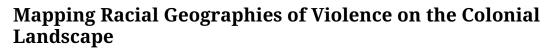
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# Ingrid Waldron

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See table of contents

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This paper unpacks the concept of "spatial violence" to examine the social justice dimensions of race, place, space, and the Indigenous and Black communities in Canada. The paper highlights the larger socio-spatial processes that create disproportionate exposure and vulnerability to the harmful social, economic, and health impacts of inequality in Indigenous and Black communities. It also argues that the lived experience of spatial violence and toxic exposure live together and that it is not possible to understand their impacts in Indigenous and Black communities in isolation. The paper also disrupts traditional notions of "the environment" that are centered on harmonizing cities and nature by highlighting the symbolic and materiality of space, especially with respect to how it harms Indigenous, Black and other racialized communities.

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# Mapping Racial Geographies of Violence on the Colonial Landscape

## **Ingrid Waldron**\*

This paper unpacks the concept of "spatial violence" to examine the social justice dimensions of race, place, space, and the Indigenous and Black communities in Canada. The paper highlights the larger socio-spatial processes that create disproportionate exposure and vulnerability to the harmful social, economic, and health impacts of inequality in Indigenous and Black communities. It also argues that the lived experience of spatial violence and toxic exposure live together and that it is not possible to understand their impacts in Indigenous and Black communities in isolation. The paper also disrupts traditional notions of "the environment" that are centered on harmonizing cities and nature by highlighting the symbolic and materiality of space, especially with respect to how it harms Indigenous, Black and other racialized communities.

Le présent document décortique le concept de la « violence spatiale » pour examiner les dimensions de la justice sociale que sont la race, le lieu et l'espace, ainsi que les collectivités autochtones et noires au Canada. Le document met en lumière les plus larges processus socio-spatiaux qui créent une exposition et une vulnérabilité disproportionnées aux impacts sociaux, économiques et sanitaires préjudiciables de l'inégalité dans les collectivités autochtones et noires. Il fait également valoir que l'expérience vécue de la violence spatiale et l'exposition toxique vont de pair et qu'il n'est pas possible d'en comprendre isolément les impacts dans les collectivités autochtones et noires traditionnelles de « l'environnement » qui sont axées sur l'harmonisation des villes et de la nature en faisant ressortir l'aspect symbolique et la matérialité de l'espace, notamment en ce qui concerne la façon dont il nuit aux collectivités autochtones et noires et aux autres collectivités racialisées.

# I. INTRODUCTION

In thinking through the importance of using a socio-spatial analysis to highlight the symbolic and material ways in which Indigenous and Black communities have experienced "spatial violence" several questions need to be considered: 1) How do socially constructed ideologies about race, class, gender, and other social identities shape the constitution and perception of space?; 2) How are these ideologies spatialized in rural and urban settings?; 3) How is the spatial organization of Indigenous, Black and other racialized

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bodies enabled through boundary-making practices supported by policy and law?; and 4) How do ideologies about race, class, gender, and other identities inform policies and actions on environmental racism and other place-based inequalities?<sup>1</sup> Spatial violence refers to the ways in which racialized people are harmed by state-sanctioned violence that enable and expose these communities to environmental racism, public infrastructure inequalities, the climate crisis and other forms of domination and exploitation in the spaces and places where they live, work and play. Space as a socially constructed and highly contested product and idea bound up in political, cultural, and economic meanings.<sup>2</sup>

## **II. ENVIRONMENTAL RACISM**

Environmental racism can be characterized as a form of spatial violence because it is an example of how white supremacist use of space has harmed Indigenous, Black, and other racialized communities in Canada and the United States.<sup>3</sup> Environmental racism can be defined as racial discrimination in the disproportionate location and greater exposure of Indigenous, Black, and other racialized communities to contamination and pollution from industry and other environmentally hazardous projects; the lack of political power these communities have for resisting the placement of industrial polluters in their communities; the implementation of policies that sanction the harmful and, in many cases, life-threatening presence of poisons in these communities; the disproportionate negative impacts of environmental policies that result in differential rates of cleanup of environmental contaminants in these communities; and in the

<sup>&</sup>lt;sup>1</sup> Andrew Herscher & Anooradha Iyer Siddiqi, "Spatial violence" (2014) 19:3 Architectural Theory Review 269; Simon Springer & Phillippe Le Billon, "Violence and space: An introduction to the geographies of violence" (2016) 52 Political Geography 1; Ingrid R. G. Waldron, *There's Something in the Water: Environmental racism in Indigenous & Black communities* (Halifax: Fernwood Publishing, 2018) [Waldron, *There's something in the Water*]; Ingrid R. G. Waldron, "Re-thinking waste: Mapping racial geographies of violence on the colonial landscape" (2018) 4:2 Environmental Sociology 36 [Waldron, "Re-thinking waste"]; Ingrid R. G. Waldron, "Women on the frontlines: Grassroots movements against environmental violence in Indigenous and Black communities in Canada" (2018) 5:2 Kalfou: A Journal of Comparative and Relational Ethnic Studies 251. (Special Issue: articles based on the symposium "Over the Line: A Conversation About Race, Place and the Environment", organized by Ingrid Waldron) [Waldron, "Women on the frontlines"]; Ingrid R. G. Waldron, "African Nova Scotians on the front lines: Narratives of resistance in the fight against environmental racism" in M. Mascarenhas, ed, *Lessons in environmental justice: From civil rights to Black Lives and Idle No More* (Thousand Oaks, CA: Sage Publications, Inc, 2020) [Waldron, "African Nova Scotian on the front lines"]; Ingrid Waldron, "In your place & out of place: Mapping spatial violence in urban & rural African Nova Scotian communities" (2020) 57:4 Canadian Review of Sociology 733[Waldron, "In your place & out of place"].

<sup>&</sup>lt;sup>2</sup> George Lipsitz, "The racialization of space and the spatialization of race: Theorizing the hidden architecture of landscape" (2007) 26:1 Landscape Journal 10; Katherine McKittrick, "On plantations, prisons, and a Black sense of place" (2011) 12:8 Social and Cultural Geography 947; Sherene H. Razack, "Gendered racial violence and spatialized justice: The murder of Pamela George" in Sherene Razack et al, eds, *Race, Space, and the Law: Unmapping a White Settler Society* (Toronto: Between the Lines, 2002) 121; Waldron, *There's something in the Water, ibid.* 

<sup>&</sup>lt;sup>3</sup> Bullard, Robert D. "Confronting environmental racism in the 21st Century" (2002) 4:1 Global Dialogue 34; Waldron, *There's something in the Water, supra* note 1; Waldron, "Re-thinking waste", *supra* note 1 at 36; Waldron, "Women on the frontlines", *supra* note 1 at 251; Waldron, "African Nova Scotians on the front lines", *supra* note 1; Waldron, "In your place & out of place", *supra* note 1 at 733.

history of excluding Indigenous and racialized communities from mainstream environmental groups, decision-making boards, commissions, and regulatory bodies.<sup>4</sup>

I had several objectives in writing my book There's Something in the Water: Environmental Racism in Indigenous & Black Communities.<sup>5</sup> First, the book seeks to redefine parameters of critique around the environmental justice lens in Nova Scotia and Canada by opening a discursive space for a more critical dialogue on how environmental racism manifests. It does this by addressing the many limitations inherent to that lens — one that seems most concerned with such issues as conservation, wildlife protection, and sustainable development. Second, the book elucidates the ways in which environmental racism operates as a form of racial and gendered violence that is produced and sustained by the state and that works in partnership with other forms of state violence to dehumanize and harm communities that are already dealing with pre-existing vulnerabilities. By using the term "state-sanctioned racial and gendered violence," I describe the systematic ways in which government and social institutions harm or otherwise disadvantage Indigenous and racialized communities and women, preventing them from meeting their basic needs and rights related to employment, income, justice, housing, food security, and other resources. Third, *There's Something in the Water* draws on scholarly work on the "racialization of space" to unpack the larger socio-spatial processes of inequality that produce, reproduce, and sustain environmental racism. For example, in presenting a socio-spatial analysis of the racial geography of place and space, I give sustained attention to the ways in which race spatializes power by articulating space as both a symbolic and material phenomenon, and by pointing to the ways in which Mi'kmag and African Nova Scotian peoples experience spatial violence within employment, education, criminal justice, and other systems. Fourth, the book examines the impacts of environmental racism on the spirits, minds, and bodies of Indigenous and Black peoples. I present health as rooted in and informed by place and illustrate how environmental health inequities in Indigenous and Black communities are not only outcomes of disproportionate exposure to environmental contamination and pollution but are also worsened by preexisting and long-standing social and economic inequalities that are products of Canada's colonial legacy. Given the dearth of studies on environmental racism in Nova Scotia and Canada, the book's fifth and final objective is to document the long history of struggle, grassroots resistance, and mobilizing in both Indigenous and Black communities to address environmental racism. It is an issue that has yet to be fully explored from the perspectives of both communities in Canada.

## A. Case Studies on Environmental Racism

There have been several cases of environmental racism in Canada over the last 70 years. For example, between 2014 and 2021, when the project was finally cancelled, Sipekne'katik First Nations had been opposing the development by Alton Gas of a brine discharge pipeline near the Shubenacadie River in

<sup>&</sup>lt;sup>4</sup> Bullard, *ibid*.

<sup>&</sup>lt;sup>5</sup> Waldron, *There's something in the Water, supra* note 1.

Nova Scotia.<sup>6</sup> Between 1967 and January 31, 2020 Northern Pulp Mill had been dumping effluent into Boat Harbour in Pictou Landing First Nation in Nova Scotia.<sup>7</sup> Sarnia Ontario's Chemical Valley near Aamjiwnaang First Nation is Canada's largest petrochemical complex, grouping over sixty petrochemical facilities within a 25-square-kilometre area.<sup>8</sup> Grassy Narrows First Nation near Kenora, Ontario has long been concerned about the health effects mercury contamination of the Wabigoon-English River near their community.<sup>9</sup> Mass demonstrations, sit-ins and blockades have gripped parts of Canada over the movement to support the leaders of Wet'suwet'en First Nation who are opposed to a multibillion-dollar pipeline project in northern British Columbia.<sup>10</sup> The expropriation of African Nova Scotians from Africville amid an urban renewal campaign resulted in the community becoming the host for a number of environmental and social hazards, such as a fertilizer plant, a slaughterhouse, a tar factory, a stone and coal crushing plant, a cotton factory, a prison, three systems of railway tracks, and an open dump.<sup>11</sup> The African Nova Scotian community that was placed there in 1974 and 2006, respectively.<sup>12</sup> The African Nova Scotian community in the south end of Shelburne are still concerned about the health effects of the landfill that had been in their community since the early 1940s until it was closed at the end of 2016.<sup>13</sup>

# **III. CLMATE CHANGE IMPACTS IN INDIGENOUS, BLACK & OTHER RACIALIZED COMMUNITIES**

Spatial violence is also evident in how climate change impacts Indigenous, Black and other racialized communities first and worst. Indigenous, Black, and other marginalized communities in the global north and south are disproportionately vulnerable to the climate crisis because they are more likely to be exposed to pollution and contamination from nearby industry and reside in places where they are also more likely to be impacted by rising sea levels, disappearing shorelines, frequent and heavy rainfall, raging storms

<sup>&</sup>lt;sup>6</sup> Waldron, *There's something in the Water, supra* note 1; Waldron, "Re-thinking waste", *supra* note 1 at 36; Waldron, I.R.G. (2018c). Waldron, "Women on the frontlines", *supra* note 1 at 251; Waldron, "African Nova Scotians on the front lines", *supra* note 1; Waldron, "In your place & out of place", *supra* note 1 at 733.

<sup>&</sup>lt;sup>7</sup> Waldron, *There's something in the Water, supra* note 1.

<sup>&</sup>lt;sup>8</sup> Ibid.

<sup>&</sup>lt;sup>9</sup> Ibid.

Jillian Kestler-D'Amours, "Understanding the Wet'suwet'en struggle in Canada", Aljazeera (1 March 2020) <https://www.aljazeera.com/news/2020/3/1/understanding-the-wetsuweten-struggle-in-canada>; Brandi Morin, "Wet'suwet'en hereditary chief: 'Reconciliation is not at the barrel of a gun", National Observer (April 16 2019) <https://www.nationalobserver.com/2019/04/16/news/wetsuweten-hereditary-chief-reconciliationnot-barrel-gun>.

<sup>&</sup>lt;sup>11</sup> Waldron, *There's something in the Water*, *supra* note 1.

<sup>&</sup>lt;sup>12</sup> *Ibid.* 

<sup>&</sup>lt;sup>13</sup> *Ibid*.

and floods, intense heat waves, increasing wildfire, poor air quality, higher rates of climate-related diseases, and other effects of climate change that hit them first and worst.<sup>14</sup>

In recent times, the climate change discourse that seemed to focus solely on greenhouse gas emissions and melting ice caps has been positioned as a civil rights movement, opening a space for a broader discussion on *climate justice* and, specifically, the human rights implications of the climate crisis for historically marginalized communities.<sup>15</sup> Climate justice is both a term and a movement that recognizes that different communities will be impacted differently and unequally by climate change based on race, socio-economic status, class, gender, age, dis(ability), sexuality, and other social identities.<sup>16</sup> While the nuance of race as it intersects with these other oppressions is often missing from the White, Eurocentric narrative around climate change, over the past several years there has been an increasing recognition that the climate discourse and movement must be premised on an intersectional lens that acknowledges that experiences of and vulnerability to the climate crisis are due to the unequal distribution of power within society.

Therefore, the climate justice discourse and movement must be premised on an inclusive approach that represents feminist, gendered, anti-racist, and anti-colonial theories. Such an analysis not only exposes the complex relations of power and oppression that make some people more vulnerable to the climate crisis it also sheds light on the ways in which the climate crisis can exacerbate long-standing structural inequities and social conditions.

## **IV. PUBLIC INFRASTRUCTURE INEQUALITIES**

Spatial violence also manifests in policies (and the absence of policies), especially related to planning policies that shape public infrastructure and features of the built environment. For example, studies show that across North American cities, underprivileged populations and racialized people have disproportionally less access to trees and green space than affluent groups.<sup>17</sup> In Canadian cities such as

<sup>&</sup>lt;sup>14</sup> Karen L. Akerlof et al "Vulnerable Populations Perceive their Health as at Risk from Climate Change" (2015) 12(12) International Journal of Environmental Research and Public Health 15419; Agata Durkalec et al "Climate change influences on environment as a determinant of Indigenous health: Relationships to place, sea ice, and health in an Inuit community" (2015) 136-137 Social Science & Medicine 17; Shireen K. Lewis "Climate Justice: Blacks and Climate Change" (2016) 46:3 The Black Scholar 1; Daisy Simmons, "What is climate justice?", *Yale Climate Connections* (July 29 2020) <a href="https://yaleclimateconnections.org/2020/07/what-is-climate-justice/>\_1\_United Nations, "Climate-justice">https://yaleclimateconnections.org/2020/07/what-is-climate-justice/>\_1\_United Nations, "Climatejustice" (31May 2019) online (blog) United Nations <a href="https://www.un.org/sustainabledevelopment/blog/2019/05/climate-justice/>\_2">https://www.un.org/sustainabledevelopment/blog/2019/05/climatejustice/>\_</a>.

<sup>&</sup>lt;sup>15</sup> Simmons, *ibid*; United Nations, *ibid*.

<sup>&</sup>lt;sup>16</sup> *Ibid*.

<sup>&</sup>lt;sup>17</sup> Christopher G. Boone et al, "Landscape, vegetation characteristics, and group identity in an urban and suburban watershed: why the 60s matter" (2010) 13 Urban Ecosystems 255; , J. M Grove et al "Characterization of Households and its Implications for the Vegetation of Urban Ecosystems" (2006) 9 Ecosystems 578; Jeremy Mennis "Socioeconomic–vegetation Relationships in Urban, Residential Land: The Case of Denver, Colorado" (2006) 72(8)

Toronto, Vancouver, and Montreal, public infrastructure inequalities manifest in low-income households having limited access to the benefits provided by vegetation.<sup>18</sup> In Black communities in Nova Scotia, most of which are rural, other public infrastructure harms include the environmentally hazardous landfill near the Black community in Shelburne,<sup>19</sup> and zoning bi-laws that have shrunk community boundaries in Lucasville.<sup>20</sup> Studies show that exposure to greenness and other beneficial features of the built environment contribute to the reduction of all-cause mortality,<sup>21</sup> cardiovascular disease incidence and mortality, respiratory disease mortality,<sup>22</sup> and stroke mortality.<sup>23</sup>

## V. THE ENRICH APPROACH

Over the last nine years, the Environmental Noxiousness, Racial Inequities and Community Health Project [The ENRICH Project] for which I am the founder and Executive Director, has been examining and addressing environmental racism, other public infrastructure inequalities and climate change impacts in Indigenous and Black communities through a collaborative multimethod, interdisciplinary, multisectoral, and multi-media approach.<sup>24</sup> This approach has included raising awareness about environmental racism and engaging Indigenous and Black communities, and the broader community in conversations on these issues through community workshops, academic and public symposiums, conferences, film screenings, and other public engagement events; conducting community-based research and writing peer-reviewed publications, including *There's Something in the Water: Environmental Racism in Indigenous and Black Communities*; creating and using the ENRICH Map as an educational tool that provides evidence for the proximity of Mi'kmaq and African Nova Scotian communities to landfills, pulp and paper mills, incinerators, and thermal generating stations across Nova Scotia.

I have also developed partnerships with organizations to address environmental racism in several ways. For example, I co-founded the NGO Rural Water Watch whose mission is to address water contamination

Photogrammetric Engineering & Remote Sensing 911; Hien Thi Thanh Pham et al, "Spatial distribution of vegetation in Montreal: An uneven distribution or environmental inequity?" (2012) 107(3) Landscape and Urban Planning 214.

<sup>&</sup>lt;sup>18</sup> Pham et al, *ibid*.

<sup>&</sup>lt;sup>19</sup> Waldron, *There's something in the Water, supra* note 1.

<sup>&</sup>lt;sup>20</sup> Robert Devet, "Louise Delisle on the despair caused by environmental racism in the Town of Shelburne", *The Nova Scotia Advocate* (21 April 2017) <a href="https://nsadvocate.org/2017/04/21/louise-delisle-on-the-despair-caused-by-environmental-racism-in-the-town-of-shelburne/#more-4571">https://nsadvocate.org/2017/04/21/louise-delisle-on-the-despair-caused-by-environmental-racism-in-the-town-of-shelburne/#more-4571</a>.

<sup>&</sup>lt;sup>21</sup> Paul J Villeneuve et al, "A cohort study relating urban green space with mortality in Ontario, Canada" (2012) 115 Environmental Research 51.

<sup>&</sup>lt;sup>22</sup> Elizabeth A Richardson & Richard Mitchell "Gender differences in relationships between urban green space and health in the United Kingdom" (2010) 71(3) Social Science and Medicine 568.

<sup>&</sup>lt;sup>23</sup> Elissa H. Wilker et al, "Green space and mortality following ischemic stroke" (2014) 133 Environmental Research 42.

<sup>&</sup>lt;sup>24</sup> Ingrid R. G. Waldron, "The ENRICH project: Blurring the borders between community and the ivory tower" (2018) 5:2 Kalfou: A Journal of Comparative and Relational Ethnic Studies 394. (Special Issue: articles based on the symposium "Over the Line: A Conversation About Race, Place and the Environment", organized by Ingrid Waldron).

in marginalized rural communities in Nova Scotia and develop residents' skills to test their own water. I have also consulted with Ecojustice, a Canadian law charity, to identify ways they can support impacted communities in identifying legal remedies to address contamination. I collaborated with ClimAction Services to hold workshops on climate change in African Nova Scotian communities. The purpose of these workshops was to provide a general overview of climate change impacts, to provide an opportunity for residents to discuss the impacts of climate change on their social and economic well-being and health, and to build the communities' capacity to engage in climate change adaptation. The project's goal was to raise awareness in the community about the nature and impacts of climate change and empower residents to take action. to increase the capacity of community members to understand the nature and extent of climate change impacts and adaptation to help empower them to make change.

Using multimedia to share and mobilize knowledge and raise awareness about environmental racism, public infrastructure inequalities, and climate change, has been central to the ENRICH Project and has included social media, traditional media, story telling maps, art projects, and two documentary films about environmental racism. One of those films was a collaboration with actor Elliot Page who, in late 2018, began discussing my book, the ENRICH Project and the urgency in supporting frontline communities on Twitter. That connection led to the documentary film *There's Something in the Water*, which is based on my book and which I co-produced with Page, Ian Daniel and Julia Sanderson. In 2019, the film premiered at the Toronto International Film Festival and screened at the Atlantic International Film Festival, the Windsor International Film Festival, the North Bay Film Festival, and other film festivals. In late March 2020, the film started streaming on Netflix. It is also available through Apple TV, Microsoft Store/XBOX and libraries across Canada and the US.

I also helped to develop two environmental racism private members bill; one provincial and the other federal. In 2015, I collaborated with politician Lenore Zann to develop the provincial private members bill *Bill 111: The Environmental Racism Prevention Act*, which was introduced in the Nova Scotia Legislature on April 29, 2015 and debated at second reading on November 25, 2015. It was the first environmental racism bill to be introduced in a legislature in Canada. In early 2020, Lenore and I updated the 2015 bill to prepare for its introduction as a federal bill in the House of Commons titled *A National Strategy to Redress Environmental Racism* (Bill C-230). The bill was introduced in the House of Commons on February 26, 2020 and moved to second reading on December 8, 2020. The bill was subsequently approved at second reading and at amendments in early 2021, however, when the snap election was called in 2021, the bill "died on the order paper". In February 2022 Green Party MP Elizabeth resurrected the bill by introducing it in Parliament under a new title and number: *An Act Respecting the Development of a National Strategy to Assess, Prevent and Address Environmental Racism and To Advance Environmental Justice* (Bill C-226). On April 26, 2020, Bill C-226 was debated at second reading. At the time of this writing, the fate of this bill is unclear, but there is great expectation by politicians and others that this bill will move to Senate.

Bill C-226 asks the federal government to develop a strategy to address environmental racism in Canada that would include measures to:1) examine the link between race, socio-economic status and

environmental risk; 2) collect information and statistics relating to the location of environmental hazards; 3) collect information and statistics relating to negative health outcomes in communities that have been affected by environmental racism; 4) assess the administration and enforcement of environmental laws in each province; and 5) address environmental racism including in relation to possible amendments to federal laws, policies and programs, the involvement of community groups in environmental policymaking, compensation for individuals or communities, ongoing funding for affected communities, and access of affected communities to clean air and water.

While the concept of environmental justice has been discussed by academics and politicians for decades in Canada, environmental legislation that fully incorporates an environmental justice framework has yet to become a reality in this country. Environmental justice should encompass tools, strategies, and policies focused on eliminating unfair, unjust, and inequitable conditions and decisions that contribute to and produce differential exposure to environmental harms and result in unequal protection. It should also be premised on procedural equity, which makes explicit the extent to which rules, regulations, evaluation criteria, and enforcement are applied fairly, uniformly, and in a non-discriminatory way in all communities. Any environmental legislation concerned with the needs, priorities, and rights of the communities most impacted should determine if there is potential to enshrine into law clauses that hold the government accountable, as well as if preventative steps can be taken to address environmental concerns in these communities. If Bill C-226 becomes legislation, I believe it has the potential to bring about these changes.

In late 2020, I also co-founded the Canadian Coalition for Environmental and Climate Justice with Naolo Charles (Founder and Executive Director of the Black Environmental Initiative) to bring together organizations and individuals in the environmental and climate change sector to share skills and resources to address environmental racism, climate change and other inequalities in Black, Indigenous and other racialized communities in Canada. In Canada. The main mission of the coalition is to support these communities through advocacy, policy, legislation, community engagement and mobilizing, capacity-building, youth mentorship, research and mapping, education, and knowledge exchange and communications.

Finally, I am also a member of the Coalition of Environmental Rights which is engaged in activities to secure the legal right to a healthy environment in Canada. In securing this human right, our aim is to establish accessible and practical legal tools that can be used by all to fight environmental injustice and ensure equal access to environmental health.

## VI. CONCLUSION

In conclusion, a spatial analysis highlights the ways in which space embeds into the places where we live, work and play inequalities of power and decision-making. A consideration of the spatial dynamics of power and the politics of space helps us to think through the role that race, gender, socio-economic status, and geographic location play in place-based inequalities, such as environmental racism, climate change, and public infrastructure inequalities. Therefore, space must be viewed as more than a

geographical area. Rather, it is a socially constructed and highly contested product bound up in political, cultural, and economic meanings. In pushing toward a rethinking of spatial violence in Canada, it is important to open a discursive space that maps the racially violent encounters that Indigenous and Black peoples have long experienced in this country. It is through such an analysis that we come understand, as McKittrick points out, how Indigenous and Black geographies are permanently linked to the Canadian landscape through racial violences of the past and the present.<sup>25</sup>

<sup>&</sup>lt;sup>25</sup> Mckittrick, *supra* note 2.