



Intervention

Infrastructure, Jurisdiction, Extractivism: Keywords for decolonizing geographies

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Introduction

Robert Clifford, [University of British Columbia, Canada]

I am honoured to have been asked to provide a few opening words and to set the table, so to speak, for the reflections that are to follow on infrastructure, jurisdiction, and extractivism. When I hear that turn of phrase – “to set the table” – it reminds me of a saying we have in WSÁNEĆ¹ – “when the tide is out, the table is set.” Unfortunately, equally quick, what comes to mind is how virtually all of the clam beds in WSÁNEĆ are permanently closed for sanitary and pollution reasons. Sustenance is, of course, but one part of a web of relationships and interdependence that we, as a Saltwater People,² have with the ocean and the other beings who call it home. Through embodiment and enactments of WSÁNEĆ law we uphold various obligations of mutual care with those beings and places, parts of which are organized through our NEHIYMET, or ancestral lines, which structure access and pass down associated rights and responsibilities through ancestral names and along families and kinship lines. One example of this is our SXOLE and SWÁLET, or our reef-nets and reef-net fishing sites. Access to the fishery at these sites, as well as stewardship responsibilities in connection with those sites, and ceremonial obligations respecting salmon and the fishery, are structured through our NEHIYMET. For example, my family, the Claxton family, belongs to SXIXTE (the Pelkey family reef-net location at Bedwell Harbour, Pender Island) through my great-grandmother, who was from the Pelkey family.

In WSÁNEĆ, we tell of a time when one of the Salmon People came to our village site and married into our community, and that in honour of that marriage we were gifted the SXOLE technology, which essentially involves the creation of nets and artificial reefs in specific fishing locations. A system of law and governance is built directly into and around the SXOLE, with ceremonies and obligations that honour and protect the relationship between WSÁNEĆ and the Salmon People taking place during particular times of the year. In TTE SCELÁNEŦ ET WSÁNEĆ, the WSÁNEĆ year or calendar, we call this time ĆENTEKI, the Sockeye Moon. There are 13 moons in the WSÁNEĆ calendar, which structure WSÁNEĆ life and governance, and which we share with the more-than-human world. It is a system of governance that relies upon indicator species and close connection with the cycle of seasons to guide social, economic, legal, and spiritual activities. In that sense, the 13 moons are local and place-based, foregrounding particular relationships at particular times and in particular places. Yet places, just like people and seasons, are dynamic and ever changing, from one to the next and from year to year. Therefore, in thinking about the dynamism of place, and place within the context of climate crisis, now and into the future, we also extend our thinking from place outward, toward the global.

Today we face many challenges in upholding these mutual relationships of care that I have briefly introduced, which in WSÁNEĆ law we are obligated to do not only through our own actions, but also by preventing the harmful actions of others. Such harms and challenges stem from the ongoing relational dynamics of settler colonialism and the propensity to erase or ignore WSÁNEĆ jurisdiction and care in relation

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¹ The WSÁNEĆ people are composed of the Tsawout, Tsartlip, Tsyecum and Pauquachin First Nations on what is now southern Vancouver Island. I am a member of the Tsawout First Nation.

² Janet Poth, ed., *Saltwater People: as told by Dave Elliott Sr.* (Saanich: School District 63, 1990).

to these lands and waters. These issues also stem from the global climate crisis and sources far more diffuse, both spatially and temporally. Rising temperatures, the acidification of oceans, and the impacts they each have on WSÁNEĆ obligations of care are only two examples of the challenges we face. In short, all of our relationships are entangled within *global* climate crisis and dynamics. While our responsibilities are such that we must act, finding a path through that entanglement is often more complicated than we would like. Fortunately, for those thinking through challenging questions of this nature, we have amazing scholars, activists, and thinkers to help us along that path, including those sharing insights in the pages that follow.

My attempt to summarize the insights of people I clearly have so much to learn from would serve little purpose. Instead, and I hope in reciprocity, I have tried to provide a sense, albeit implicitly, of what their insights on the concepts and practices of infrastructure, jurisdiction, and extractivism make me think about here in WSÁNEĆ, and the questions they bring to mind. For example, how can we diagnose and respond to the weaponization of colonial infrastructure, the logics of extraction, and the impact this has had and continues to have on WSÁNEĆ and the other beings with whom we share these lands and waters? How might we resist those processes and the erasure or ignoring of Indigenous jurisdiction and instead continue to express and regenerate ontologies of care and work toward “infrastructure *otherwise*,” as Deborah Cowen offers in her reflection. In reading the words of my fellow contributors, I am also reminded that as we look forward in our strivings to meet these challenges, we have much to gain in remembering that we already hold many insights within our communities, laws, languages, stories, relationships, and governance structures, which can help guide us forward.

I raise my hands to each of you doing this work, and to those of you who choose to read what follows and to thereby become part of that work as well. To the extent that my contributions here serve as an introduction to what follows, I hope only to have captured some of the spirit and intent of this collective work. HÍSWKE HÁLE – Thank you, everyone.

Infrastructure

Settler colonial infrastructures and infrastructure otherwise

Deborah Cowen, [University of Toronto, Canada]

With these brief reflections, I draw attention to some of the stakes of socio-technical systems; what gets done with infrastructure and what it does to us. First, I explore vibrant work emerging out of multiple fields, sectors and movements that may help us conceptualize infrastructure. I then dwell more specifically in the meaning of settler colonial infrastructure, before moving to consider how we might think about infrastructure *otherwise*, in the final section.

What is infrastructure? I think about infrastructure as matter that shapes motion itself. Brian Larkin (2013) suggests that infrastructures “comprise the architecture for circulation.” Infrastructure can underpin and sustain motion and circulation, but it can also inhibit, disrupt or foreclose motion. By motion, I mean, at least two different things. In its most popular and common meaning, motion refers to the movement of bodies, materials, substances, and signals; the kind of motion that things like roads, rails, pipes, and cables support. This already makes infrastructure vital and profoundly complex; it underpins Harvey’s time-space compression (Harvey, 1990) and often violently sculpts Massey’s power geometries (Massey, 1993). This kind of infrastructure allows us to log on, power up, rinse off, order, eat, fly, ride, wash, heat, and in these brutal times - to remain connected. Or not. Every day, by neglect or by design, infrastructure fails to meet basic needs. But this conception of infrastructure, perhaps an engineers’ definition, is only one of its forms.

Infrastructure is critical not only to the movement of objects,

substances, commodities, and bodies, but so too to the motion of daily and intergenerational life, the circulation of desire, the possibility of collective movement, and, according to Lauren Berlant (2016), “the movement or patterning of social form.” This is the kind of motion that law and other social systems of reproduction carry. Law does not regulate an already constituted social order but acts as infrastructure to help bring it into being. Law (not criminality) produces carcerality, for instance. Berlant invites us to see world building as infrastructure making. They suggest that “an infrastructural analysis helps us see what we commonly call structure is not an intractable principle of continuity across space and time, but a convergence of force and value in patterns of movement that’s only solid when seen from a distance” (Berlant, 2016, p. 394). This insistence on motion, even in place of seemingly fixed structure, makes infrastructure irresistible to those of us interested in the ‘how’ of reproduction and its radical transformation.

We can certainly see this with the vernacular infrastructures based in our communities. These are themselves constantly being remade, and constantly having to be repaired and rebuilt. They are not ‘fixed’ but in motion in these ways. One example of this kind of motion is provided by Ruthie Gilmore (2020), the geographer and abolitionist, who insists that “even solidarity needs to be remade and remade and remade, it never just is.” In this way, we can think of infrastructure as an approach to understanding life itself as always in process and motion, but in such a way that is always *built or assembled* – organized and underpinned.

Through infrastructure, corporations and states but also communities, nations, and all kinds of collectivities materialize and extend particular ways of reproducing themselves. It’s also through infrastructure that wars are waged and genocides committed. Infrastructure may entrench injustice in systems that seem technical rather than technopolitical, and thus can serve to naturalize those relations. And infrastructure does not simply reflect existing inequality but can engineer new forms.

This brings us to the question of settler colonial infrastructure. Colonial reproduction is premised on dispossession, theft, and extraction. This is exactly what settler colonial infrastructures enact. Winona LaDuke and I have written about this continent, “Windigo infrastructures have worked to carve up Turtle Island into preserves of settler jurisdiction, while entrenching and hardening the very means of settler economy and sociality into tangible material structures” (LaDuke & Cowen, 2020, p. 244).

So many formative and brilliant Indigenous thinkers reflect on this very question regarding the ways in which infrastructure has been not just a feature of settler colonialism, but the face of colonial violence. Leanne Simpson (2015), for instance, describes colonialism as a bomb going off in slow motion, which disrupts the rhythms, cycles and movement of Nishnaabeg life. In her discussion of this bombing, she talks about dams that disrupted rivers and dislocated the kinds of motions of more-than-human life through which survival was possible. Nick Estes also speaks centrally about infrastructure in his work. He writes, for instance, in a 2018 piece: “While there are infrastructures of Indigenous resistance, they confront infrastructures of settler colonialism in the form of police, prisons, dams and oil pipelines that intend to destroy, replace, and erase” (para 7). This writing highlights the importance of something sidestepped in mainstream conceptions; the carceral and violent forms of infrastructure underpinning coloniality.

Importantly, these carceral forms – whether in the form of police, prisons, borders, camps, or reserves – were often historically assembled to protect circulatory infrastructures. We could think with Heidi Stark’s powerful article “Criminal Empire,” where she reflects on how the criminalization of Indigenous peoples has historically been enacted and how it continues to be enacted through carceral as well as legal infrastructures. We could also think with Shiri Pasternak in her important paper with Tia Dafnos (2018), which highlights the deep entanglement of circulatory and security infrastructures today.

We could also think with Anne Spice, who has written powerfully on this question. In her 2018 paper, “Fighting Invasive Infrastructures:

Indigenous Relations against Pipelines,” Spice asserts, “the characterization of oil and gas pipelines as so-called ‘critical infrastructures,’ constitutes a form of settler colonial invasion” (42). She highlights the struggles of water and land protectors not only to defend their territories and their sovereignty, but also to challenge mainstream discourse about what counts as vital infrastructure and for whom. Spice quotes Freda Huson, a spokesperson for the northern British Columbia Wet’suwet’en encampment of Dark House, built in the path of a pipeline. Huson noted that “the pipelines were proposed to run through the clan’s best berry patches,” as Spice describes. By resisting pipeline construction, Huson explains, “what we’re doing here is protecting *our* critical infrastructure” (40).

The notion that the refusal of colonial infrastructure is a profoundly generative anti-colonial act is at the centre of Audra Simpson’s brilliant book, *Mohawk Interruptus* (2014). In this work, Simpson offers a series of arguments about the politics of refusal – the refusal to be eliminated, the ethnographic refusal, the refusal that diagnoses settler colonialism’s precarity and even failure. In this work, refusal showcases the exquisite survivance of Mohawk people. Simpson teaches about the power of refusal through accounts of the St. Lawrence Seaway, the Victoria bridge, the Mercer bridge, the long roads to Brooklyn, and of course, the settler state border. Infrastructure here is a site, circuit and means of struggle over sovereignty and jurisdiction.

In the context of an extractive and logistical settler political economy – a way of life based on taking and circulating – refusal in our moment often takes the shape of disrupting or interrupting the logistics of state and society. But Simpson illustrates how the negation of colonial circulation through the refusal of its infrastructures is not just a stand against, but a stand *for*. The blockade of infrastructure (as refusal) is often where relations are formed, sovereignty and resistance are built, and where Indigenous resurgence gathers strength.

The last theme I would like to address is on the question of infrastructure *otherwise*. This reflection builds on the questions Spice poses about *whose infrastructure* is critical or vital, and for what. Spice quotes Huson, who highlights a conception of infrastructure that is fundamentally anti-colonial: infrastructure that is life giving and capable of sustaining not only the body, but the spirit and law, as well. Winona Laduke and I (2020) offer the concept of alimentary infrastructure to conceptualize this kind of anti-colonial feminist assemblage of systems to sustain decolonial life. We suggest that alimentary infrastructures are built in the wake of formal sociotechnical systems, or as is often the case, in struggle against them. Alimentary infrastructures are often makeshift, temporary, or vernacular and built by gleaning and salvage. In this way, we insist that infrastructure is not inherently colonial, but rather essential for social and ecological transformation.

Alternative worlds require alternative infrastructures – systems that allow for sustenance and reproduction. In our work and the work of others, we see how sociotechnical systems can be built to serve community survival rather than imperial expansion, extraction and accumulation. In our joint writing we suggest that effective initiatives for justice, decolonization and planetary survival must center infrastructure in their efforts.

With infrastructure, we must think about the design, ownership and finance of infrastructure, the process and labour through which it is assembled, its political economies and effects. We gravitate to the term ‘alimentary infrastructure’ for how it holds questions of sustenance and care. Alimentary infrastructure refuses ‘expanded reproduction’ or the production of infrastructure for accumulation. In refusing expanded reproduction, alimentary infrastructure supports the regeneration and becoming of more-than-human ecologies. Assembled through refusal and rooted in care and survival, alimentary infrastructures can inspire visions of life with living and open paths to ecological justice and collective flourishing.

Infrastructure in the service of future imaginaries

Anne Spice, [Toronto Metropolitan University, Canada]

I started looking to the terminology of infrastructure, first, to describe colonial invasions, after interviewing Freda Huson about the Indigenous land occupation she has built on Unist’ot’en territory (Spice, 2019). Freda appropriates the term “infrastructure” to describe *our* critical infrastructures, as those belonging to Indigenous people. Her use of the term is a response to the weaponization of language that came in the form of legislation put forward to designate any threats to critical infrastructure as terrorist activity (Bill C-51, the Anti-Terrorism Act, 2015). The reclamation and appropriation of the terminology of “infrastructure” challenges the state’s weaponization of that language. It is a reclamation and transformation of Canadian legal language that reifies and legitimizes forms of material invasion, among them colonial materializations like pipelines that are being built through unceded Indigenous territories.

While writing an article about invasive infrastructures, I noticed infrastructure begin to trend as a concept in anthropology (Spice, 2018). For me, this called to mind a sort of bland architecture of description, and I wondered if this anthropological treatment might mean turning away from the political and social toward the material, as so much of the “new materialism” scholarship has tended to do. This both intrigued and worried me at a time when I saw the construction of new infrastructures—pipelines especially—threatening Indigenous territories, autonomy and access to ancestral lands, and ways of life. But I think that what Deborah Cowen (in this intervention) is pointing to is that infrastructure is really about motion and movement. Infrastructures are not static or frozen in time. We can use the language of infrastructure to describe the material forms that some of these deeply political motions or movements take, and we can also look for the ideology that sticks to infrastructures through their conception, construction, and use.

The second reason the concept of infrastructure is critical to the Indigenous terrain of struggle is because infrastructures require maintenance. It is relatively straightforward to think about maintenance in terms of colonial modern infrastructure. We easily think of highways, pipelines, and other things that require maintenance to avoid going into disrepair. But it’s important to apply that to Indigenous infrastructures and alternative infrastructure, as well, for these are infrastructures that also require maintenance. This is a maintenance that is embedded in the relationships that Indigenous people have with our lands and all the beings that inhabit those lands. If we think of a river as infrastructure, then it’s not something that is built and then walked away from, nor something that just exists in space as material. It may have that capacity, but it’s also something that requires constant maintenance and care. It’s something within which we are also embedded – a web of relations – maintaining and holding up Indigenous and natural law, making sure that our rivers stay healthy. If our attention is drawn to those healthy relations, then we are going to treat these infrastructures differently.

Another reason why I think infrastructure is an important terrain of struggle is that infrastructures are made material in that they are literal matter in place. They are constructed and become part of the built environment through the work of putting things in motion. They transport people and matter, which are then used to build, settle, or sustain particular forms of living. Infrastructures play a critical role as material in motion in several senses. The first is literal, as modes of transport. But they also work in the service of a future imaginary. When we think about pipelines as critical infrastructure, those pipelines are in service of the future that is still dependent on fossil fuels. Pipelines materialize that future and its violent effects—Indigenous dispossession and displacement, environmental destruction and contamination, wealth disparity, imperialist war, and climate change.

Infrastructure, in this sense, depends on a set of global economic relations that have roots in racial capitalism. Anthropologists have written about the way that state infrastructure projects, in particular, are

grounded in this imaginary of modernity (Coronil, 1997; Limbert, 2010; Mrazek, 2002). So, what are these infrastructures going to make possible for settler states? The imaginary element of infrastructure is important because we can push back against that vision, based in colonization, when we're thinking about what world they are bringing into being and whether we want to participate in those kinds of worlds.

Alternatively, when we're looking at maintaining good relations with our lands and at the ways that infrastructures—our infrastructures—are a part of those relations, we can also imagine a different future. We can be creative about the ways that we make those connections. We need to see the material connections between the health of our rivers, the future that we want to inhabit, and the future in which we want future generations to be able to live. Infrastructure can make material the connections between actions in the present and the possible, built worlds of the future. That's why I think it continues to be a helpful concept, and how it links into critiques of colonialism.

Jurisdiction

Jurisdiction beyond space, toward time

Heidi Kiiwetinewinistik Stark, [University of Victoria, Canada]

When I think of jurisdiction, I find myself reflecting on experiences I have had or witnessed in ceremonies that remind us of the need to think beyond and decenter the human. I recall one ceremony where someone had come forward because they were having difficulties in their own community with a housing project. The ground kept flooding, they were having issues with permits and the construction company, and it just seemed like one issue after another continued to derail the project. So, they utilized ceremony to gain some understanding about what might be preventing the project from moving forward. They were ultimately told that they would not be able to further the project as one of the particular animal nations that had political authority and jurisdiction over that land would not consent to the project.

This was an illuminating experience for me in that it really caused me to pause, reflect, and think about how we come to understand our ability to move through place. Often, we will think critically about the authority and jurisdictions of other humans as we move through territories that are not our own, with land acknowledgments and protocols asking for permission to enter the territory and to tread lightly serving as political reminders of who has authority and whose authority and jurisdiction is in question (primarily, that of the state). But our constant need to contend with state assertions of sovereignty and jurisdiction have too often kept our gaze on human authority. As a result, we tend to presume we have political authority to move through our own spaces at our own will. But that belief isn't consistent with our own political ideologies and understandings of creation as a nexus of beings that gives shape and meaning to the world. My aforementioned experience and others like it have led me to think deeply about what the concept of jurisdiction means and its relationship to conceptions of sovereignty. For Anishinaabeg, our understanding of our sovereignty is always tempered by the responsibilities we carry toward others, human and other-than-human. We have always understood our territories as comprising multi-jurisdictional terrains with overlapping and concomitant jurisdictions at work. With humans as the last placed in creation, Anishinaabeg understand our own authority and jurisdiction to always be conditioned by both the responsibilities we have to other beings and the recognition that their authority has primacy over our own.

While Anishinaabe understandings of creation have largely shaped and shifted my understandings of sovereignty and its relationship to jurisdiction, I find that my understandings of jurisdiction have been largely contoured by examinations of state assertions of sovereignty. Furthermore, the failure of the conceptual work of sovereignty to ground political authority in a meaningful way for many people has necessitated a shift of our attention to jurisdiction.

I want to focus here on two things related to the rise of jurisdiction as a concept that can help us to better understand political authority in Indigenous communities. One is the ways in which I think the state has largely served to strip Indigenous nations of their political authority through its exercise of jurisdiction. The second is the ways in which attention to jurisdiction in the late 20th and 21st centuries has enabled Indigenous nations to restore their own political authority in several important ways. I'll close with some reflections on rethinking jurisdiction and its potential or possible limitations for Indigenous self-determination.

Some of my earlier work has looked at the ways in which the United States and Canada have sought to strip Indigenous nations of their political authority and deny their assertions of sovereignty. A key strategy for the state here has been an assertion of jurisdiction over Indigenous lands and bodies. These attempts largely followed in the wake of treaty relationships that were contingent on a recognition of Indigenous sovereignty. Yet, to solidify state claims to territory, these treaties were subsequently interpreted by the state as fixed contracts that ceded land and authority in their desire to suppress Indigenous sovereignty. Much of this control has been exercised through the criminalization of Indigenous nations, especially political leaders, through the restriction of their movement across lands and their ability to organize. As a result, we've seen many nations be stripped of large areas of governance while, at times, retaining jurisdiction around governing issues that have been considered as more customary and domestic in nature. Child and family wellbeing, for example, has largely been an area of jurisdiction that communities have retained much longer than criminal jurisdiction. Historically, Indigenous nations maintained jurisdiction over marriage and adoption long after Crown assertions of sovereignty. These are often also the areas of jurisdiction the state is willing to recognize in Indigenous self-government agreements, though often on a conditional basis that measures aptitude and success through colonial standards.

Importantly, as I think Shiri Pasternak's work (2017) has demonstrated, Indigenous nations have largely been able to push back against state suppression of their political authority through an exercise of jurisdiction and "ontologies of care". One of the ways we see this very clearly is with the [Council of the Haida Nation](#), who, in their reconciliation protocols with British Columbia, agree to both assert and bracket their expressions of sovereignty. This agreement makes clear that the province and the Haida disagree over who has ultimate political authority. The Haida only agree to *bracket* that question as a means of taking up issues of jurisdiction as a grounded and manageable question for the time being. This represents one important moment in which Indigenous nations have been able to exercise their own laws in ways recognized by the state while preventing state interference in their exercise of political authority.

There is a limitation at work in our current thinking and conceptualization of jurisdiction. What possibilities open up if we recognize jurisdiction as operating in a terrain comprised of multi-national political authorities – with various constituents having jurisdiction – whether they be particular animals, plants, spirits, or others? Such recognition may help expose the limitations to our own jurisdiction in that we, as the last of creation placed on this earth, are tethered to our political commitments and responsibilities to those who came before us, and whose jurisdiction and political authority precedes our own.

Yet as scholars like Gordon Christie (2021) have sought to remind us, the focus on political authority and jurisdiction can often occlude important questions. When we focus on this question of *who* has jurisdiction or political authority, we can sometimes limit our ability to think about *how* we want to relate to one another, and about the appropriateness of the particular actions we're trying to carry out in specific places and spaces.

Christie, Gordon. (2021). "Indigeneity and Sovereignty in Canada's Far North: The Arctic and Inuit Sovereignty." *The South Atlantic Quarterly* 110, no. 2 (Spring 2011): 329-46.

Policing Jurisdiction

Shiri Pasternak, [Toronto Metropolitan University, Canada]

Jurisdiction offers a rich framework for understanding the terrain of struggle upon which colonial theft is fought in Canada. In my work, I argue that while settler law is asserted as a universal system applied evenly within the boundaries of the nation state, it is in fact a politically and spatially contested claim against Indigenous laws of territorial belonging. The goal of perfecting state sovereignty unfolds then in the struggle over territorial authority on the ground – in the homes, communities, and nations of Indigenous peoples – because colonization within the Anglo settler colonies can only be established through the effective exercise of law.

This contestation over jurisdiction has created deep inconsistencies in the official narratives and jurisprudence regarding Canada's legitimacy as a successor state. For example, the concept of *terra nullius* – or “empty lands” – has been repudiated by the Supreme Court as the basis for Crown jurisdiction. But its underpinning and conjoined logic of *discovery* remains intact – an imperial claim to state sovereignty, based on the principle that the land is “empty” of Christians, that mysteriously trumps Indigenous jurisdiction (*Tsilhqot'in Nation v. British Columbia*, 2014). So long as the doctrines of discovery remain politically entrenched, state sovereignty is non-justiciable.

One inconsistency of these colonial legalities, however, can be heartily leveraged outside the courts. As my late friend, Secwepemc leader Arthur Manuel, used to say: so long as the courts find the concept of underlying Aboriginal title “uncertain,” Crown land and all private property in the country must be, too. Here we have a particular formulation of the danger of Indigenous jurisdiction to the state: uncertainty over property rights. These “inconsistencies” expose a politics of domination that require considerable levels of state violence and criminalization to manage the Indigenous opposition to settler occupation. In response, the state has developed a multitude of risk mitigation strategies aimed not only to undermine Indigenous jurisdiction, but to drive colonial violence through the technique of jurisdiction itself. Jurisdiction is a way of marking categories of power; in naming these categories, it organizes their authority, substantiating its reach. It is not an abstract or descriptive concept of scales or spheres of power, but an active form of production that institutes “a relation to life, place, and event through processes of codification or marking” (Dorsett & McVeigh, 2007, p. 4). Here I want to show how the exercise of jurisdiction diffuses and adapts state power across a wide proliferation of other administrative, corporate, and institutional forms of governance that are otherwise marked as distinct. The construction of *infrastructure* and the regulation of *extraction* offer views into how jurisdiction is organized as a colonial tool of risk mitigation.

The Royal Canadian Mounted Police (RCMP) force, for example, is tasked to uphold the peace by enforcing the law in Canada. Yet, the RCMP stage their most violent coordinated attacks and operations against Indigenous peoples protecting their critical infrastructure against resource extraction industries. The jurisdiction of the RCMP to coordinate these operations is based on provincial authorization of private extraction, e.g., permits, licenses, leases. But since the provinces hold a contested property claim, their claims to jurisdiction must be “perfected” through police enforcement to protect the private capital the state regulates. Jurisdiction in each case – that of the province, the police, the company – marks a sphere of power that organizes dispossession, with each category of authority highly dependent on the others to operate.

In Wet'suwet'en territory, where the hereditary leadership has not consented to the construction of the Coastal GasLink pipeline through their lands, the authority of the “Crown” is likewise exercised by police, provincial and federal authorities, corporations, and the criminal justice system, working in conjunction against the exercise of Indigenous jurisdiction. Patricia Owens writes in relation to international war that

there is really no such thing as public or private violence: “There is only violence that is made ‘public’ and violence that is made ‘private’” (2010, 8). Likewise, the machinery of jurisdiction in Canada is harmonized in ways that reveal the false distinctions between public and private power.

One key to this pipeline project approval was CGL's successful motion for injunctive relief to remove the Wet'suwet'en from blockading the project (*Coastal GasLink Pipeline Inc*, 2019). The injunction was accompanied by the court's police enforcement order. Underlying the successful motion, the court reasoned that the company endured a greater inconvenience by Wet'suwet'en blockades than the Wet'suwet'en endured by the ecological destruction of their territory. The company's inconvenience was attributed to financial loss, as well as loss of benefits to the region – jobs, tax revenue, and financial profits. CGL's financial loss was also considered relevant to the “public interest.” Yet how did private profit become a collective good? As Owens points out, this notion of the “public interest” is tied to a modern notion of the public as space to foster the conditions for the private realm to thrive. On Wet'suwet'en lands, presumption of the “public interest” works to undermine the collective title and interests of the Indigenous nation. The court's embodiment of deeper ideologies lodged in this modern notion of “public interest” also creates a loophole that skirts the state's responsibility under domestic, international, and human rights law to respect Indigenous jurisdiction.

Another key to harmonization of public and private interests are 20 private contract agreements negotiated between the pipeline company and Wet'suwet'en band councils. Band councils gain their authority through the *Indian Act* (1876) and do not, according to the *Act*, have jurisdiction off reserve. Hereditary or customary governance systems, however, involve tenure systems over the entire territory of an Indigenous nation; it is the hereditary governance system that is contesting the pipeline. For over a decade, the provincial government of British Columbia (BC) negotiated with hereditary chiefs to resolve the Wet'suwet'en land claim through a modern treaty process. However, BC mysteriously ceased recognizing the hereditary government's authority when the private, confidential deals were signed by the Bands. These 20 deals have radically attenuated recognition of the nation's broader territorial authority and land base. Therefore, the state and companies have conspired to reconfigure Indigenous jurisdiction through private contract.

One way to think about these public-private practices is through the political economy of capitalism, which socializes risk while privatizing wealth. Nichole Schabus and I argue (Pasternak and Schabus, 2019) that this is the case with the Trans Mountain Pipeline Expansion project, formerly owned by Kinder Morgan, until Canada bailed out the company in 2016. The failure of governments to implement the broader territorial use-based concept of Aboriginal title there, too, on the lands of the Secwepemc, reveals the precarious risk mitigation strategies of the federal government to gain social license for the pipeline through private extraction. The Tiny House Warriors, a Secwepemc group, are currently blockading a site of pipeline construction and facing multiple arrests as a result.

Jurisdiction also organizes colonization through omission, through a constitutional division of violence. Under the British North America Act, 1867, the federal and provincial governments carved out their heads of power. Where both heads share overlapping jurisdiction over the lives of Indigenous peoples, these issues become endlessly deferred or denied as subject to either government's purvey and fiduciary obligations. To take just one key example, while “Indians and the lands reserved for Indians” falls under section 91(24) of the *Constitution Act*, 1982, natural resources fall under provincial jurisdiction (section 109). When natural resource extraction impacts Indigenous peoples, a black hole of power opens as if Indigenous law does not exist beneath them both.

One way of thinking about the difference between settler and Indigenous jurisdiction is through Winona LaDuke and Deborah Cowen's concepts (2020) of Wiindigo versus *alimentary* infrastructure – death versus life-giving structures. The thick meaning of jurisdiction–its

etymological description—means to “speak the law,” so jurisdiction over infrastructure also conveys the issue of lawful governance. What “grounds” these different kinds of claims to authority? I have argued that Indigenous jurisdiction is grounded in an ontology of *care*, but for the state, it is grounded in an ontology of *supply* (Pasternak, 2017). Alimentary infrastructure then holds hands beautifully with jurisdiction that is grounded in an ontology of care.

The power to “speak the law” infers a place where this law can be spoken, but also its forms of institutionalization, for example through tenure systems and ceremonies. If the police speak the law and no one listens, what authority does the state have to govern in that place? The police are a lynchpin to the system of colonization, and therefore to the pivot between false distinctions of public and private colonial power. In the struggle to reverse course towards a world of alimentary infrastructure, a hard turn away from policing jurisdiction must also be made towards a “public interest” rooted in local Indigenous ontologies of care. Police do not simply enforce the law; they help map the Wiindigo route to total annihilation.

Extractivism

The post-extractivist future is a decolonial future

Dayna Scott, [York University, Canada]

To parse out the meaning of extractivism in the context of our work on infrastructure and jurisdiction, I seek to do two things. First, I want to re-iterate the point that extractivism is best conceived not as an activity or a thing, but as a relation or a logic. This leads to the second aim, which is to reflect on recent contributions by critical theorists who argue that ‘extractivism’ is discernible in a variety of places beyond the sites of ‘literal extraction’ where it is typically observed. This insight exposes pressing challenges in confronting the transition to “post-extractive” futures.

To begin, we can think about *extraction* itself as the taking of minerals, oil and gas or other elements from the earth. But then when we start to think about *extractivism* – not as the concrete activity of ‘taking’ but as a way of relating – we recognize that it comes with a particular logic or a political economy, and we can begin to pull out some of its essential features. Extractivism, it becomes clear, is a mode of accumulation that necessitates both a *high pace* and a *large scale* of taking (Acuña, 2015). It has a certain intensity or recklessness in terms of concentrated impacts: voracious water demands, suffocating air emissions, vast wastelands, and a trail of toxic tailings. It is in this regard that Eduardo Gudynas (2018, p. 69) references the emergence of a new term in the South American context – *extrahección* – which derives from the Latin word *extraher*, meaning ‘to pluck with violence.’

Scholars have long emphasized how violent the classic extractivist economy is in generating benefits for distant peoples and economies to the detriment of local peoples and ecosystems. This obvious imbalance, or non-reciprocity, is a defining characteristic of the relation. Extractivism is also oriented to the short rather than long term and is organized around external demands and priorities. In other words, the need for the taking comes from somewhere else. Not only does it fail to derive from the visions, goals and aspirations of people grounded in political communities on the territories from which the taking is done, but the extraction proceeds despite its incongruence with those visions for the future. As Alberto Acosta says, “extractivism is essentially predatory” (2017, at para 26). It suffocates life.

Even as we recognize the global assemblages that support it, we must recognize that the ‘taking’ necessary for extractivism happens in specific places where those resources are found. This is what Macarena Gómez-Barris (2017) calls the “extractive zone”; those resource-rich regions of high biodiversity, where complex social ecologies and lifeways are dismantled to achieve conversion of environmental elements into ‘resources’ for capital. Gómez-Barris explains how dispossession

from the means of social reproduction – the land base – is necessary for ‘wealth’ to be extracted. But she also reveals the way in which *people* in communities also come to be evaluated through an extractive logic: they are reduced to their capacity to provide wage labor for a resource economy. In fact, in Naomi Klein’s conception of extractivism, we see the reduction of *all* life into “objects for the use of others, giving them no integrity or value of their own” (2014, 169).

But extractivist logics have generated resistance on the ground everywhere, and powerful counteractions from Indigenous communities in particular. Here we can point to the ways in which the logic of extractivism exists in direct contradiction to the orientation of many Indigenous legal orders. As the work of many Indigenous scholars have powerfully brought forward, these legal orders often include principles of deep relationality with lands, waters and other beings, an understanding that those elements exist in relation to each other, and that those relations include not simple *rights to take* but *obligations to protect and steward* (see for example Stark, 2010). It is these Indigenous legal orders that provide the most direct challenge to the extractivist logics that make up the very structure of settler colonial law (Clifford, 2019).

According to current public law frameworks across the settler colonial world, Indigenous peoples do not have the right to consent to development (or to “veto” developments) proposed for their territories. As Michi Saagigi Nishnabeg theorist Leanne Betasamosake Simpson shows, this itself exposes an extractivist mentality: “... they are not seen as peoples – they are seen as resources” (Klein, 2013). But instead of open contestations over the norms and principles that should govern the public authorization of resource extraction, in practice, extractivism often enters onto Indigenous territories insidiously through private contract. In liberal circles, we are encouraged to receive this as an expression of ‘agency’ by the contracting Indigenous authority: ostensibly an equal party to bilateral negotiations with the resource corporation. But this regime of impact-benefit agreements (IBAs), as I have argued, sees contracts proliferating, with state support, in the settler state’s interests (Scott, 2021). In fact, the private contractual regime is now centrally responsible for normalizing and facilitating the state’s continued provision of access to Indigenous lands for extractive capital, which is, as Glen Sean Coulthard shows, the central imperative of the settler colonial state (2014).

But these principles must be contested. Despite the fact that the IBA regime itself was ushered into existence only through determined Indigenous resistance to the settler state’s relentless drive towards accumulation by dispossession, the significance of the turn to contracts cannot now be understood without seeing how it imports and extends extractivist logics. With the contracts satisfying parties in the short-term as well as contributing to the pacifying and criminalizing of extraction’s critics, we lose ground in the long-game – in the struggle to discredit the prevailing public law schemes that systematically deny Indigenous peoples’ territorial governing authority. But we must also guard against the sense that settler state tactics are producing ‘order’ on the resource frontier. Instead, what characterizes the networked flows of fossil fuels, minerals, labourers and capital in and out of the extractive zone is friction, disorder, and “layered sovereignties” (Watts, 2021, 212). The persistent spectre of litigation risk that accompanies the slow disintegration of the settler state’s claim to exclusive territorial authority means that intractable uncertainties, complexities, and pluralities are creating openings for new assertions and reclamations of Indigenous jurisdiction (Pasternak & Scott, 2020). Incrementally and inevitably, these are shifting the terrain of struggle.

I want to move on now to reflect on an emerging body of literature attempting to extend and expand the application of extractivism much further beyond the ‘extractive zone’. Thinkers like Veronica Gago and Mezzadra (2017), Sandro Mezzadra and Brett Neilson argue that when we focus only on ‘literal’ sites of extraction, those of mining or fossil fuel projects, we tend to forget about the larger political economy that is driving the extractive logic, and we miss how it is extending into many other spaces and contexts. These scholars insist it is not just that raw

materials are turned into commodities: extractivist logics disrupt and feed off “patterns of human cooperation and social activity” (Mezzadra & Neilson, 2017, p. 194). Extractivism attacks efforts to cooperate, collaborate and build the things – including vital infrastructures – necessary for our flourishing, together. Therefore, in order to overcome these infrastructures, we must identify extractive logics not only in oil and gas, fracking, and mining: we must learn to locate them even in new “green” infrastructure plans, battery-making proposals, the gig economy, digital infrastructures, and electric car manufacturing as well. Extraction might be about coercing certain elements of the earth into our control, but its logics are also found in continuing and evolving practices of circulation, transportation, storage, and sorting. Wherever extractive logics are operative, at each of these steps along the commodity chain, life-nurturing practices of cooperation and sociality are targeted just as they are on the literal resource frontier.

How do we think with these extended notions of extractivism into the so-called the post-extractive future? How do we confront the fact that “much of the new violence of extraction has become cloaked in the discourse of “green development” (McNeish & Shapiro, 2021, p. 2)? The energy transition necessary to avoid climate collapse, for example, is said to demand a high volume of extraction of “critical minerals.” Do we have to accept the continuance of social exploitation, settler colonial imposition, and mass contamination that comes with mining this new frontier? Or can we organize and operationalize new forms of social and infrastructural cooperation that are resistant to extractivist logics? Can we mobilize “layered sovereignties” and “variegated legal spaces”, as Lauren Benton (2010) might say, to further destabilize the settler colonial order? These pressing questions require not only fundamentally new conceptions of consent, but also new conceptions of authority, territory, and jurisdiction.

When we interrogate extractivist logic, as Michael Watts (2021: 212) urges, “as a set of shifting dynamic frontiers produced and enmeshed in forms of contemporary racialized capitalism and empire,” it becomes clear that extractivism relies on exploiting difference. It craves hierarchy. As Mezzadra and Neilson demonstrate, it exploits “heterogeneous conditions and materials that are not of its own making” (2017, 6). Extractivism does so continually. So the violence of extractivism will persist wherever social hierarchies, irregularities and asymmetries exist, despite any contemporary cultural sensitivities, climate imperatives, or even a wholesale turn away from extraction in the strict sense of the taking of non-renewable resources. From the perspective of our analytics, it would be easier, as Mezzadro and Neilson say, if we could limit our conception of landscapes of extraction to places where this violence is visible, direct, and pronounced and where it is unmediated by complicated compensation agreements, co-management schemes, Indigenous proponents, private deal-making, and “clean development” rationales.

But it is also essential for us to find the extractive logics in those places and to counter them head on. To return again to Simpson, “The alternative to extractivism is deep reciprocity. It’s respect, it’s relationship, it’s responsibility, and it’s local” (quoted in Klein, 2013). The post-extractivist future is a decolonial future. For these reasons, any just transition must simultaneously be a social and political transition; a movement generating its own energy towards an entirely new set of logics to guide our collective decision-making. It is about “living our lives,” as Coulthard says, “in relation to one another and our surroundings in a respectful, nondominating, and nonexploitative way” (2014, p. 60).

What does it mean to let nature take its course?

Tiffany Joseph, [SENĆOŦEN]

We have a creek in our territory near a cement factory. They had a quarry, and they were mining for lime. They dumped all the debris into the creek and damaged it. The inlet that the creek flows into has been

contaminated, too, and they say it would take 30 years to dredge up everything that flowed into the inlet. It flowed into both the Tod Inlet and the Saanich Inlet. Tod Inlet is the inlet within the inlet. Saanich Inlet itself is known to be deep and still. The water hardly moves. And so the inlet within that inlet would be deep, but even further still. And, of course, that colonial mentality would have us think, feel, or believe that there’s no point in repairing that, you know, “damaged goods,” so to speak. But how do we heal this place? How do we repair the damage of extraction?

This applies to our bodies as well. There are a number of things we could experience or be born into within that the colonial Western mindset that would render us “damaged goods” that are not worth our investment. So, what is the value or importance of healing? And how are we reframing minds, and ways of thinking, that reflect the holistic ways of thinking within our cultures? If you’re hurt, if you’re harmed in some way, there’s a way to tend to that. You may have been a part of ceremonies where we have to stop the ceremony when something happens, like the dropping of a feather, or if somebody falls, everyone stops to tend to that moment. I’m imagining that exists in more cultures than mine.

In my discussions with elders in my community about restoration, it’s always said, “No, we have to get out of the way.” An example would be when we were remediating a creek, which was so necessary because many, many years ago, the municipality put in an earthen-type dam that created a duck pond in what was once only a creek. If our community had been consulted, early on, we would have wanted to completely remove the dam. But instead, they chose to maintain the pond and they upgraded the dam.

But I also recognize that there is a need for repair. That’s usually what I teach people, this idea that we just let *everything be*, as Indigenous peoples. Yet, as Indigenous peoples, we also recognize the need to tend to land and harvest from the land, so we don’t always agree with the concept of “conserved areas” as defined by settlers. I think this phrasing of “let nature take its course without our interference” comes from times when folks perhaps didn’t have the English vocabulary to explain our ways and worldviews. But it also reflects the extent of colonization within our communities and assimilation, and how they had treated our technologies and our ways of tending to land as inferior. Because my people, and probably all Indigenous people of Turtle Island, tended to the lands with controlled burns. We maintained meadows for growing our foods and didn’t allow the forests to take over these meadows we cared for. These fires occurred annually or every few years, depending on the climate of the area.

So, reading everyone’s thoughts, I was just kind of removed, ruminating on a question like, “What are alternative forms of maintenance to care for our infrastructure, what does care look like?” And, “How do we frame our caretaking in ways that reflect our worldviews and recognize that Indigenous people restore land, and Indigenous people alter land in an Indigenous way, which articulates the balance and understanding that fire produces life and abundance?” People hear about the use of fire and they fear that introducing fire at the wrong time will, for example, wipe out butterfly eggs. As if it’s going to have the same impacts removing leaf litter being raked up or blown away with a leaf blower. They hear about controlled burns burning shrubs like snowberry, which can really take over any area, and when I advise them that they can burn it, they feel bad, like it’s mean. I think it comes from a gardeners’ mindset and that they hate all the plants and animals that make it hard for their vegetables and ornamental flowers to grow. But we’re taught not to hate anything.

Colonial conservation is still of a mindset to never disturb anything. Yet sometimes disturbance is exactly what the Indigenous plants need to come up. How can we articulate the wisdom that Indigenous caretaking has always understood, that fire is a part of balance and abundance for all beings? I think we know it’s needed to help effectively shift environmental protection for abundance and biodiversity. Where can that information be really impactful? This collaboration between scholars and academics may be a place to work this out.

Editorial commentary & summary

Shiri Pasternak, [Toronto Metropolitan University, Canada]

This collaboration began as an ice-breaking exercise for a group of scholars and community partners formulating a project on *infrastructure beyond extraction*. We plan to study and pilot material approaches to restoring Indigenous jurisdiction, and in preparation for our work, we met through video calls to develop our strategy. On the face of things, we all used similar language to describe our interests and commitments: we felt ourselves in the midst of a corpse-like society, where the world lay dying all around us, and the challenge at its most fundamental was to keep the world alive. This is not hyperbole; a key thread that runs through this collection is the recognition that the world is currently assembled and organized through infrastructures of death and that a key mechanism to this organization are the social relations of law. In particular, the use of law to authorize human desire for material wealth over all other forms of life, and the use of law to universalize these desires and to criminalize expressions of Indigenous legal authority that draw from other ontologies. As we continued to meet, keywords began to emerge – jurisdiction, extraction, and infrastructure – to describe our predicament. These expansive concepts needed some walls and windows, though, and Heidi Kiiwetinepinesiiik Stark and Dayna Scott had the idea to get us altogether to present our definitions so that we could build some shared understanding of what these words could mean to our collective work.

Robert Clifford begins this collection with notes that “set the table” on the discussion of keywords to come. He reflects on the importance and meaning of table setting in WSÁNEĆ culture, which is linked to the bounty and abundance of ocean life to local livelihood: “when the tide is out, the table is set.” He laments though that the laws and responsibilities of mutual care that connect his nation as Saltwater People to the web of ocean relationships are interrupted today with the closure of clam beds due to poor shoreline health. The disruption to governance is not an end, however, but a call for adaptation. A political system that is integrated with the cycles of tides, moon, and salmon migration must also now extend on a global scale to protect their territory from climate change, entangling the nation in new relationships and new structures of responsibility. Clifford uses these reflections to pose a series of provocations that then frame the discussion that follows, such as: How can we “diagnose and respond to the weaponizing of colonial infrastructure, the logics of extraction, and the impact this has had and continues to have on WSÁNEĆ and the other beings with whom we share these lands and waters?” And, how can Indigenous jurisdiction over infrastructure be exercised towards logics and ontologies of care?

We then begin with infrastructure, a suitable start, given that the vernacular of the word invokes the solid foundations of highways, bridges, buildings, and sewers – or the underpinning worlds of our society that allows everything else to flow. Like Dayna Nadine Scott’s assertion on extractivism to follow, Deborah Cowen sees infrastructure as material not only in its physical form, but in its social forms and its capacity to reproduce and regulate society. Settler colonial infrastructure is based on “dispossession, theft, and extraction,” thereby normalizing conditions of carcerality. For Cowen, the disruptive nature of infrastructure is paramount. Damming Indigenous waterways and running railroads through harvesting sites, these settler infrastructures enable the flow of commodities and capital while containing its threat: the exercise of Indigenous jurisdiction. Cowen’s conceptualization of infrastructure as life in motion (drawing from Lauren Berlant) is an artifact of decisions on governing: something made and remade, always built and assembled for social purpose, underpinning life, but also maintaining the converse power to disrupt and choke off circulation and motion. She maintains, for this reason, that alternative forms of life will require alternative “alimentary” – or life-giving – infrastructure; that infrastructure *otherwise* is also the cure.

Anne Spice calls this alimentary infrastructure “critical infrastructure,” repurposing the security language of the state to describe the fundamentals of life: clean water, natural food abundance, intact habitat for wildlife, freedom to harvest. Critical infrastructure, Spice writes, is important conceptually for Indigenous terrains of struggle because it also suggests the work of maintenance. Ensuring the health of the waters mean protecting riparian zones, challenging development that threatens salmon runs, and the physical use and occupation of beloved places. These are not just present challenges, but part of the labour to create alternative critical infrastructures. Infrastructure is future planning; pipelines mean paths of circulation for oil and gas, but healthy rivers mean circulation of fish, and fishing, boating, drinking, and swimming. This investment in healthy rivers also means the difference between the global economies of hydrocarbons versus the local ecologies of sustainable and sustaining human-non-human relations.

Heidi Kiiwetinepinesiiik Stark’s piece marks the first discussion of jurisdiction but carries forward the ideas of infrastructure, since she begins by discussing housing. It is revealed in an Anishinaabek ceremony that an area repeatedly flooded must be moved, since this residential community was built on the territory of an animal nation that did not approve of its presence. Stark reflects on the lessons of jurisdiction here and what it means to live as an Anishinaabek person in the multi-juridical terrain of Indigenous territories, where human beings do not have legal primacy. Like the discussions on infrastructure, Stark contends with the way jurisdiction can tell us how relationships may bind, expand, or restrict our movement. But jurisdiction also does things that infrastructure does not; it is legal infrastructure itself. It carves out power through the exercise of law, and as such, its exercise can direct police to criminalize Indigenous authority over lands and bodies. Stark points out that it is precisely when Indigenous people exercise their jurisdiction that settler colonialism is peeled back into its basic form of contestation.

My own intervention picks up on Stark’s arguments and digs into the inconsistencies of colonial claims to sovereignty. Stark lays out the ways the threat of Indigenous political authority in the mid-nineteenth century was finally resolved through criminalizing Indigenous jurisdiction and turning its assertions into “crime,” rather than nation-to-nation warfare, as it had once been treated by both American and Canadian colonial governments. This criminalization did not extinguish Indigenous jurisdiction, but I argue that it did grease a path towards greater state and corporate opportunities for the land hungry. A lynchpin to this system of extended state sovereignty has been, and continues to be, the police. Police are necessary, in other words, to extend state jurisdiction because the property rights they protect are contested claims. Contested property claims must be “perfected” through police enforcement to protect the private capital it regulates. The trifecta of police, state, and company jurisdiction mark overlapping spheres of power that organize dispossession on the ground. While Stark theorizes the Anishinaabek jurisdiction of animal authority over humans, I lay out the settler logic of jurisdiction that shores up the false distinction between public and private spheres of power.

Dayna Nadine Scott weaves together the themes of extraction, jurisdiction, and infrastructure through her discussion of critical minerals. She theorizes *extractivism* as a logic or relation rather than an “activity or a thing.” Extractivism is borne from a particular economy, a reckless mode of accumulation, where people as well as land are seen as objects of supply. While fossil fuel projects are obvious sites of sucking earth for valuable commodities, the new “green” economy is often based on the same social and physical infrastructures of garden variety capitalism, rebranding mining projects as climate mitigation by virtue of the “critical” nature of these minerals and metals for electric cars and solar energy. Scott warns us to be wary, especially where Indigenous jurisdiction is at stake. Only extractivism’s antidote—the deep reciprocity embodied for example in Indigenous worldviews—can reverse the course.

Tiffany Joseph, finally, reflects on what it means for nature to “take its course” – how it takes knowledge, relationships, and practice to

understand how sometimes to care for the land means through principles of non-interference, while at other times, how burning down forests is essential for regeneration and plant vitality. The humility necessary to care for what Spice calls critical infrastructure is about finding balance in caretaking biospheres. The rule of thumb that cuts across all of these contributions seems to be that it is through relationships that prioritize Indigenous jurisdiction over infrastructure, beyond extractivism, that we may collectively develop a deeper practice of what Joseph calls “wisdom” to know when or what to *disturb*.

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References

- Acosta, A. (2017). ‘Post-Extractivism: From discourse to practice—Reflections for action’ in alternative pathways to sustainable development: Lessons from Latin America. In *International development policy series No.9* (pp. 77–101). Geneva, Boston: Graduate Institute Publications, Brill-Nijhoff. <https://journals.openedition.org/poldev/2356>.
- Acuña, R. M. (2015). *The politics of extractive governance: Indigenous peoples and socio-economic conflict* (p. 2). The Extractive Industries and Society, 1–85.
- Benton, L. A. (2010). *A search for sovereignty: Law and Geography in European empires, 1400-1900*. Cambridge University Press.
- Berlant, L. (2016). The commons: Infrastructures for troubling times. *Environment and Planning D: Society and Space*, 3(3), 393–419.
- Christie, G. (2021). Indigeneity and sovereignty in Canada’s Far North: The artic and inuit sovereignty. *South Atlantic Quarterly*, 110(2), Spring 2011 329–46.
- Clifford, R. Y. (2019). Saanich law and the transmountain pipeline expansion: Environmental challenges on indigenous lands. *Center for International Governance Innovation*. online: <https://www.cigionline.org/articles/saanich-law-and-transmountain-pipeline-expansion>.
- Coastal GasLink Pipeline Inc. (2019). *v. Huson*. BCSC 2264.
- Coronil, F. (1997). *The magical state: Nature, money, and modernity in Venezuela*. Chicago: Chicago University Press.
- Coulthard, G. (2014). *Red skin, white masks: Rejecting the colonial politics of recognition*. Minneapolis: University of Minnesota Press.
- Council of the Haida Nation. GaGyahlda “changing tide” framework for reconciliation agreement. BC Treaty Commission.
- Dorsett, S., & McVeigh, S. (2007). Questions of jurisdiction. In S. McVeigh (Ed.), *Jurisprudence of jurisdiction* (p. 4). Oxford: Routledge-Cavendish.
- Estes, N. (2018). Freedom is a place: Long traditions of anti-colonial resistance in Turtle Island. *The Funambulist*. Nov-Dec.
- Gago, V., & Mezzadra, S. (2017). A critique of the extractive operations of capital: Toward an expanded concept of extractivism. *Rethinking Marxism*, 29(4), 574–591.
- Gilmore, R. W. (2020). *Geographies of racial capitalism with Ruth Wilson Gilmore – an antipode foundation film*.
- Gómez-Barris. (2017). *The extractive zone: Social ecologies and decolonial perspectives*. Durham, North Carolina: Duke University Press.
- Gudynas, E. (2018). Extractivisms: Tendencies and consequences. In R. Munck, & R. Delgado Wise (Eds.), *Reframing Latin American development* (pp. 61–76). Routledge.
- Harvey, D. (1990). *The condition of postmodernity: An enquiry into the origins of cultural change*. Cambridge, MA: Blackwell.
- Klein, N. (2013). Dancing the world into being: A conversation with idle No more’s Leanne Simpson. *YES Magazine*. <https://www.yesmagazine.org/social-justice/2013/03/06/dancing-the-world-into-being-a-conversation-with-idle-no-more-leanne-simpson>.
- LaDuke, W., & Cowen, D. (2020). Beyond Wiindigo infrastructure. *South Atlantic Quarterly*, 119(2), 244–268.
- Larkin, B. (2013). The politics and poetics of infrastructure. *Annual Review of Anthropology*, 42(1), 327–343.
- Limbert, M. (2010). *In The time of oil: Piety, memory, and social life in an Omani town*. Stanford, CA: Stanford University Press.
- Massey, D. (1993). Power geometry and a progressive sense of place. In Bird, et al. (Eds.), *Mapping the futures*. New York: Routledge.
- McNeish, J., & Shapiro, J. (2021). Introduction. In J. Shapiro, & J. McNeish (Eds.), *Our extractive age: Expressions of violence and resistance* (pp. 1–15). London: Routledge.
- Mezzadra, S., & Neilson, B. (2017). On the multiple frontiers of extraction: Excavating contemporary capitalism. *Cultural Studies*, 1–20.
- Mrazek, R. (2002). *Engineers of happy land: Technology and nationalism in a colony*. Princeton, NJ: Princeton University Press.
- Owens, P. (2010). Distinctions, distinctions: ‘Public’ and ‘Private’ force. In A. Colás, & B. Mabee (Eds.), *Mercenaries, Pirates, Bandits and empires* (p. 18). London: Hurst and Company.
- Pasternak, S. (2017). *Grounded authority: The Algonquins of Barriere lake against the state*. Minneapolis: University of Minnesota Press.
- Pasternak, S., & Dafnos, T. (2018). How does a settler state secure the circuitry of capital? *Environment and Planning D: Society and Space*, 36(4), 739–757.
- Pasternak, S., & Dafnos, T. (2018). How does a settler state secure the circuitry of capitalism? *Environment and Planning D: Society and Space, Special issue on Turbulent Circulation*, 36(4), 739–757.
- Pasternak, S., & Schabus, N. (2019). Privatizing uncertainty and socializing risk: Indigenous legal and economic leverage in the federal Trans mountain buy-out. *University of New Brunswick Law Journal*, 70, 209–231.
- Pasternak, S., & Scott, D. N. (2020). Introduction: Getting back the land, 2. In *South Atlantic Quarterly, Special Issue on Getting Back the Land*, 119 pp. 205–213). Anti-Colonial and Indigenous Strategies of Reclamation.
- Scott, D. N. (2021). Extractivism: Socio-Legal approaches to relations with lands and resources. In M. Valverde, K. Clarke, E. Darian-Smith, & P. Kotiswaran (Eds.), *Handbook of law and society* (pp. 124–127). Abingdon: Routledge.
- Simpson, A. (2014). *Mohawk Interruptus: Political life across the borders of settler states*. Durham, NC: Duke University Press.
- Simpson, L. (2015). i am graffiti. *The Walrus*. July/August.
- Spice, A. (2018). Fighting invasive infrastructures: Indigenous relations against pipelines. *Environment and Society*, 9(1), 40–56.
- Spice, A. (2019). Heal the people heal the land: An interview with Freda Huson. In E. Nick, & D. Jaskiran (Eds.), *Standing with standing rock: Voices from the #NoDAPL movement* (pp. 211–221). Minneapolis: University of Minnesota Press.
- Stark, H. K. (2010). Respect, responsibility, and renewal: The foundations of Anishinaabe treaty-making with the United States and Canada. *American Indian Culture and Research Journal, Special Edition: New Interpretations of Native Cultural Preservation, Revitalization, and Persistence*, 34(2), 145–164.
- Tsilhqot’in Nation v. British Columbia. (2014). *British Columbia*. SCC, 44.
- Watts, M. J. (2021). Hyper-extractivism and the global oil assemblage: Visible and invisible networks in frontier spaces. In J. Shapiro, & J.-A. McNeish (Eds.), *Our extractive age: Expressions of violence and resistance* (pp. 207–248). London: Routledge.