of the neoliberal fantasy that a rising tide will float all boats (Bridge, Butler and Lees 2012; Lees 2003; Shaw and Hagemans 2015; Slater 2006; Rose 2004).

A prominent Vancouver example of social mix policy in action is the redevelopment of the Woodward’s Building, which sits on the border between the tourist neighborhood of Gastown and the Downtown Eastside by Bob Rennie.
The Woodward’s Building used to be a department store, but it closed down in 1993 and sat empty for many years. Around the time of the Vancouver Olympic bid, the property was slated to be rebuilt as a major complex containing condominiums, social housing, community space, storefronts, and a satellite campus of Simon Fraser University (SFU). However, in 2002 while the old department store was still vacant, a major squat started: homeless people from all around the city began using the cavernous building as their home and community space. The ‘Woodsquat’ became a rallying cry for social housing advocates, but the police ended up forcibly evicting the squatters—who set up a tent city just outside the old building which was in turn also demolished.

Today the Woodward’s building, which reopened in 2009, houses a London Drugs pharmacy and a Nestor’s supermarket, along with the SFU facilities, 536 luxury condominiums—and 200 social housing units that are accessed through a separate entrance. A large mural hangs in the atrium, by artist Stan Douglas (see Image 5). In it, Douglas photographically recreates the violent police response to a peaceful marijuana smoke-in from 1971, protesting that neighborhood’s rezoning for commercial use (Dacey 2010). It is a striking work, under which gentrifying residents pass every day. The fact that this representation of a violent act of enclosure hangs at the scene of at least four crimes, as it were (the original colonial dispossession, the violent break-up of protest depicted in the mural, the violent eviction of the original Woodward’s Squat, and the glittering condo that was raised over these bones) raises provocative questions about the power of political art. How does the implementation of social mix policies exemplified by
the Woodward’s condominium development condition the possibilities for the reception of political art?

The second part details examples of resistance through claiming space in the Downtown Eastside, where the community that is being displaced places great value on ritually acknowledging indigenous land—a practice that has subsequently been adopted by Vancouver City Council. First, the Heart of the City Arts Festival celebrates the cultural history of the various communities and constituencies of the Downtown Eastside. Second, protest marches such as the Women’s Housing March and the Women’s Memorial March visibly and audibly reclaim the streets. Each of these aesthetic interventions, however, failed to prevent further privatizations of affordable or public space. There is a parallel here with the contemporaneous phenomenon of indigenous-led re-occupations of urban space, and how they played out. These reassertions of indigenous sovereignty sprang up in response to the ways capital—development money—flies around the city, leading to the demolishment of available, affordable housing stock (Smith 1996). Because the City of Vancouver had acknowledged in 2014 that it was built on unceded Coast Salish land, the potential for terrible optics meant that it could not condemn indigenous the indigenous occupation leaders as tent city after tent city sprang up. Nevertheless, once the issue was no longer the subject of media attention the city ordered each tent city torn down by the Vancouver Police Department.

An important feature of the work of both Dara Culhane and Klisala Harrison, who have written about expressive practices in the Downtown Eastside,
is their emphasis on the ways such practices instituted at the grassroots level create and sustain a sense of community in spite of the trauma, pathologization, and economic violence experienced by the community. The neighborhood bears enough of a stigma that Rex Murphy, a prominent columnist and Canadian Broadcasting Corporation personality, wrote an article about anti-gentrification activism in the Downtown Eastside, portraying the neighborhood in deeply pathologized terms, as a community resisting treatment due to immorality, stating, “I truly believe that the act of protest has, in many contexts, become something of a moral disease” (Murphy 2013). Culhane points out that focusing on how the community is held together combats the ways sociologic labels naming and dissecting the community’s ills can “avoid acknowledging both the kinship networks that characterize urban Aboriginal life, and a long history of colonial displacement” (2003, 597). Similarly, Harrison notes that her methods “emerge from the logic for community change of health and well-being that [she] saw institutionalized through musical activism in the neighbourhood” (2008, 30).

In spite of these compelling reasons to focus on what holds the community together, a strategy shared by residents testifying to Vancouver City Council in an effort to prevent the 2013 rezoning of the neighborhood for high-rise condominiums, I have focused on the forces that tear community apart. This is because the few years between Culhane’s publications, Harrison’s dissertation, and my own fieldwork saw major changes in the Downtown Eastside—the 2010 Olympics and the city’s 2013 decision to rezone catalyzed the rapid gentrification
of the neighborhood. During this period of change, the strategies to create community and claim space that were described by both scholars were used by the community: musical celebrations of heritage like the Heart of the City Festival, and marching through the streets singing the Women’s Warrior Song to combat what Culhane identifies as a “regime of disappearance,” following Judith Goode and Jeff Maskovsky (2003, 595). Neither strategy prevented gentrifying measures from being pushed through by a city council interested in appearing respectful of indigenous land rights and democratic processes.

Why did Vancouver’s City Council to acknowledge, as it did in 2014, that the city was built on unceded Coast Salish land, even as it pursued aggressive neoliberal development policies that displaced the disproportionately indigenous urban poor? I argue that such acts of recognition obfuscate how the city actually manages land. Indeed, the city encourages celebrations of diversity and local history, as well as the acknowledgment of indigenous title—ways that marginalized populations claim place by celebrating their culture. The phenomenon of territorial acknowledgments by those in power can be understood as one more manifestation of liberal governance based on the politics of recognition, expressed in what I identify as a liberal regime of representation, following Jacques Rancière, in which prominent strategies intended to resist city planning, gentrification, and displacement (such as protest marches and celebrations of history) take part. For Rancière,

“Aesthetics can be understood in a Kantian sense—reexamined perhaps by Foucault—as the system of a priori forms determining what presents itself to sense experience. It is a delimitation of spaces and times, of the visible and the
invisible, of speech and noise, that simultaneously determines the place and the stakes of politics as a form of experience. Politics revolves around what is seen and what can be said about it, around who has the ability to see and the talent to speak, around the properties of spaces and the possibilities of time” (2004, 13).

In Vancouver, everyone is granted the time and space to speak—why else would the LAPP include public hearings?—but the words of the community were heard not as discourse but noise; therefore the speech was not political, but rather of the police.

The distinction is important: for Rancière, the political moment exists when something new has become perceptible. The police exist to enforce the current distribution of the sensible, “an order of bodies that defines the allocation of ways of doing, ways of being, and ways of saying, and sees that those bodies are assigned by name to a particular place and task: it is an order of the visible and the sayable that sees that a particular activity is visible and another is not, that this speech is understood as discourse and another as noise” (1999, 29). In contrast, “[p]olitical activity is whatever shifts a body from the place assigned to it or changes a place’s destination. It makes visible what had no business being seen, and makes heard a discourse where once there was only place for noise; it makes understood as discourse what was once only heard as noise” (1999, 30). Since the politics of recognition requires subjects to constitute themselves in a form legible to the polis, musical appeals to multiculturalism and marches repeatedly mobilizing visibility almost by definition does not make visible what previously could not be seen, or hearable what could not be understood. This chapter outlines how activist art is so successful at “claiming space” while
nevertheless losing ground—literally—in the fight against gentrification and displacement.

Displacement and Social Mix in the “Most Livable City in the World”

While Vancouver is built on the unceded land of the Coast Salish people, the most recent rezoning of the Downtown Eastside, following a period of intensive consultation with residents, is only the latest in the neighborhood’s history of successive and largely racialized containments and displacements. The initial colonial dispossession took place in 1846 when the British asserted their sovereignty, and was followed by an influx of labour for resource extraction. Despite the establishment of reservations on the other side of the Burrard Inlet in 1923 (Culhane 2003), the Downtown Eastside is still home to many indigenous people, approximately ten percent of the neighborhood’s total population. This is much higher than the proportion of indigenous people in the city of Vancouver as a whole, which is roughly two percent (City of Vancouver 2013). These numbers, however, are consistent with studies finding that indigenous people are disproportionately represented among the poorest urban communities in Canada (Benoit 2003; Culhane 2003).

In the 1880s, many Chinese laborers who had built the Canadian Pacific Railroad, cementing the westward expansion of the nation, settled in what is now Chinatown. However, the government passed the Chinese Immigration Act in 1923, making it virtually impossible for new immigration from China to occur,
unless the prospective immigrants were willing to pay a steep head tax. The law was in place until 1947, and had the effect of ghettoizing Vancouver’s Chinese community (Li and Li 2011). Chinatown abuts the Downtown Eastside, whose Oppenheimer District was the centre of the British Columbia Japanese Canadian community until their forced internment during the second world war (Aoki 2011). The post-war era saw even more forced displacements, as the construction of the Georgia Street Viaduct prompted the demolition of Hogan’s Alley, Vancouver’s small African Canadian community that had sprung up close to the train station, where many community members had worked as porters (Austin 2013). The history of these successive waves of displacement originating in colonial dispossession is central to the analysis of activists in the Downtown Eastside, who frame the question of urban land and the threat of being removed from it as contemporary enclosures of the commons that clear the way for capitalist accumulation.

Although gentrification affects everyone, low-income urban populations obviously run the greatest risk of being priced out. In the Downtown Eastside, where the average annual income is well below the poverty line, and the number of affordable housing units has declined substantially since 2009, the crisis is acute. In a report produced by the Carnegie Community Action Project (CCAP), Jean Swanson and Ivan Drury note that the number of homeless people in the neighborhood was rising by an alarming rate—from around 700 to 850 between 2011 and 2012 (Swanson and Drury 2012). Those numbers have changed since then because of gentrification related displacement and the establishment of tent
cities in various parts of the metropolitan region; however they speak to a housing crisis for the poor that has not only gone unaddressed by the city, but has been exacerbated by municipal policies. The official unemployment rate hovers around 20%, although accurate numbers are difficult to pin down since many residents are transient and jobs are temporary. The basic welfare provided by the British Columbia government is $610 a month. Researchers at CCAP and elsewhere have worked out that to be affordable at these rates, housing must be available for $375 a month (and even paying this much rent only leaves between $18 and $26 a week for food). However, according to CCAP’s 2012 report, gentrification is rapidly diminishing the available housing stock for those on welfare (Swanson and Drury 2012).

The Downtown Eastside has long been a poor neighborhood, and a site for sustained agitation for social housing. Jeff Sommers notes that as early as 1946 urban planners envisioned bulldozing “skid road” to make way for new, modern, high rise developments. At the time, this development was forestalled by organizers from the local Chinese Canadian community and academics and students who rallied against top-down approaches to ‘urban renewal’ that failed to prioritize social housing. The battle lines that were drawn in the post-war period remain similar today, with those who prioritize social housing and services for the poor on one side, and those who propose market solutions to poverty on the other—although the specific market incentives have changed over time (Sommers 2003/4). In spite of efforts from government agencies, non-profits, and community-based groups to alleviate them, the Downtown Eastside remains
a concentrated site of poverty and its attendant ills.

Many of these social ills manifest in symptoms that can be medicalized, and as a result the neighborhood is the site for numerous public health interventions. Perhaps the most prominent intervention is Insite, North America’s first legal safe-injection site for users of intravenous drugs. Operated by the Portland Hotel Society and Vancouver Coastal Health, Insite opened in 2003 and has become an important community resource, even if it has also been a lightning rod for controversy. Today the evidence seems clear that on the whole the facility provides an important service to intravenous drug users, and that fatal overdoses and risky practices such as syringe sharing have been dramatically reduced (Andresen and Jogazhi 2012; Drucker 2006). The Downtown Eastside has also been affected by cuts to the province’s mental health facilities, particularly the 2012 closure of the Riverview Hospital in Coquitlam, BC. The hospital had been slated for closure since the 1990s, and gradually eliminated beds over the course of the early 2000s; however, these were never replaced with facilities elsewhere as the government had promised, and so many former patients ended up on the streets of the Downtown Eastside with nowhere else to go (MacQueen 1998).

As Dara Culhane pointed out, the tendency to view the issues facing the Downtown Eastside through a medical lens can be misleading (2003). Dr. Gabor Maté, a longtime advocate for the community and staff physician at the Portland Hotel which serves low-income Downtown Eastside residents, has forcefully argued that the highly visible spectacle of addiction that can be found in the Downtown Eastside obscures a universal etiology: namely, that addictive
behaviors of all degrees of severity are efforts to stave off deep-seated psychic discomfort. Maté demonstrates how theories that emphasize genetic predisposition or individual choice effectively localize a universal phenomenon in already vulnerable populations, pathologizing them (Maté 2009). The discomfort identified by Maté based on his many years of work in the Downtown Eastside is attributed to the breakdown of functioning social support systems. It is for this reason that many Vancouver activists, including those who have adopted the Portland Hotel Society’s practices of harm reduction, seek to understand the Downtown Eastside’s ills in light of their production at the confluence of colonialism (and its legacy of broken social systems, displacement and loss of community) and neoliberal policies concerning housing and health.

Before issuing their decision to rezone the Downtown Eastside for high-rise condominium development, the City of Vancouver implemented an extensive “Local Area Planning Process” (LAPP) from 2012 to 2013, that brought residents together with city planners to figure out how to improve the neighborhood. The municipality’s framework for how to define improvement was built around the idea of health: as the city put it, “A Healthy City For All” is contingent on healthy people, healthy communities, and a healthy environment. This framework, however, had the unintended effect of pathologizing the Downtown Eastside as a problem in need of a remedy, since the city “know[s] that some of the worst health inequities in our city—avoidable inequalities in health between groups of people—are found in the Downtown Eastside” (City of Vancouver 2013). Even though the framing highlights health inequality, rather than community
pathology or individual moral failure, the effect is nonetheless to diagnose the Downtown Eastside as an illness that needs a cure, which in this case was gentrification.

As Daniel Makagon pointed out, gentrification can be driven from the top down as well as the bottom up (2010), although the proximate cause is a “rent gap”. This describes the change in the price of housing in neighborhoods that have experienced economic disinvestment, allowing reinvestment to occur—whether driven by the market or state policies—driving up the cost of housing such that only wealthier people can afford to bridge this gap (Smith 1979). According to Neil Smith, the causes of the initial disinvestment “lie in the geographic mobility of capital and the historical patterns of investment and disinvestment in the urban landscape: suburban investment through much of the twentieth century and consequent disinvestment in urban centers establishes the economic and geographic conditions for a major place-specific reinvestment in the center, taking the form of gentrification” (Fisher and Downey 2006, 194). The Downtown Eastside has always been a working-class neighborhood, albeit one hit quite hard by disinvestment during the mid twentieth century. Recently though, the municipal government has heavily incentivized private developers, with the 2010 Olympics also occasioning a large investment from higher levels of government. While gentrification in the Downtown Eastside likely would take place no matter what, the stunning pace of gentrification in Vancouver is largely the result of “top down” measures.

Sharon Zukin complicates Smith’s account of how gentrification takes place
by identifying three paradoxes, the first of which reflects existing cultural policy to a certain degree: gentrification is unanticipated. That is to say, while analyses that focus on the effects of transnational capital, like Smith’s, are an important part of understanding how gentrification takes place, it will not happen in every case. Zukin points out that while such forces are a major component of gentrification, there is an element of choice that has to also be in place for the people moving in: they have to like what’s on offer in the neighborhood, which accounts for instances when the forces of capital very well could have produced gentrification but did not. Zukin theorizes this is a question of taste, habitus, incorporating an aesthetic analysis of the dynamics behind gentrification.

According to Zukin,

“Aesthetics always play a crucial role in constructing not just the habitat, but the habitus of gentrification. New residents justify their choice of a neighborhood because it is ‘interesting’ in cultural terms. ‘Interesting’ can refer to the architecture (old houses ‘with good bones’), the neighborhood’s history (the Harlem Renaissance), or even the racial and ethnic ‘diversity’ of longtime residents... After gentrifiers settle in a new neighborhood, they selectively appropriate the most aesthetically appealing elements of the local landscape for their own use.” (2016, 203)

The second paradox is that gentrification is “unimportant”—in the sense that the notion that gentrifiers are flocking to urban neighborhoods is not borne out by statistics, since suburban populations are growing faster than urban ones. What transpires is a deepening of urban poverty with a relatively small group of “gentrifiers” becoming the poster child for the process, suggesting that social policy toward the poor preexisting residents plays an important role. Finally, Zukin’s third paradox of gentrification is that it is “uneventful.” In most cases, the factors that force low-income residents to leave their neighborhoods are not
illegal or traumatic, and in fact can come to seem like a “natural’ law of the urban environment.”

The third paradox is not the case in Vancouver, where activists rail against the common practice of “renoviction,” in which landlords evict tenants on false pretexts (in some cases by sabotage), renovate the property, and rent it to wealthier tenants at a significantly high rate. Moreover, the high rate of homelessness has inspired several high profile occupations and squats, all of which have been cleared out by violent police interventions. The City of Vancouver proposed the slogan “Revitalization without Displacement” in their 2004 economic revitalization plan, but it clearly has not been the case. The city’s failure to take the voices of residents seriously during the hearing process part of the LAPP resulted in the displacement of homeless people in Vancouver to homeless encampments in cities like Abbotsford just outside Vancouver in the Fraser River Valley.

The effects of the policy of “revitalization without displacement” has been studied by Kate Shaw and Iris Hagemans. Shaw and Hagemans frame the policy of “social mix”—which would theoretically result in upward social mobility for low income residents—as a neoliberal urban policy, following Tom Slater (2006), who first identified the rise of “positive gentrification’ strategies such as social mix that replaced wholesale displacement as the defining feature. Shaw and Hagemans’ study focuses on the effects of gentrification on those original residents who manage to stay in the neighborhood to determine if the new neighborhood habitus (new meeting places, local social structures, government
interventions) affected the sense of place. They found that it did. This is important because the Vancouver City Council LAPP decision to rezone the Downtown Eastside repeatedly affirmed that they were aware of the importance of sense of place to Downtown Eastside residents, that it had been impressed on them over and over during the hearings.

As Shaw and Hagemans demonstrate, even if physical relocation does not occur, factors that Davidson (2008) calls indirect displacement profoundly affect the original inhabitants’ sense of place and belonging. A hypothetical—but far from unthinkable—example might be if Insite and the Portland Hotel Society were restructured or forced to move. Services that residents depend on for their well-being are suddenly no longer readily accessible. Shaw and Hagemans call this “community displacement,” referring to the replacement of preexisting senses of identity and structures of neighborhood governance. In the sphere of retail gentrification, they found that the experience of being priced out of new shops prompted long-time residents to feel that they weren’t entitled to be there. More poignantly, the loss of individuals who played key social roles, and the replacement of community policing with business and state police led to a sense of vulnerability. Complicating Zukin’s first paradox, Shaw and Hagemans note moreover that the encouragement of public art plays an important role in this: “It seems that certain forms of ‘grittiness’ are accepted and promoted (in the right place) and indeed used to represent [the neighborhood], and others are not”

27 Management of the Portland Hotel Society was in fact taken over by the provincial health authority in 2014.
In other words, their study found that public art plays a role policing (in Rancière’s sense) the liberal aesthetic ordering of space that determines what is appropriate, where, and for whom.

To achieve its vision of revitalization without displacement, the City of Vancouver has encouraged a policy of “social mix.” This is when higher-income residents are encouraged to move into a gentrifying area, but provisions are also made to retain some of the area’s original inhabitants. An example of this is Bob Rennie’s Woodwards development, where the occupants of 200 social housing units have managed to remain in the neighborhood, but must use a separate entrance from the condominium owners.

In a collection of studies exploring gentrification and mixed communities, Gary Bridge, Tim Butler, and Loretta Lees write:

“Rhetorically and discursively disguised as social mixing, these policies and plans are promoting and spurring gentrification in a number of different countries (Lees 2008). The morally persuasive and neutered terms policy makers use such as ‘mixed communities,’ ‘social mix’ and ‘diversity’ politely avoid the class constitution of the processes involved (Lees 2003). Rose (2004) has called this ‘a particularly slippery area of social mix discourse.’ It is hard to be for ‘gentrification’ as it is a dirty word (see Smith 1996; Lees et al 2008, 154-9), but who would oppose ‘social mixing’ or ‘mixed communities’?” (2012, 53)

In other words, social mix appears not only benign but also desirable as a policy when the effects of gentrification are framed as segregation, or urban apartheid (see Bourgois 1996).

Bridge, Butler, and Lees go on to note that social mix policies, while a relatively recent phenomenon, have only been adopted in liberal democracies with welfare programmes of varying size. They contrast the face of gentrification in liberal democracies with gentrification in the Global South, where
displacement occurs on a much larger scale, and, crucially, a much more visible one: “in these countries the state makes no effort to conceal it” (2012, 54). The violence of gentrification outside liberal democracies is not discursively papered over. In the same collection, David Ley shows the development of social mix policies in Vancouver, framing them as the neoliberal form of the progressive liberal development strategies of the 1960s and 1970s. Social mix represents the outsourcing of responsibility—in this case, for the lack of affordable housing—from government to private corporations, as well as the transfer of public wealth to developers through incentives to build privately owned social housing units, in lieu of the city building and maintaining them itself.

Policies such as neoliberal social mix are designed to govern the broader liberal multicultural settler society. However, they are still relevant to a reading of gentrification in the Downtown Eastside as a manifestation of colonialism because, as noted earlier, according to the 2011 census, urban indigenous populations are larger than those living on reservations for the first time (Statistics Canada 2011). In other words, the social and political terrain on which issues that affect the majority of indigenous people play out is not subject to the Indian Act, which governs life on reserve, but by political institutions intended for the autological subjects of liberalism. The following section explores the “system of a priori forms determining what presents itself to sense experience” (Rancière 2004, 13) behind acknowledgments of indigenous land, protest marches, and celebrations of musical heritage.
Acknowledging Place, Competing Claims to Space

I first heard a speaker acknowledge the unceded territory of the Coast Salish people at the first protest march of many I attended in Vancouver’s Downtown Eastside. The occasion was the sixth annual Women’s Housing March, on September 15th, 2012. It was a warm, sunny day before the start of Vancouver’s long rainy season, and the brightness of the sun showed up the stark contrast between the shiny new developments of the trendy Gastown district to the West, and the dilapidated Downtown Eastside to the East. We were a crowd around four hundred strong, milling about in front of the Downtown Eastside Women’s Centre at the corner of Columbia and Cordova streets. The congregants consisted of a mix of low-income residents of the neighborhood and young people who ran the sartorial gamut from hipster to anarchist. The march was organized by the Downtown Eastside Power of Women Group, and its goal was to draw attention to the adverse ways Vancouver’s housing crisis disproportionately affects women—indigenous women in particular (Benoit 2003; Culhane 2003; 2005; Razack 2002).

The Women’s Housing March is an example of the kind of intersectional organizing that characterizes the Downtown Eastside activist community. The animating principle behind this approach to organizing is that while structural violence and oppression may be distributed across a large population, for those whose identities are underprivileged on multiple counts, structural oppression can have a compounding effect (Crenshaw 1993). For example, both racial oppression and gender oppression might disadvantage a non-white woman, while
an indigenous woman also risks being adversely affected by the gender policies of
settler colonialism, such as the patriarchal regime regulating identity and
community that was enshrined in the Indian Act until 1985 (Lawrence 2003).
According to the principles of intersectional organizing, political action that seeks
to redress structural violence should emphasize the needs of those whose lives
play out at the intersection of various oppressions, lest the most vulnerable be left
behind.

Because of the high and rising cost of housing in Vancouver, low-income
women face an elevated risk of displacement and violence from being on the
street, and indigenous women are particularly vulnerable (Culhane 2003; Razack
2002; Simpson 2016). The analysis offered by the protestors extends beyond the
immediate problem of housing for women to the underlying structural violence
experienced by marginalized groups, from the crisis posed by the large,
uninvestigated number of murdered and missing indigenous women,28 to the
abrogation of indigenous sovereignty to make way for oil and gas pipelines, to the
Harper government’s draconian criminal justice policy.

Before the march got going, one of the organizers handed me a list of
demands and a black and white sticker emblazoned GentiFUCKation. I asked
what I could do to help, and was given a handful of flyers to pass out, including a
“Gentrifuckation Menu” whose gastronomic items were described with a mixture

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28 The high incidence of murdered and missing indigenous women in Canada has been
identified by the United Nations, Amnesty International, and Human Rights Watch as a serious
and ongoing crisis: anywhere from 1200 to 4000 cases have gone unsolved. Stephen Harper’s
government came under fire for refusing to open an inquiry into the issue. Trudeau’s government
recently opened a public inquiry, but it remains to be seen how effective it will be.
of wit and rage, such as “Poor-bashing Salad: Greens grown by real live poor folks in community gardens. Arugula, Radicchio, Ridicule, and Scorn,” “Art Student Apple Salad: Gold Cored Apples, Blood Oranges and Romaine Lettuce drizzled with Vinaigrette de Voyeur,” “For the Sushi Lovers—Downtown Eastside Roll: Stolen Salmon, Police Corruption, Avocado and Cucumbers with a generous side dish of Wasabi and Re-Zoning” and “Greedy Pig: Your basic landlord BLT. Bugs, Leaks and Threats of Eviction served with a compulsory side of Methadone.” The menu, then, details a palette of negative attitudes and effects faced by Downtown Eastside residents, ranging from affective everyday experiences, to contemporary policy, to historical injustice.

The gathering was opened by Rita, an indigenous elder from Saskatchewan, who gave thanks to the local indigenous people—the Skwomesh, Musqueam, and Tsleil-Waututh—for granting permission to assemble on their land. While she spoke a prayer in her own indigenous language, the elders moved to the front, and the march got underway. All gatherings in the Downtown Eastside begin with the acknowledgment that Vancouver was and is being built on unceded Coast Salish land, and the acknowledgment is also a fundamental aspect of public gatherings in the name of radical or progressive causes elsewhere in Vancouver. It takes on the status of ritual: it is repeated at the opening of every gathering, and is understood by the participants, i.e., the community, to be a constitutive part of the gathering. In practice, the acknowledgment usually takes the form of some variant of “We’d like to open by acknowledging that the work we do takes place on the unceded territory of the Coast Salish people: the Squamish, the
Musqueam, and the Tsleil-Waututh.” When organized by activists with an explicitly decolonial framework, the person delivering the acknowledgment might add something along the lines of, “We acknowledge this to remind ourselves of the history of this land, so that the reminder that we are settlers here will inform our work and the way we conduct ourselves.” The acknowledgment, when practiced by activists in the Downtown Eastside and elsewhere in the city, is intended to destabilize a habitual, colonial relationship between subjectivity and place, re-centering organizational goals to be more focused on decolonization.

As the march got underway, about twelve indigenous elders, dressed in traditional regalia, assembled at the front and led the way singing and drumming the strains of the Women’s Warrior Song, which could be thought of at the unofficial protest anthem of the Downtown Eastside. Behind them the crowd followed, chanting, “Homes, not Jails!” We then wound through the streets, giving out the “GentriFUCKation” stickers and menu to those we passed, stopping at intersections to watch organizers perform short skits about the hardships of life in the Downtown Eastside. The list of demands attests to the variegated nature of the hardships. We finally arrived back at the intersection at Main and Hastings in front of what used to be the Pantages hotel, beside the seedy Regent single-room occupancy hotel, but was then a vacant lot awaiting a condo development. The lot was boarded up with a pristine blue layer of paint, with the odd smiling sunburst. While a pickup truck blasted songs from Bob Marley to the Beatles, and organizers handed out freshly blended smoothies, the marchers painted and chalked their opposition to City Planning, colonialism,
violence against indigenous women, and poverty all over the smiling blue surface. These “paint-ins” were a regular feature of protests in the Downtown Eastside.

The acknowledgment of indigenous land is typically delivered not only at large public gatherings, but also at organizing meetings and events. At activist meetings, the territorial acknowledgment is often paired with some words intended to evoke a particular political subjectivity: that of the settler ally working to “decolonize” inherited assumptions about how political change should unfold. In more mainstream gatherings, however, the territorial acknowledgment might reference an existing set of political procedural conditions, such as the ongoing Treaty process. In both cases, however, the acknowledgment is not necessarily related organically to the matter at hand, for example, anti-pipeline organizing. However, acknowledgments of traditional territory can serve a similar purpose to hearing processes for resource extraction: they gesture toward the interests of indigenous people at a surface level, while potentially concealing mechanisms of dispossession.

The acknowledgment does not always mean the same thing to the acknowledger. The most obvious example from the protests that I attended took place at the Defend Our Coast rally in Victoria (unceded Lekwungen territory) in November 2012. Thousands of people came together to fight Enbridge’s Northern Gateway pipeline, largely organized by a coalition assembled by environmental non-governmental organization ForestEthics’ Tzeporah Berman. The day’s goal was to produce the single largest act of civil disobedience in Canadian history (the act of civil disobedience was to drive stakes connected by a life-size cloth
representation of an oil tanker into the lawn of the legislature, violating a bylaw forbidding large objects from being “erected” without a permit—so the act itself was not particularly confrontational, the aim being to help thousands of law-abiding citizens get their feet wet, as it were). The very diverse coalition made it possible to turn out approximately five thousand people, although the large ideological tent contained several conflicting analyses, even if the goal of stopping the Northern Gateway pipeline was shared.

The most high-profile speaker at the event was probably Elizabeth May, leader of the federal Green Party and MP for the neighboring constituency, Saanich-Gulf Islands. May, a locally popular figure, judging from the warm reception she got, volubly acknowledged the local First Nations territory, reinterpreting the territorial acknowledgment as an expression of gratitude to the Coast Salish people “for their patience, frankly,” with a stalled treaty process. This move is significant because not all indigenous groups who never signed treaties want to do so now (see Coulthard 2014). Indeed, several vocal pipeline opponents who were there that day reject the Treaty process completely. May thus used her acknowledgment of the territory to further a liberal politics of recognition and accession to the Canadian State. This is unsurprising, coming from an elected official, but is an example of the ease with which recognition chooses “what part of those who have no part can be incorporated safely into the national lifeworld” (Povinelli 2011, 21).

Indeed, territorial acknowledgments by public officials took on a prominence and significance in Vancouver in 2014, when Vancouver City Council
passed a resolution acknowledging that the city was built on unceded Musqueam, Skwomesh, and Tsleil-Waututh territory. The initiative was taken because 2014 marked the close of the Truth and Reconciliation Commission, and the city also declared it a “Year of Reconciliation” (this was shortly after Vancouver hosted a TRC National Event in September 2013, and a 70,000 strong Reconciliation March largely organized by churches). As the example of Elizabeth May suggests, though, the politics of acknowledging territory are not as clear-cut, and certainly not as decolonial, as they might seem.

The city’s 2014 acknowledgment that it was built on unceded Coast Salish territory reads as a sincere acknowledgment of a desire to build a better relationship with indigenous peoples moving forward (based on reconciliation). However, the acknowledgment contains no binding resolutions, and cedes no power to the indigenous people is acknowledged:

“Underlying all other truths spoken during the Year of Reconciliation is the truth that the modern city of Vancouver was founded on the traditional territories of the Musqueam, Squamish and Tsleil-Waututh First Nations and that these territories were never ceded through treaty, war or surrender;

The Musqueam, Squamish and Tsleil-Waututh First Nations have millennia-old protocols for welcome, blessing and acknowledgements on their territories;

It is essential to the process of reconciliation that this truth is acknowledged and responded to in a form that honours tradition while understanding the ambiguity created by modern institutions that were established without respect for the people or their traditions.

Therefore be it resolved that the City of Vancouver formally acknowledge that the city of Vancouver is on the unceded traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations;

Further that Council direct staff to invite representatives from the Musqueam, Squamish and Tsleil-Waututh First Nations to work with the Mayor to develop appropriate protocols for the City of Vancouver to use in conducting City business that respect the traditions of welcome, blessing, and acknowledgement
of the territory.” (City of Vancouver 2014)

The resolution is clearly limited to developing appropriate welcoming protocols, and not changing anything about the way the city does business, much less how it manages land and bodies in spaces.

Nevertheless, this ordinance was seized on by those who saw an opportunity to use this leverage to guilt the city into fulfilling a key campaign promise: Mayor Gregor Robertson had promised that, if elected, he would end homelessness by the year 2015, a target that at the time was looking increasingly distant. According to the annual reports put out by the Carnegie Community Action Project, homelessness actually increased in Vancouver during Robertson’s tenure, along with the cost of housing and the shrinking availability of affordable housing stock for those on a welfare income (CCAP 2012). Indigenous leadership is valued in much Downtown Eastside grassroots organizing, and here was an opportunity to place the focus on the intersection between the housing crisis and anticolonial struggle—by those most heavily affected by both.

In the summer of 2014, the Coast Salish territories of the Sk’womesh, Musqueam, and Tsleil-Waututh were reoccupied on the grounds that it was indigenous reassertion of traditional law on unceded traditional land. This situation was unique, though, for two reasons. The first is that the reoccupation was situated in the heart of Vancouver, the pretext for the occupation being a statement adopted in June of 2014 by Vancouver’s City Council, affirming that the city was located on unceded traditional territory—in other words, that the municipal government’s authority was arguably illegitimate. Secondly, the
occupiers were not all indigenous, but consisted rather of the homeless or precariously housed. The site for the occupation was Oppenheimer Park in the Downtown Eastside, a low-income neighbourhood that in 2012, had 800 homeless residents (CCAP 2012). In other words, a grassroots, indigenous-led movement capitalized on a specific instance of the liberal tendency to gesture toward recognizing indigenous title, to launch a structural critique of municipal, provincial, and ultimately federal housing policy.

The occupiers were a group of homeless and precariously housed Downtown Eastside residents, and they set up a tent city in Oppenheimer Park. The group argued that since the city had admitted that its jurisdiction was illegitimate, the indigenous leadership of the group had taken action to provide leadership on the issue. The question of jurisdiction is important here, because the occupiers cited indigenous title as grounds to maintain the occupation; moreover, the responsibility for the housing crisis is a political buck that has been passed between municipal, provincial, and federal governments. As Margot Young pointed out in a Vancouver Sun op-ed, the occupation, by highlighting indigenous land rights, and superseding the authority of municipal, provincial, and federal governments, focused on the failures of each. The failures of the federal government to provide funds; of the provincial government to provide adequate support for low-income people; the failure of the city to dis-incentivize the overheated housing market which, in the absence of rent controls has made it virtually impossible for those on social assistance to find affordable housing. Together with the likelihood that the bylaw invoked in the city’s eviction notice of
July 20, 2014 would fail a constitutional challenge, as Young pointed out, indigenous traditional law fills in where the jurisdiction of settler society clearly failed, especially given the failure of all levels of government to tackle the problems (2014).

The encampment grew throughout the summer, eviction notice notwithstanding, until the entire park was filled with around four hundred tents. Whenever I visited to drop off wood for the sacred fire, I counted a large police presence, with officers standing around and lecturing the occupiers on their life choices. Given the historic tensions between police and Downtown Eastside residents, local activists were asked to patrol the park at night for security. Despite tensions, the occupation persisted. The city was in a tight spot, as it would have been a public relations disaster to forcibly evict an indigenous-led tent city, in the Year of Reconciliation, on land city council had admitted was stolen—all because the campers had drawn attention to the neglect of the homeless population in favor of neoliberal land development. City council’s resolution acknowledging indigenous territory meant that it had to move carefully to maintain its public image, although the city had no intention of giving up its power. It issued an eviction notice on July 20, although they did not move to tear down the tent city for a couple of months, until energy had dissipated enough and the rains started. By this time, cracks had appeared within the camp’s leadership, and the city sent the police to break up the encampment. The occupation had lasted almost four months.

There is a dispiriting repetitiveness to the fight for affordable housing in
Vancouver. Perhaps this is common to the on-the-ground experience of every political struggle; but crises seem to reemerge and recur periodically, as do the responses. The first tent city is struck down by the Vancouver Police Department; a second one springs up in a nearby community garden. That very first housing march I attended made the same set of demands—social housing, no pipelines, $18 minimum wage, inquiry into murdered and missing indigenous women—and wound through the same streets, clogged the same bus routes (one gets the impression that the bus drivers are used to it). The city’s response to the dismantling of the Oppenheimer occupation was to temporarily house the homeless in a motel, with no commitment to finding them affordable housing or build social housing. Taking up the legacy of the 2002 Woodward squat, there was a squat at neighboring Burnaby’s Metrotown this past summer. Properties are slated for development (condos), land is rezoned, and people put themselves in the way to claim that space. Eventually they are cleared out. This amounts to a game of whack-a-mole. It also reflects what David Harvey has identified as a tendency for capitalism to move its crises around geographically without resolving them (Harvey 2010, 2015). The unabated rise in the price of land has created a homeless and precariously housed population that is repeatedly forced to relocate around the city and the Lower Mainland of British Columbia.

Vancouver’s housing crisis is often called a bubble that is part of a generally overheated housing market in Canada (Toronto is another example). However, business analysts for business-friendly Canadian newspapers such as the *National Post* and the *Globe and Mail* have, as recently as the summer of 2016,
dismissed dire prognostications, claiming that Vancouver’s bubble is unlikely to burst because the properties are not overvalued, the city is such a desirable place to live. Locals who are priced out of the market attribute the crisis to different factors, but one that commonly crops up is the impact of foreign buyers—especially those from China—whose acquisitions sit empty, driving up the price and decreasing available housing simultaneously (Gillis, Sorensen and MacDonald 2016). The BC government’s 2016 measure imposing a 15% tax on foreigners purchasing homes in Vancouver speaks to the kind of action the provincial government feels pressured to take, although the tax had some critics. It is worth noting that the tax on foreign home buyers displaces the blame for the housing crisis—and the cost of fighting it—from the city and the province, and even from real estate speculators in Canada and elsewhere, onto any non-Canadian, resident or otherwise. This response highlights the challenges faced by those activists and scholars who seek to advance an analysis of gentrification and displacement in Vancouver as a very Canadian example of colonial land enclosure.

Dara Culhane characterized the Women’s Memorial March in the Downtown Eastside as an “emergence into visibility” that was political significant because of the struggle not to succumb to the “regime of disappearance” undergone by indigenous women in the Downtown Eastside. She wrote this in 2003, shortly after the BC Liberal government was first elected, and before neoliberal policies were widely implemented. The emergence into visibility at that
moment was a powerful way of combating what was—and still is—framed as “multi-generational poverty” unrelated to colonialism. This discourse fails to take into account the trauma of residential schools, as well as the tendency to slip into medical discourse, serving to pathologize the community and frame it as something to be acted upon. Indeed, the regime of disappearance manifests in frighteningly literal ways, reflecting the social abandonment of indigenous women to the predations of misogynist, racist violence exemplified by the gruesome murders of Robert Pickton, who preyed on women in the Downtown Eastside until his arrest in 2002. The marches thus provided indigenous women with opportunities to seize space and speak out for themselves, which medical, legal, and political apparatuses make nearly impossible.

Culhane gives an account of the Women’s Memorial March of 2001, summarizing the issues given voice by speakers, most of whom were middle-aged or elderly indigenous women. These included the imposition of European patriarchal values and consequent loss of position traditionally held by indigenous women and the patriarchal functions of the Indian Act, which had divided families by denying status to women who married non-status men and their children. Speakers also pointed out the inadequacy of indigenous health services for Downtown Eastside residents when it comes to drug treatment facilities, housing, lack of jobs, low welfare rates, and police inaction on the murdered and missing women:

“The strongest criticism of the police—and by proxy, of the public—has been that they ignored early reports because the women were prostitutes, addicts, Aboriginal... By politicizing the issue of the murdered and missing women in
particular, and rallying considerable support across class, gender, racial, and neighborhood divides, the families of the missing women and their supporters have claimed a space of dignity for the poorest and most marginalized women in Canada and have achieved some degree of victory in setting the terms and conditions under which a previously invisible population has entered into public discourse.” (2003, 603)

The first Women’s Memorial March I attended, on Valentine’s Day 2013, was a somber and rainy affair. Marchers gathered in the rain to commemorate the women who had gone missing from, or been found dead in, the Downtown Eastside. The Women’s Memorial March is another annual event, dedicated to drawing attention to the failures of government protecting women. This long tradition began in 1991, and it is a quiet and reflective affair. No skits, or jokes about “GentriFUCKation,” although the Women’s Warrior Song is often sung, prayerfully. The march can take up almost half the day.

After the opening acknowledgment of territory, prayers, and smudging, indigenous elders, all of whom are women, lead the march dressed in their traditional regalia and beating drums. The body of the march follows, in a subdued manner. The elders frequently stop to smudge areas where women were last seen, or where their bodies were found. Roses are left to commemorate them—yellow for the missing, red for the dead. There was an undercurrent of anger to the march the years I attended, perhaps in response to the Harper government’s refusal to mount an independent inquiry into murdered and missing indigenous women, and the still-fresh conviction of Robert Pickton in 2007, whose trial had exposed to the general public the degree of brutality faced by women in the neighborhood. In the fall of 2012, the Vancouver Police Department concluded its inquiry into the failure to catch Pickton, who had
murdered many women, several of whom were from the Downtown Eastside, and buried them on his pig farm in Chilliwack, just outside Vancouver. By the time I arrived in Vancouver, Pickton had become a figure of horror in the Downtown Eastside whose name was regularly invoked as a byword of misogyny, racism against indigenous women, and the state’s indifference to both.\(^\text{29}\)

At each stop, I could see people in the march struggling to hold back tears: people who had known and loved the victims who remained standing by their rose after the march had moved on. The march is a reclamation of space; in some ways it is also an excavation: by going down alleys and witnessing unseen spaces, it is much more thorough than the housing protect marches I attended, and is thus an “emerging into visibility” not just for indigenous Downtown Eastside women, but the neighborhood itself. The march ended at the totem pole in Oppenheimer Park, where marchers lit candles and left them in the ground at the base. The spiritual dimension was a large factor: marchers frequently pointed out eagles circling overhead, a sign that the spirits—of the women, of the ancestors—are present.

The Power of Women Group, which hosts the committee that organizes the annual march, attests to the salient positions of leadership occupied by women in the Downtown Eastside. The neighborhood is visibly divided spatially along gendered lines, with largely male drug dealers and other participants in the informal economy that makes life possible lining the corners (Bourgois and

\(^{29}\text{Robert Pickton was convicted on 6 counts of second-degree murder in 2007; however, he was accused in the murder of 20 more. Those charges were stayed by the Crown after his conviction and life sentence.}\)
Schonberg 2009). The streets are largely the domain of men, but indoor women’s
spaces like the women’s centre at Columbia and Cordova Streets, are packed;
with the result that mixed indoor spaces like the Carnegie Centre are more male
than female. However, the fact that outdoor spaces are predominantly male
makes the Women’s Memorial March an even more potent “emerging into
visibility” for indigenous women.

The question is: how much political power can visibility—in Rancière’s
terms, being sensible, a subject of liberal recognition—bring to bear against
unbridled neoliberal development policies? In Culhane’s words, a regime of
disappearance is “a neoliberal mode of governance that selectively marginalizes
and/or erases categories of people through strategies of representation that
include silences, blind spots, and displacements that have both material and
symbolic effects” (2003, 595). Against this erasure, becoming visible stands as an
eexample of politics. However, this quickly turns to function as the police of the
regime associated with liberalism, which Rancière calls poetic, and representative
through the operation of mimesis:

“I call this regime poetic in the sense that it identifies the arts ... within a
classification of ways of doing and making as well as means of assessing
imitations. I call it representative insofar as it is the notion of representation or
mimesis that organizes these ways of doing, making, seeing, and judging. Once
again, however, mimesis is not the law that brings the arts under the yoke of
resemblance. It is first of all a fold in the distribution of ways of doing and
making as well as in social occupations, a fold that renders the arts visible. It is
not an artistic process but a regime of visibility regarding the arts” (Ranciere
2004, 22).

Overcoming a regime of disappearance means emergence into a regime that
polices the visible, through representation and recognition. The annual repetition
of the march, and the even more frequent reiteration of the act of marching around the Downtown Eastside turns each march into a copy, giving an identifiable face to protest and social justice activism. Marches thus occupy their own space within the order of the neighborhood and those who work to change it. By repeatedly claiming the neighborhood as part of the movement for social justice and protest, it became possible to discern a regime of visibility that could be represented and policed by Bob Rennie with his socially-conscious art gallery at Wing Sang, with the mural in the Woodward’s atrium.

Media interest in fluctuations in the housing market as a result of the foreign homeowners’ tax aside, the vicissitudes of prospective homeowners in one of the “most livable cities in the world”—a nature-lover’s paradise sandwiched between the mountains and the ocean—are remote from the concerns of low-income residents. The housing crisis, for them, comes down to rents going up due to gentrification and lack of controls, a lack of social housing, combined with inadequate social assistance. In the Downtown Eastside, the concentration of a vulnerable population near social services that are necessary and unavailable elsewhere in the city (for example, Portland Hotel Society-run services such as Insite) meant that being forced out of this community would have effects deeper than physical relocation—it is the inverse phenomenon of the community displacement identified by Shaw and Hagemans (2015). The sense of community is thus threatened for those who manage to stay as well as those who are forced to leave.
Klisala Harrison describes her 2008 dissertation, “Heart of the City: Music of Community Change in Vancouver, British Columbia’s Downtown Eastside” as a “musical history of a North American inner city or centre city” (2008, 4). It is, however, a history and a sociological study that uses the diagnostic tools of music therapy. Harrison explicitly frames the musical strategies used by community music-making groups in the Downtown Eastside as practices that negotiate trauma, construct subjectivity, and control substance abuse. The specific musical communities discussed include a drumming group, a jam band, and a community musical theatre production. Harrison’s argument is that the internal dynamics of the different groups nevertheless tend to be more egalitarian than society at large. She thus frames music-making in these social spaces as tantamount to preventive care, in addition to countering the various ways Downtown Eastside residents can, in effect, be quarantined by demonstrating how musical communities help musicians integrate better into mainstream society. This is an example of music being used as a vehicle for recognition—this time at the register of bodily health.

The strong communal bonds identified by Harrison have roots in the bonds of solidarity forged from a long history in a place (Harrison 2008). This was also pointed out during the grassroots mobilization against the city’s 2013 rezoning, as well as the municipality itself in their proposal to rezone. It is also something the Heart of the City Festival mobilizes. The Heart of the City Festival celebrates this history, and claims membership in a liberal society through the arts. The arts festival celebrated its tenth anniversary in 2013. A multimedia show-case of the
many creative voices living in the Downtown Eastside—glibly described as Canada’s poorest off-reservation postal code—it highlights the multicultural character of the neighborhood, celebrating successive waves of migration to an old district. Beginning with the indigenous peoples of the area whose numbers were reduced to almost nothing following the deliberate introduction of disease after which their land was seized, and covering the Cantonese indentured laborers forced to pay a racist head tax to come build the Canadian railway; to the Japanese community forcibly relocated to internment camps during the Second World War, the African-Canadian community that serviced the train station only to have their homes demolished in order to build the Georgia St. viaduct, the more recent waves of Latin American immigrants conscripted as foot soldiers in a drug war not of their making, and the working class of all ethnicities. All of these groups and their histories are featured in the festival’s programming, in song, dance, comedy, theatre, writing and visual art.

When I first arrived in Vancouver, to do fieldwork in the Downtown Eastside, one of the first things I noticed was the importance of history and memory. Every gathering opened with the acknowledgment that we stood on the unceded land of the Sk’womesh, the Musqueam, and the Tsleil-Waututh. Every meeting at the Carnegie Centre closed with a circle in which hands were joined, and into the silence individuals dropped the names of beloved community members who had died. It is worth noting that these are not limited to people with whom attendees had a personal relationship: rather, this ritual invokes what Leela Gandhi calls an affective community (2006), and one that extends back in
time and out in space. For example, a name I often heard invoked is that of Maquinna, who was chief of the Nuu-chah-nulth people of northern Vancouver Island during the late eighteenth century.

In the words of the unofficial poet laureate of the neighborhood, Bud Osborn, which were printed on the title page of the 2012 festival program:

“the past is not past
the dead are not dead
the past is experiences
of suffering and loss and joy and achievement
the many lives in each of us/ in the generations inside us in the world inside us
in the histories within us in the thousands of days and nights
that influence traumatize inspire and strengthen us
as walt whitman wrote, ‘we contain multitudes’
and the dead we memorialize today are lost to us
in their physical presence which leaves a great pain in us
but the dead are very much alive
in their passage through our lives
and the dead are not less dear less loved less cared for
and when we speak the names and lives of our deceased
they continue to regain their identities
the dead live in our memories of moments and months and years with them
the dead of the downtown eastside fought wars
and fight those wars with us today
the wars against community dignity the economically impoverished
the drug users the disabled the activist all whose contributions help us make real community”

The opening musical concert of the ninth annual Heart of the City festival in October 2012 was billed “Singing History.” It featured several vocal ensembles and amateur choirs, several of which were directed by the tireless musician and activist, Earle Peach, who also did some of the composing. The program featured traditional songs associated with the down and out, such as “Brother, can you spare a dime?” as well as a smattering of spirituals, Wobbly hymns, new compositions referencing the specific history of the Downtown Eastside, and
arrangements of traditional songs from cultures reflecting some of the neighborhood’s mix.

The singers were largely untrained vocally, and their enthusiasm shone out, uncloaked with any show of professional cool. The program notes also emphasized the neighborhood’s history, repeatedly invoking community as well as duration in a place. The arrangements were simple, delivered in the vernacular of contemporary choral music: mostly four part harmony, with some quartal inflections. Cultural difference was signaled mostly through choice of mode or the use of pentatonicism, all seamlessly integrated with the rest of the musical fabric. The concert—the festival’s first evening event—showcased the community in all its diversity, demanding that it be recognized. As we have seen, though, recognition is not uncomplicated in a liberal democracy, due to the “irresolvable limit internal to liberalism’s account of itself” that requires those seeking recognition to be different enough to be “recognized as different ... but not so different as to become morally repugnant, that the veneer of liberal tolerance may remain intact” (Povinelli 2011).

What is clear is that the Downtown Eastside is barely recognizable four years after I began my fieldwork there. Rezoning has greatly accelerated the rate of gentrification, and previously dilapidated historic buildings are giving way to shiny steel and glass condominiums and storefronts. In light of the ill-fated creative efforts that went into trying to sustain the Downtown Eastside low-income community, we must ask whether musical strategies intended to achieve recognition should be understood as political, as a change in what was perceived
as possible—what was perceptible, even if they do create and maintain a sense of community. Repeatedly rendering itself visible, the low-income community claimed recognition of an existing space within the social order, a status quo politics regarding who had a voice and how it could be used. Even with the amount of organizing that took place within the community, these activist aesthetic strategies did not prevent the destruction of a low-income community by neoliberal development policies.

Representations of dissent are regularly papered over in the Downtown Eastside. It was common for marches to end with paint-ins, where marchers would express themselves on the designated wall—often the boards separating the sidewalk from the “Pantages lot.” Being very close to the heart of the Downtown Eastside, at Main and Hastings, marches regularly began and ended here, and the demolition of the former Pantages single-room-occupancy hotel had left a large vacant lot with boards that had been scrupulously cleaned of any graffiti by the developer who was planning to build condominiums on the site. After each march that I participated in that ended in a paint-in, the entire length of the boards would be covered in slogans and calls to arms ranging from, “Homes, not Jails!” to “End the War on Drugs,” and “Respect Indigenous Land.” And each Sunday following, a man would come by with rollers and paint, and return the wall to its previously pristine condition. Sometimes he would even paint the whole length blue, with smiling yellow sunbursts (which is particularly ironic since sunny weather is not that common in Vancouver).
The signs of dissent, in other words, were literally painted over. However, when the neighborhood’s well-loved “poet laureate,” Bud Osborn, died of pneumonia in May 2014, longtime residents held a march and vigil around the neighborhood in his honor. Bud Osborn’s poem in Heart of the City program spoke to the rich history and community of the Downtown Eastside, but to commemorate his death, the journal *Society and Space* republished his poem “Raise Shit.” This poem had originally been performed by Osborn in 1997 at a summit discussing gentrification in the neighborhood, and published in *Society and Space* in 1998. It is a rangy and powerful expression that opens with epigraphs from scholars of gentrification, then invokes long histories of global and local resistance. The poem shift registers, using prophetic language to move from the witnessing of life stories in the Downtown Eastside to affirming the bonds of love expressed through the words of community members that hold everyone together. Osborn says:

“our words
buttons tshirts fliers inserts newsletters pamphlets
posters spraypaint slogans stickers placards speeches
interviews essays poetry songs letters chalks paints
graffiti

...still our words and presence create a strange and profound and strong unity as in memory of the long hard nerve-wracking battles we’ve fought for the carnegie centre against the casino for crab park against brad holme for zero displacement by-laws against hotel evictions for poor people living in woodwards against condominium monstrosities and for our very name the downtown eastside removed from city maps the most stable community and neighbourhood in Vancouver suddenly disappeared but recovered through struggle our name reclaimed but the meetings the pressure

the downtown eastside community besieged and beleaguered strung-out and dissipated running on constant low grade burn-out fever meetings and meetings and meetings a dozen fronts to fight at the same time deal with one and a dozen more
Osborn notes that the expressive practices—words, art, music, and presence—bound the community together against the enormous onslaughts it faced. The poem concludes with a long repeated rallying cry, to “raise shit”: “for it is from our prophetic courageous conflictual and loving unity that our community raises shit and resists” (2014).

These powerful words have been taken to heart by the activist community of the Downtown Eastside. On the boards surrounding the Pantages lot, “RAISE SHIT!” was prominently scrawled after the vigil and march honoring the widely loved and respected poet, who even received a featured obituary in the Globe and Mail (Stoffman 2014). After Osborn’s death, the owner of the Pantages lot apparently didn’t have the heart to paint over the Bud Osborn Memorial Wall, which was completely covered in outpourings of love and rage (see Image 6). The Memorial Wall remained at the heart of the neighborhood even as condominiums were being constructed behind it, a physical manifestation of the palimpsest-like liberal politics that obscure the reality of gentrification and displacement. As the building neared completion, parts of the wall were removed, day after day, fragmenting but not erasing the tributes to Osborn, until one day, in the summer of 2016, they disappeared completely.

Image 7. The same site today
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