

RESEARCH ARTICLE

Special Section: Amplify

AMERICAN ANTHROPOLOGIST

What is “heard” at a pipeline hearing?: The gerrymandering of aurality in British Columbia, Canada

Lee Veeraraghavan

Department of Music, Tulane University, New Orleans, USA

Correspondence

Lee Veeraraghavan, Department of Music,
Tulane University, New Orleans, USA.
Email: lveeraraghavan@tulane.edu

Abstract

This article explores how sound technologies are deployed by government agencies to produce legitimacy in the struggle over oil pipelines in British Columbia, Canada. Activists seeking to stop the Northern Gateway and Trans Mountain pipelines have mobilized noise and silence as tactics of protest and refusal. For example, one thousand demonstrators make a cacophony outside a Vancouver hotel in protest of the Northern Gateway pipeline. Communications technology, though, is deployed here by the state to compress and control. In one of the hotel's small, impregnable conference rooms, public hearings over the pipeline are taking place—only the public is not allowed inside: the proceedings are being livestreamed to a hotel two kilometers away. On unceded Coast Salish territory, the legitimacy of pipeline hearings is also contested because the continued existence of Indigenous legal orders represents a challenge to the pipelines in question. Technological mediation makes it possible to satisfy one requirement of legitimacy: democratically granted representative power. The challenge to the legal system highlighted by the continued existence of the Indigenous, though, is managed through audible techniques deployed as anthropotechnologies. The implications for a politics of sound must be considered in light of sound's mediation, which is never politically neutral.

KEYWORDS

aurality, Indigenous, jurisprudence, pipelines, politics of sound

Resumen

Este artículo explora cómo las tecnologías de sonido son utilizadas por las agencias del gobierno para producir legitimidad en la lucha por los oleoductos en Columbia Británica, Canadá. Activistas buscando detener los oleoductos Northern Gateway y Trans Mountain han movilizado ruido y silencio como tácticas de protesta y rechazo. Por ejemplo, mil manifestantes crearon una cacofonía fuera de un hotel de Vancouver en protesta por el oleoducto de Northern Gateway. Sin embargo, la tecnología de comunicaciones se despliega aquí por el Estado para comprimir y controlar. En una de las salas de conferencia pequeñas e inexpugnables del hotel, las audiencias públicas por el oleoducto se llevan a cabo –solamente que al público no le es permitido entrar: los actos están siendo retransmitidos en directo a un hotel a dos kilómetros de

distancia-. En territorio no cedido de los Coast Salish, la legitimidad de las audiencias del oleoducto es impugnada porque la existencia continua de ordenes legales indígenas representa un reto a los oleoductos en cuestión. La mediación tecnológica hace posible satisfacer un requerimiento de legitimidad: el poder representativo otorgado democráticamente. Sin embargo, el reto al sistema legal destacado por la existencia continuada de los indígenas es manejado a través de técnicas auditivas desplegadas como antropotecnologías. Las implicaciones para una política de sonido deben ser considerada a la luz de la mediación de sonido, la cual nunca es neutral. [auralidad, oleoductos, políticas de sonido, jurisprudencia, indígenas]

For a liberal democracy to be seen as legitimate, political leaders must be understood to have "heard" the public, at least at some point in the legislative process. In theory, elected officials are responsive to the people who elected them. The concept of hearing is thus central to the question of political legitimacy. A sounded anthropology that focuses on political expression, as in this special section, might emphasize the emancipatory possibilities afforded by sound's materiality as boundless or vibrant. But the politics of sound is also conditioned by the question: How is that sound received? Powerful people or institutions might claim to hear what a raised clamor of voices has to say, but it does not follow that they will do what is desired. This dynamic is at play in the struggle over oil and gas pipelines in Canada, where recognition of Indigenous rights and Aboriginal title is pitted against the extractivist economic priorities of the settler-colonial state.¹ In this article, I examine the Canadian juridical apparatus' understanding of "hearing" as it manifested in the public hearing processes for two pipelines that were proposed to connect the Athabasca tar sands to the British Columbia coast. In particular, I turn an ear to the technological mediation of sound and its mobilization as an interface that contributes to colonial governance.

Public hearings are a key site of control and regulation during the approval process for pipelines and other natural resource development projects in Canada. Although they are intended to regulate industry—in this case, the energy sector—I argue that the hearings also control and regulate what is expressed by the public through a process of formatting. The effects are particularly stark for Indigenous intervenors, for whom separate hearings are held. This article examines hearings that were held in Vancouver, British Columbia, for the Northern Gateway pipeline, which has since been canceled, and the TransMountain pipeline expansion, which was approved by the federal government in 2016 and purchased by the government in 2018 to assuage skittish investors. For the purposes of this article, I bracket the possibility that those with power might act in bad faith to focus on the mediation of sound. This is because mediation relies on technologies that, I will argue, are not politically neutral.

Recent publications in the anthropology of sound and sound studies have noted an inclination to separate discourse from the embodied experience of sound. In an interview with Donald Brenneis titled "Doing anthropology in sound," Steve Feld laments the development of an "anthropology of sound [that continues] to be mostly about words" (Feld and Brenneis, 2004, 471). The impulse to foreground sounds over words—and textuality more broadly—grows in part out of a desire to produce scholarship that corrects for a long history of Western ocularcentrism. As Mariam Goshadze (2022, 172) notes, "the most notable inquiries into sound for the past decades share an aspiration to denaturalize Western standards and to focus instead on the multifaceted and circumstantial nature of the sensory domain. . . . [R]igorous incursions into the varieties of acoustic perception come from anthropologists and sound studies scholars who press their fieldwork into the service of rethinking sensory hierarchies and dichotomies that permeate academic and popular discourse."

The impulse to highlight oft-overlooked areas of study—especially as a proxy for the expressive practices of marginalized people—is a noble one, but when it manifests as an opposition between pure sound and textuality, it risks perpetuating a binarism that aligns with what media studies scholar Jonathan Sterne (2003, 14–15) calls the "audiovisual litany." According to Sterne, the audiovisual litany is the result of understanding orality and literacy as distinct expressions of discrete senses. Sterne's analysis (2011) dovetails with Jacques Derrida's (2016) reading of European philosophy's opposition between voice and thought (*phonē* and *logos*), expressed as logocentrism—or phonocentrism, to use the supplementary term—by which Western thought distinguishes its others.

Indeed, while a reparative approach was characteristic of the early "auditory turn" in the humanities (Drobnick, 2004, 10), recent work nudges us toward a more holistic understanding of the relationship of sound to text, language, and the other senses. As the authors of a literature review essay on the anthropology of the senses point out, "centering a return to the senses on an opposition between text-centered approaches to culture versus body-centered approaches to culture neglects broad areas of overlap and agreement between various approaches to the embodied sensuous nature of human experience and sociability" (Porcello et al., 2010, 60). This stance is reflected in the theoretical framing of this special section, as the contributions are "part of a growing body of anthropological and ethnomusicological study that foregrounds sound as an analytic in and of itself, in relation with language and discourse but not as their stepchild. . . . The practices of making sound and listening to sound are theorized as manifestations of the political that are entwined with, but not reducible to, semantic content or metaphorical utility" (Sakakeeny and Chávez, this issue).

The importance of attention to embodiment *and* text when witnessing the testimony of Indigenous intervenors at pipeline hearings will become clear. Furthermore, a full accounting of the politics of sound demands attention to failure, aporias, constraints, and limits. As Benjamin Tausig (2019, 7) puts it, “limited mobility is the short- and long-term condition of political movements and it is also the general condition of sound.” That general condition presses on us today as we face accelerating inequalities under (neo)liberal democracy. We can see this in the proliferation of what sound studies theorist Naomi Waltham-Smith (2020) calls “aural metaphors,” which may in fact reflect our anxiety about sound’s complicity in a political distribution of the sensible (following Jacques Rancière) that was always already unequal. According to Waltham-Smith’s (2020, 14–15) deconstructive reading, “this is not simply because the purely sonorous—the nonsemantic, racialized animal cry—stands as the excluded victim of the originary violence of *logos*. Rather, there was never any pure sound upon which *logos* then waged war.”

I have come to think of pipeline hearings in Canada as a cautionary counterexample that reveals how the binary formulation “sound against its others” can serve the ends of extractivist colonial governmentality. Anthropologists writing about the politics of sound might be tempted to focus on sound’s vibrational properties, since under certain circumstances these might offer avenues of unrestricted circulation. The archived records I analyze, though, clearly show concomitant processes of capture, including directives specifically intended to control the political expression of Indigenous people. While we might stage an abstract discourse on the politics of sound as a dialogue between avatars of amplification and constriction, the constraints in this particular drama are rules of juridical bureaucracy. When a hearing format makes it impossible to interpret testimony outside the channel of the audiovisual litany, as is the case here, I aver that this is tantamount to the gerrymandering of aurality (see Ochoa Gautier, 2014).² By drawing attention to the uses of mediating technologies and processes of formatting, this article takes seriously the call of the authors of an essay on the anthropology of sound when they say of the politics of aurality, “[were] anthropology to consider its critical deafness to its own use of sound technology, to processes of acoustic mediation, and to the potential of sounded aesthetics as ethnography, anthropology might more productively engage with the artifacts of its own early history, and ethnographers could bring aural sensibilities to the worlds inhabited by the people with whom they work and consider those sounded worlds as more than performance genres to be extracted from their contexts” (Samuels et al., 2010, 339).

I will begin by describing Vancouver hearings for the Northern Gateway pipeline that were designed for the general public, showing how their format mobilized communication technology and the audiovisual litany to manage space and minimize dissent. Then I will demonstrate how the TransMountain pipeline’s hearing process for Indigenous intervenors relied on a very narrow definition of “oral tradition” to circumscribe what could be said. Attention to these juridical processes—and specifically their use of “audile techniques,” to use Sterne’s (2003, 23–25) term for the diverse means by which a listening subject is cultivated—reveals how contemporary maneuvers on the field of aurality shape the conditions in which political speech can take place. These maneuvers also make legible—and thus legislable—the “Indigenous” as a category of personhood for the Canadian nation, furthering extractivist goals of the Canadian state.

MEDIATIZED POLITICS AND THE NORTHERN GATEWAY PIPELINE HEARINGS

The architecture of the Northern Gateway pipeline hearings illustrates obstacles and contradictions that shape the more general political question of how a public can make itself heard as such today. Rosalind Morris (2014, 95) has observed in the wake of Occupy Wall Street that contemporary public protests have been delimited by two things: their site—the street as “the last public space in a territory now conceived as mere (private) real estate”—and the mediatization of protest through communication technology. How can a *vox populi* emerge under these conditions? Building on Walter Benjamin’s distinction between the content of speech and the fact that one can speak, Morris argues that this doubled aspect—which is a condition of possibility for communication to take place between parties—is prised apart along sensorial lines by technologies that separate the visible from the audible, the congregant and the present from their representation. My analysis of the Northern Gateway pipeline hearings owes much to Morris’s (2014, 101) account of how mass political action in this mediatized age takes place in a “specular arena [where] ‘being seen to speak’ competes with ‘being heard’” (see also Tausig, 2019).

The political quandary posed by the constraints of the street and communication technology was at the back of my mind purely as a practical matter as I counted my steps, so to speak, between two downtown Vancouver hotels on a gray November day in 2012. Vancouver is built on land of the *xʷməθkʷəy̓əm* (Musqueam), *Skwxwú7mesh* (Squamish), and *səlilwətał* (Tsleil-Waututh) Indigenous nations that has never been ceded by treaty to the Canadian state. I had gone with two comrades from the radical environmentalist collective Rising Tide -Vancouver Coast Salish Territories to “scout” both hotels and the urban routes between them in preparation for the Northern Gateway Vancouver hearings, which were to be held over the course of a week starting on January 14, 2013. Our immediate aim was to explore the layout of the hotels, discover any unexpected entrances and exits, and find out roughly how long it would take to walk between them, observing factors such as street width, alleys between parallel streets, and any choke points en route where a crowd might be kettled by police. Our collective wanted to greet the panel that was conducting the hearings with a demonstration of public dissent. We knew we would be able to mobilize a large crowd, as Northern Gateway was very unpopular in the Lower Mainland of British Columbia, and indeed much of the province (McCreary and Milligan, 2014), but we didn’t yet know what kind of demonstration would be possible. The physical terrain of the pipeline hearings would shape the form of our dissent.

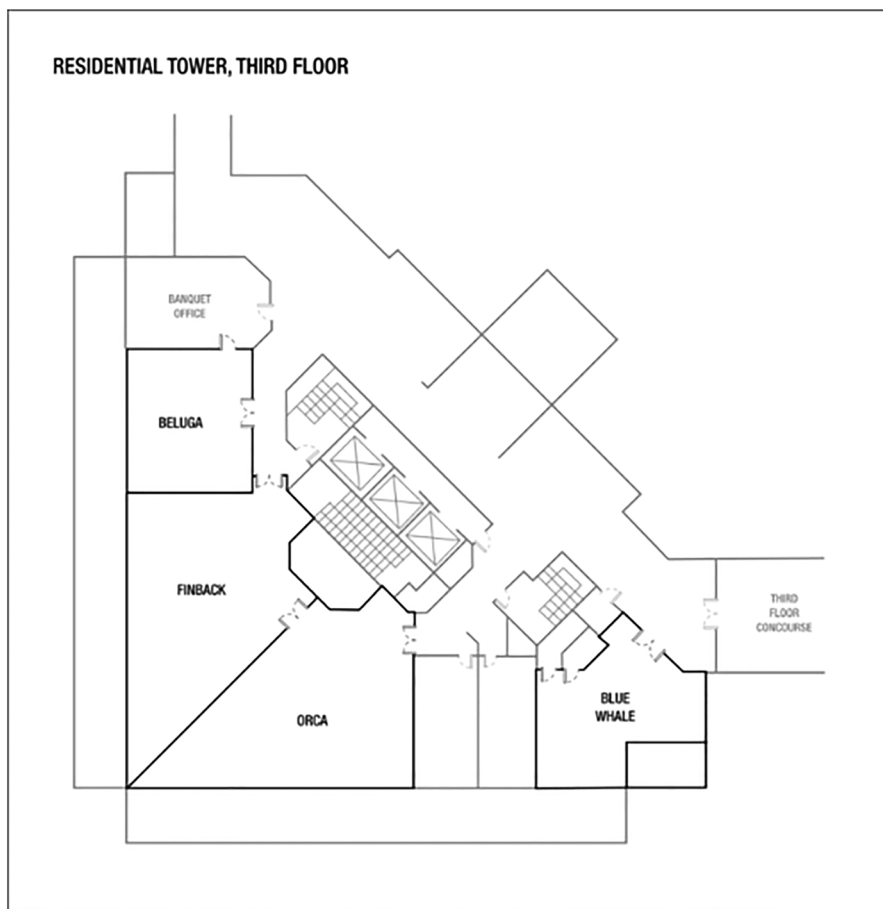


FIGURE 1 Floor plan: Residential Tower, Third Floor (Source: Sheraton Wall Centre Hotel website)

We were fresh from crawling all over the Westin Bayshore hotel in the city's Coal Harbour neighborhood, which we had been delighted to find remarkably permeable. There were plenty of doors between the public and service areas of the hotel, making it possible, in theory, to pop suddenly into a hearing room. Moreover, I had waltzed in through the service entrance without anyone giving me a second glance—the circumstantial advantage of being a diminutive nonwhite woman! It seemed too good to be true. The Vancouver hearings were unique, though, because—unlike those held outside major urban centers—they were shared between two hotels situated on different sides of downtown Vancouver with a 25-minute walk between them.

The Sheraton Wall Centre hotel, in the West End, is a different beast from the Westin Bayshore. Three blue glass towers—North, South, and Central—thrust into the air from a spacious lobby and conference center, enclosed on all sides by transparent glass. The North Tower is one of the tallest buildings in the city, shaped like the prow of a boat cutting into the wind the entire length of its 48 stories. At the street level, the South Tower has a narrow lobby, but most of its space is taken up by a restaurant. The Central Tower, consisting of residential condominiums, cannot be entered from the street because its ground floor houses the Thai consulate, which employs its own security. Small businesses—restaurants, flower shops—ring the perimeter of the Sheraton Wall Centre facing the street, but none of their back rooms open into the hotel itself. Unless one is a guest, worker, or resident there, neither can the hotel be accessed from below—the parking lot—as that elevator requires a key card.

We quickly discovered, then, that the only ways in and out of the Sheraton Wall Centre were officially sanctioned ones: the street entrances to the North and South towers. In and of itself this was not a problem, as the main conference area and the North Tower were very accessible. The interesting architectural feature of the hotel from a crowd-control perspective, though, is a small conference suite in the residential Central Tower. This tower does not house hotel guests, but on its third floor there are four tiny conference rooms named after various cetaceans (see Figure 1). These rooms are connected to the third floors of both the North and South towers by a narrow walkway. The suite itself is so unremarkable that one could pass along the walkway without realizing there were rooms a few steps away. If both ends of the walkway were blocked—say, by two police officers—the only way to access these rooms would be through a fire exit that is an egress only: the doors cannot be opened from the outside. We had found our hearing site.

Once we discovered this tiny suite of rooms, the reason the hearings were being held at two hotels became obvious. The conference area of the Westin Bayshore hotel was reserved for members of the public who wished to witness the hearings via livestream. Actual testimony would take

place in the cetacean rooms of the Sheraton Wall Centre, where access could be strictly controlled by security and police. Hearing processes in Canada for natural resource development that might have a negative environmental impact are required by law to be open and accessible to the public. Yet, here the public was to be kept *out* of the process, or more precisely, kept *in*—but as disembodied eyes and ears whose capacity to speak was nullified (Morris, 2014).

The Northern Gateway hearing process was already heavily regulated. The only members of the public permitted to testify as intervenors were those with a financial interest in the pipeline's development. Specifically, to be classed as an intervenor, either the pipeline route must cross one's property or its construction must affect one's livelihood. Of this set of people, those who wished to testify were required to apply for intervenor status a year in advance, and their testimony was restricted to the impact Northern Gateway would have on their property and livelihood. By limiting the scope of the hearings in this way, any discussion, for example, of the impact of climate change, was not permitted. Intervenors were allowed to bring one companion to the hearings for support and allotted 10 minutes to speak (NEB, 2012).

In addition to restrictions on the content of testimony, the decision to livestream proceedings to a sequestered public indicated that the public's physical presence posed an unacceptable risk to the smooth operation of the hearing process. (To be fair, we were actively trying to make this the case.) The presence of the public was nevertheless required for the process to be legitimate and, crucially, to be seen as legitimate. Livestreaming technology, then, was the mainstay by which the Northern Gateway hearings could be understood as responsive to the public sphere. Picking up on Morris's analysis, it rendered concrete the split between being seen to speak and being heard. But it also stood in for what it excluded: the present public.

Marshall McLuhan observed long ago that communication technologies have extended our capacity to see, hear, and touch so far that they can be cut off from their source—our fleshy bodies in the room—at the press of a button and still retain the message. For McLuhan (1962, 1964), the content of the message is inseparable from the inscriptive properties of the medium. Under these conditions, technological mediation is not politically neutral. According to McLuhan, if we want to understand the *social effects* of a technology's increased reach—its extension of the human sensorium—we must shift how we think of a medium's "content" or "information." Applying his famous analysis, in which "the 'content' of any medium is always another medium," to the Northern Gateway hearings, we find that the content of the livestream is presence; the content of presence is a capacious living body (McLuhan, 1964, 5). Presence haunts the Northern Gateway hearings with its absence—or rather, its displacement.

To draw attention to what we saw as an underhanded technological circumvention designed to exclude the physical presence of the public from a process that was already absurdly circumscribed, Rising Tide - Vancouver Coast Salish Territories organized a noise demonstration. Over a thousand people marched on the Sheraton Wall Centre hotel on January 14, 2013, shouting, banging on makeshift drums, and blowing whistles—a good turnout by Vancouver standards. We had decided that it would be too difficult to breach the hearing rooms, so the only way to "make ourselves heard" would be to gather a large group of people and make a lot of noise: like the "walls of Jericho," but disruptive rather than destructive. We formulated the action as a show of intimidation by a sidelined public, but also to hold a poetic mirror to the structure of the hearing process itself.

Noise has long been framed as the aspect of sound that is opposed to sound's logical and communicative qualities, whether music or speech (Attali, [1977] 1984; Rose, 1993; Schafer, 1977). While noise can problematically be invoked as "a theoretical catchall for any musical or cultural idea that [exceeds] the boundaries of representation," as David Novak (2013, 6) puts it, the noise demonstration we organized drew on precisely this antirepresentational quality to metaphorize the failure of political representation. By meeting the Northern Gateway hearings with noise, we staged what Morris (2014, 104) describes as the "absolute refusal of a linguistic exchange, asserting that the conditions for entering debate have already been unjustly overdetermined and overdetermined as unjust." In other words, the noise demonstration responded to a hearing process in which members of the public could *appear* to speak and be heard yet could not speak freely or respond. The noise concept helps to metaphorize the conditions in which collective political speech can take place, but there are limitations to this kind of activism that are due, in part, to its dependency on technological mediation. At the most basic level, protests like this are perennially vulnerable to the decision not to broadcast. By staging the demonstration in a specular arena for an invisible audience of potential future demonstrators, we hoped to galvanize others by showing that while the public was not free to speak, we were free to demonstrate that we could not speak freely (Morris, 2014, 104). On the one hand, this can be parsed as the distinction between protest and direct action (Graeber, 2009). On the other, as Morris (2014) penetratingly observes, specular appeals are fragile in part because their legitimacy depends on the *appearance of being representative*—of "speaking for" an excluded public. More insidiously, protestors partake in the same logic as their opposition, staging the scene of "speech" even as the opposition is staging the corollary act of "listening" (Morris, 2014).

Frances Dyson (2009, 11) has noted sound studies' and new media studies' recent emphasis on the vibrational properties of sound to "resolve the problem of representation and mediation." Building on Dyson, Benjamin Tausig (2019, 6) acknowledges that these vibrational properties may express liberatory potential under certain circumstances but insists "there are no perfectly free fields, acoustically, and certainly not once technology and audition are considered." How, then, can we understand the limits of acoustic and technological fields? One possibility is offered by Jonathan Sterne, who has theorized the "format" in a way that connects the granular materiality of sound and sound technology with social processes including rules of operation. Sterne (2012, 7) defines a format as the "whole range of decisions that affect the look, feel, experience, and workings of a medium" and the "set of rules according to which a technology can operate." Writing about the MP3 audio file format, Sterne conceives of the technology not simply as a conduit for bytes but as the expression of a function: to compress data so it utilizes fewer bytes. This shifts

the focus from the properties of sound or even media to the functions of the institutions in which the sonic practices transduced through media are embedded. Through this lens we can see how the Northern Gateway hearing functioned as compression: it formatted the expression of dissent.

I do not wish to suggest that had there been no livestream, no noise demonstration, or no restricted hearing rooms and regulations that the Northern Gateway hearings would have been a "free field," as Tausig (2019) puts it, acoustically or politically. These hearing processes—separate from any protests that attend them—are part of a juridical complex that mediates both the bourgeois public sphere and those who have historically been excluded from it. In Canada, natural resource development projects are legally required to hold separate hearings for Indigenous intervenors. Below, I show how the hearings for the TransMountain pipeline expansion project used aural technics as a compression format to produce Indigenous people as subjects of colonial governmentality. But understanding precisely how the state channels, or gerrymanders, the "hearing" of Indigenous voices requires a brief discussion of the relationship between the settler legal system and Indigenous legal orders.

ORDERS IN THE COURTS

Public hearings are not technically law, but they are quasi-judicial processes that on their face are intended to facilitate communication between interested parties, including different publics and constituencies. Oil and gas pipeline development affects politically thorny questions of Indigenous sovereignty and land use, though, so these projects have a significant bearing on the "polity of the Indigenous." In the words of Joanne Barker (2017, 7), this is "the unique governance, territory, and culture of Indigenous peoples in unique and related systems of (non)human relationships and responsibilities to one another." The polity of the Indigenous is broad, but it encompasses long-standing Indigenous legal orders. These orders are important sites of contestation and negotiation, as they present challenges to the juridical apparatus of the settler colony, including the regulator of the oil and gas industries. The polity of the Indigenous is not a stable and timeless formation, although it is constituted by cultural traditions and structures of relationality that have endured despite colonization. Its contours at any given time become perceptible to the outside through negotiations to define and protect its jurisdiction.

Describing the struggle to define an Indigenous political constituency during the second half of the twentieth century, Dian Million (2014) notes that global anticolonial struggles and the rise of "fourth world" discourse all took place against a legal backdrop that emphasized the preservation of human rights. The human rights framework was ascendant after World War II, Million points out, because it had become clear that ethnic populations within the nation-state could not count on national laws for protection. Recourse to a higher body was seen as necessary, and so the polity of international law and juridical frame of human rights were created. The political cause of Indigenous peoples at that time came to be understood according to the terms of this new universalist juridical framework.

The human rights schema, though, required Indigenous peoples to position themselves simultaneously as actors forging an Indigenous polity and as supplicants to a recognized higher body. Citing Elizabeth Povinelli, Million (2014, 3) describes the tension posed by indigenism as a "dense relation between intimate sovereignty and liberal humanism" that challenges states' desires for hegemonic constitution. Indigenous peoples preexist nation-states and reject nation-state authority to grant them a right to a political self-determination that they have never relinquished. However, claims to Indigenous self-determination might work for a peaceful 'coexistence' rather than territorial secession, they remain a denial of the primacy of any nation-state's sovereignty" (see also Povinelli, 2002). To work around this inconvenient historical reality, liberal settler colonies engage in what Povinelli (2011, 16) calls the governance of the prior, which consists of "strategic manoeuvres surrounding temporality and territoriality" that produce two modes of social belonging: "the autological subject" on the one hand, and "the genealogical society" on the other. The autological subject manifests as the individual citizen under liberalism, oriented toward the present and authoring her own future, while members of the genealogical society are understood in terms of the past, tradition, and collective identity (23).

The governance of the prior can operate as part of a broader politics of recognition. Glen Coulthard (2014) has charted how this seemingly "gentler" mode that liberal settler colonies use to govern, manage, and assimilate Indigenous people and resistance has largely replaced the strategy of overt domination since the 1970s. The politics of recognition risks fracturing the polity of the Indigenous, though, because it produces "specific modes of colonial thought, desire, and behavior that implicitly or explicitly commit the colonized to the types of practices and subject positions that are required for their continued domination" (16). It has served as a tool to divide and conquer, legitimizing whatever elements are most palatable to the settler administration while ignoring or even criminalizing others. Yet, apart from strategic questions of solidarity, Million (2014, 18) observes that Indigenous people today must navigate the real and visceral challenges they face using whatever tactics are available.

The tension between acting both as sovereign and supplicant poses challenges for the polity of the Indigenous because any engagement with the juridical apparatus of the settler colony (or for that matter the international human rights framework) entails an element of recognition (Temper, 2019). Nevertheless, the juridical apparatus of settler colonies can reveal how different value systems are institutionalized, and how sovereignty is exercised over land, since "[native] land alienation is very often carried out legally: after initial conquest, laws create a web of opportunities for land reclamation under difficult conditions, such as ... reservation systems that extinguish other land claims or extend private title in place of communal ownership" (Ramones and Merry, 2021, 743).

Settler conceptions of the juridical—and the political formations with which it operates—are not necessarily commensurable with Indigenous legal orders. Val Napoleon (2007, 2) distinguishes between "state-centred legal systems in which law is managed by legal professionals in

legal institutions that are separate from other social and political institutions,” and legal orders, or “law that is embedded in social, political, economic, and spiritual institutions.” She observes that while it is possible to learn to “see law across cultures,” to do so we must “pay attention to our own cultural biases” and “take time to understand how law makes sense in that other culture” (4). If this doesn’t happen, the juridical apparatus of the colonial state, “[can] impose a particular form of reasoning” that is “indirectly generative as opposed to directly constitutive” (Andersen, 2014, ixvii).

There can be serious consequences, even apart from those that directly dispossess Indigenous people of their land. As Jill Stauffer (2015: 98) puts it, “[anthropology] can abide gray area ... but law wants a decision.” For example, Chris Andersen (2014) identifies how practices of Canadian courts have functioned indirectly through misrecognition to generate a limited understanding of Métis people defined primarily through “mixing.” And Justin Richland (2018) has analyzed how language practices impact our understanding of jurisdiction (or as he writes, “juris-diction”), drawing attention to the ways legal or political authority is produced through everyday moments of legal speech. Practices like the ones described by Andersen and Richland participate in a regime of truth, or *episteme*, that can “cover over and render inaccessible the non-articulated truths and laws of those for whom law consists neither of social scientific realities nor of propositional truths” (Constable, 2005, 74). The relationship between the settler legal system and Indigenous legal orders is constituted by practices like these, which have an impact on questions of jurisdiction and sovereignty.

Jessica Cattelino and Audra Simpson (2022, 366) recently observed that within anthropology, post-Foucauldian conceptions of sovereignty came to replace the more-commonplace legal understanding of the term, meaning “jurisdiction over territory and people and more broadly ... political authority and distinctiveness.” As a result, anthropology tended to overlook the political struggles of Indigenous nations in North America, whose on-the-ground reality often entailed engagement with the juridical apparatus over precisely these matters. Exploring how Western jurisprudence asserts its sovereignty, though, can illuminate the terrain faced by an emergent Indigenous sovereignty without disturbing its struggles to be born, through the courts and otherwise. Indigenous intervenors in the TransMountain pipeline expansion’s public hearing process had to navigate this terrain, enacting their sovereignty in the face of formatting imposed by the quasi-judicial process. Instead of using literal communications technology to format dissent, these hearings deployed an extremely narrow definition of “oral tradition” to restrict the expression of evidence and foreclose the possibility of reconciling the settler legal system with Indigenous legal orders.

THE TRANSMOUNTAIN PIPELINE HEARING AND THE GERRYMANDERING OF AURALITY

The TransMountain pipeline hearings for Indigenous intervenors were held in British Columbia’s Lower Mainland (the Greater Vancouver Area) during the fall of 2014. The pipeline, which at the time was owned by the Kinder Morgan oil company, is an existing diluted bitumen pipeline that runs from the Athabasca tar sands to the port of Burnaby, just outside Vancouver. The proposed expansion project would more than double the capacity of the pipeline. The hearing process itself was designed by the National Energy Board (NEB), which was founded in 1959 “with the aim of depoliticizing and insulating the decision-making process concerning one of Canada’s key resources from unbridled market competition and top-down bureaucratic control” (Graben and Sinclair, 2015, 394). Until it was replaced in 2018 by the new Canadian Energy Regulator (CER) and Impact Assessment Agency (IAA), the NEB served as the sole federal regulator for all energy development, establishing the formats of all the public hearing processes, including Northern Gateway and TransMountain. Public consultation is now the jurisdiction of the IAA, while the job of ensuring industry compliance now belongs to the CER.

In a comprehensive study of the NEB’s consultation practices with Aboriginal peoples, Graben and Sinclair found that the relationship between the NEB and the courts—especially when it came to legal reconciliation with Aboriginal peoples—was porous and inconsistently defined. Quasi-judicial tribunals such as the NEB have a very circumscribed set of powers, but Graben and Sinclair note that the Supreme Court of Canada has reasoned that they may be *better* suited to hear Aboriginal title claims due to more relaxed evidentiary standards and the potential for more targeted expertise (389). At least in theory, the Supreme Court reasoned, specialized tribunals permit greater flexibility when it comes to designing consultation processes that can accommodate Indigenous oral traditions.

The fact that Indigenous oral traditions were being accommodated at all can be seen as a positive sign, but as Jill Stauffer (2015, 98) observes of the US context, even juridical practices “sensitive to the incommensurate forms of meaning making in U.S. Legalism and Native American cultures may produce situations where judgments aimed at granting tribal requests fail to hear what tribal representatives say.” Indigenous oral traditions have played a major role in prominent Canadian Aboriginal title cases (Cruikshank, 1992; Granville-Miller, 2011; Napoleon, 2005; Weir, 2016) and arguably have come to stand in as a marker of cultural, epistemic, and even specifically *sonic* difference in the eyes of the courts (Robinson, 2020).³ This variegated difference was subsumed into the category of “orality” and then further formatted by the NEB as a supplement of “literacy” and “science,” as I detail below. In the TransMountain pipeline hearing format we can discern how, in the words of Ana Maria Ochoa Gautier (2014, 167), “[orality] was not what ... named the multiplicity and singularity of different vocalities but rather what disciplined the production and perception of the human voice.”

The rules established for TransMountain’s Indigenous intervenors set strict parameters for how “oral traditional evidence” could be given. These hearings restricted the use of visual aids, refused to admit scientific evidence, and rejected any opinions regarding what the Board ought to do on

the grounds that hearings designed to accommodate evidence from oral traditions are not the place for "argument." The specific instructions can be seen in the following excerpt from the letter dated May 5, 2014, that the NEB sent to intervenors:

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

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

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

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

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

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

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

Questions that require an answer from either TransMountain or the Board, or rhetorical questions.

Questions to TransMountain can be asked in written information requests. Issues that require a decision from the Board may be raised in a notice of motion. Rhetorical questions may only be provided as argument. (NEB, 2014b)

Given all this, one might wonder what, exactly, the NEB imagined Indigenous intervenors have left to say on the subject. The hearings are designed to produce a subject who is isolated, unable to invoke the support of others; anachronistic, inoculated from the modernizing effects of science; quiescent, expressing neither dissent nor assent—in short, a subject of colonial domination. Here we can see how the sovereignty of settler legal systems does not only reside in constitutional documents but is produced through "everyday moments of legal language" (Richland, 2018, 270). Nevertheless, Richland notes that "tribal nations ... (including, notably, the Standing Rock Sioux Tribe, in relation to the Dakota Access Pipeline controversy) regularly press for their right to consultations, even as they openly question ... whether 'it's making any difference'" (269).

By failing to accommodate Indigenous intervenors, the TransMountain hearings reveal a supplementary version of Northern Gateway's process, in which the voices of Indigenous intervenors are disciplined into being heard only as representatives of the genealogical society (Povinelli, 2011). This was accomplished by drawing distinctions on the field of aurality—a process of which Ochoa Gautier (2014, 208) notes, "keeping separate ... those aspects [of sound, hearing, and voice] related to nature and those pertaining to culture, requires intense philosophical and political labor." Yet this work of separation, she argues, is part of the process by which modern subjects constitute themselves as such against nonmodern others. Drawing on the work of Fabian Ludueña, Ochoa Gautier (2014, 17) identifies a series of audile techniques (orthography, etymology, the production of eloquence) "used in the service of distinguishing the human from the nonhuman in the voice" in nineteenth-century Colombia. These "anthropotechnologies" defined and produced subjects of civic life as well as those who would be excluded from it by drawing boundaries around concepts related to hearing, voicing, sound, language, and music. In the same vein, by cordoning culture *qua* oral tradition off from written representation and scientific evidence, the TransMountain hearing format forced Indigenous people to express themselves according to the settler legal system's understanding of what it is to be Indigenous. Not only did the format produce the Indigenous as a separate category of legal personhood; it also highlighted the NEB's failure to apprehend the possible existence of an Indigenous legal order, much less reconcile the two epistemes.

What would it take for the settler legal system to see and hear law across cultures, taking up Napoleon's (2007, 4) challenge? The NEB had argued that the constraints for the TransMountain hearings were necessary because the entire process had to be completed in a limited amount of time. In

response, Carleen Thomas, spokesperson for the Tsleil-Waututh Sacred Trust, said of the hearing process, “they should listen to communities and listen to people, and get a real understanding of our situation, and *not rush the truth*” (in Scanlon, 2014; emphasis added). Anthropological criticisms of institutional understandings of the oral histories of Indigenous cultures note that the protocols of large institutions emphasize analysis and public explanation, rather than the gradual absorption of “successive personal messages revealed to listeners in repeated tellings” (Cruikshank, 2002, 4). Moreover, oral narratives have a form of life force and are associated with culturally specific forms of ownership, belonging, and reciprocity (Granville-Miller, 2011). When it comes to listening to oral traditions and properly appreciating and respecting them, time—and a lot of it—is of the essence. By rushing the truth, the TransMountain hearing process dashed the Supreme Court’s hope that hearings like these might offer a better way to engage Indigenous ways of knowing (Graben and Sinclair, 2015).

Even though the settler legal system is often inhospitable to the polity of the Indigenous, it can still be important and meaningful for Indigenous people to engage with it. In his study of Hopi participation in a similarly flawed consultation process with the US Forest Service, Richland (2018, 270) concludes that by engaging with this process, the Hopi “[preserved] the jurisdictional claims they make to their homeland, enacting a presupposed authority of their own, even in the face of agency decisions that threaten to dismantle that authority.”⁴ According to Richland, the Hopi treated the consultation process as though it were taking place according to unspoken Hopi norms, co-narrating a story that “both cuts against federal requirements and interpolates the USFS into a relationship of shared authority and knowledge grounded in Hopi concepts of land stewardship” (269). Something similar took place during the TransMountain pipeline hearings for Indigenous intervenors. And yet the question remains: how are such stories received by the powerful people and institutions who claim to be listening?

To conclude, I will discuss excerpts from a hearing at which representatives from the Shxw’owhamel (Stó:lō) and səlilwətał (Tsleil-Waututh) First Nations spoke in opposition to the pipeline expansion. I obtained this testimony from the NEB website, which at the time archived records of all the public hearings for natural resource development under its purview. The selected fragments are brief, which is unfortunate because the testimony points toward a fulsomeness of understanding that is undercut first by the design of the hearing process and second by my own practice of quoting to exemplify. Nevertheless, the push-and-pull dynamic of expansion versus constriction is perceptible between the representatives of the different camps. The testimony of the Indigenous intervenor draws the listener’s attention to the interconnectedness of things and the importance of taking it all into account when making significant decisions, whereas the representatives of the regulatory board appeal to purview, appropriateness, and format.

Naxaxalhts’i (Sonny McHalsie) closed his testimony before the joint review panel for the TransMountain oil pipeline’s hearing in Chilliwack, British Columbia on October 16, 2014, in the following way:

So when we look at the impacts, we need to look at the pipeline as it crosses through here and throughout the territory. What I wanted to show is that, you know, even though it’s a small right-of-way that goes through our territory, I wanted to show the interconnection that we have, all the different resources that we use throughout our territory. It’s still important to us, you know.

So it always seems like when we start talking about this pipeline, it just kind of narrows the perspective. And I’m just hoping to show—demonstrate to you through our culture and through the different things that we use, the things that we take care of, you know, that extends beyond that line, extends to everything, you know, like the salmon.

You know, we can’t just say the salmon just rely on this river. We need to look at all the watersheds that come here. All these waters that come in there have to be taken care of, you know, and wherever the pipeline crosses these creeks. And then there’s the concern as well that, you know, it’s going to have an impact on our salmon if there’s ever some sort of a problem with that pipeline.

You know, so that’s basically the conclusion of what I wanted to share with you. It’s just to try to show the way we are connected to everything, you know, in our language:

This is our land. We have to take care of everything that belongs to us. (NEB, 2014a, 2599–603)

What I omitted in my reproduction was the division into numbered paragraphs, according to the practices of legal documentation, the better to parse, identify, and extract for future reference. Moreover, the last line was spoken in halq’eméylem, which is the language of the Stó:lō people, on whose behalf Naxaxalhts’i was testifying in his capacity as cultural adviser and relayer of sxwōxwiyám, or oral history. The hearing record, though, reads, “(Speaking in native language.)” These omissions, translations, and transductions reveal a continuous, granular process of managing and assimilating difference—formatting. My brief excerpt cannot show the cumulative effect of Naxaxalhts’i’s words. Indeed, when I read the whole testimony from start to finish trying to find a brief passage to quote, it is striking how nothing can meaningfully be excerpted because everything is connected to everything else. Understanding is an effect of openness to a series of successive disclosures, offered openly and generously, in the manner of a gift (Cruikshank, 2002).

The panel receiving Naxaxalhts'i's gift was clearly aware they were dealing with something that exceeded the hearing's format, and their training. Nevertheless, training kicks in when faced with extraordinary circumstances. The chairman of the panel, David Hamilton, closed the session with Naxaxalhts'i this way:

Thank you. And maybe at another time and in another place, the Panel as individuals may take you up on your offer of that seven-hour trip up [the Fraser River], but unfortunately, we can't do it at this present time in our positions. But we—I live on Vancouver Island, so I would love to come and spend seven hours with you one day when I'm not in this position.

And with that, I'd like to acknowledge Shxw'ōwhámél and the People of the River for your shoqueam⁵ and the stories, traditional knowledge that you have shared with us today. We will consider what we have heard as we decide on whether or not to recommend approval of this project.

So with that, I thank everybody and those who attended this morning, and we will reconvene at 1:30 with present to hear from the Tsleil-Waututh.

Thank you. (2014a, 2623–26)

Hamilton was obviously moved by the generosity of Naxaxalhts'i's testimony—in addition to the offer of a seven-hour trip up the Fraser River—but he is split by the format into two capacities: a member of the panel and a private individual. In his capacity as chairman, he reserved the power to decide on what Naxaxalhts'i had presented. In his automatic appeal to the format, we can discern how smoothly responses that pay respect to differences become formulas for managing the incalculable alterity of another human. In everyone's mouth, words of acknowledgment and gratitude are magic words—techniques by which efficacious relations are achieved. But rendered formulaic, we can see how they operate as technologies, in this case, for the governance of the prior. By exercising unilateral design of the process, the NEB made it clear that this was not an interaction fully grounded in mutual respect of jurisdiction, as Catherine Fagan, counsel for the Shxw'ōwhámél (Stó:lō) First Nation made clear:

Before I pass it over to Sonny, Shxw'ōwhámél wanted to make certain comments about the process itself that we're engaged in today.

The first point being that Shxw'ōwhámél is disappointed that there is a largely absent Crown in this process. Shxw'ōwhámél, like other First Nations, has a nation-to-nation relationship with the Crown and there is a constitutional duty and obligation for the Crown to engage in a process with Shxw'ōwhámél to consult, to accommodate, and in fact, to obtain consent whenever there is title for any types of development in their territory. This process is a quasi-judicial type of tribunal, and given that, we feel it's not an appropriate forum for the Crown to completely fulfill these duties and obligations to the Crown to Shxw'ōwhámél.

In a related note, Shxw'ōwhámél, like other First Nations, was not consulted in the design of this process. And, again, going back to the nation-to-nation relationship and the constitutional nature of the obligations and duties to Shxw'ōwhámél, it is not appropriate for this process to be designed unilaterally and in a hope to fulfill these obligations without first engaging in how this process would be undertaken. (NEB, 2014a, 2267–69)

CONCLUSIONS, CONSTRAINTS, EXPANSIONS

The Northern Gateway pipeline galvanized concern, protest, and a common sense of purpose. Of the 1,161 members of the public who testified before the joint review panel, only 2 supported the pipeline's construction (Vernon, 2013). It was nevertheless approved by former prime minister Stephen Harper's Conservative federal government in June 2014. Indeed, Graben and Sinclair (2015, 384) found that the approval rate for NEB projects was nearly 100 percent—even though adequate consultation with Indigenous intervenors was deemed by the NEB itself not to have happened in 71 percent of cases. Subsequent developments, including a surprise change of government in Alberta and the Liberal federal government's decision to ban supertankers on British Columbia's north coast, finally put an end to development of the Northern Gateway pipeline. The TransMountain expansion is currently moving ahead despite resistance, though. Not only did Prime Minister Justin Trudeau's Liberal government approve the project, but the Canadian government also actually bought the pipeline for C\$4.4 billion to reassure nervous private investors that it would be built regardless of public opposition. Delays and an enormous rise in the projected cost of construction to C\$21.4 billion have subsequently forced the federal government to pledge that no further public money would be spent on the expansion, but construction continues (Nickel and Shakil, 2022).

The Northern Gateway hearings managed dissent through the compression afforded by communications technology, and the TransMountain hearings used contemporary anthropotechnologies in an analogous process of formatting. Both sets of hearings invoked the sharp distinctions of the audiovisual litany as rules for intervenors to govern the prior by gerrymandering the field of aurality. To discern the aural politics of pipelines, testimony should be interpreted not only in light of its content but its juridical formatting, which is always already political. The effects are not negligible. Pipeline hearings formatted to define Indigenous culture based on a faulty understanding construct Indigenous intervenors as subjects of a warped recognition. On this basis, liberal settler colonies can claim to respect difference, producing an “Other [that] is recognizable as Other only as long as it remains the Same” (Ochoa Gautier, 2016, 121), even as dissent is disregarded, delegitimized, or stamped out. Moreover, both sets of hearing processes take place under political-media conditions in which being seen to speak—either as recognized Indigenous subjects or as valued participants in the public sphere—has come to stand in for being heard, much less mutual communication across cultures concerning law. Questions about formatting are thus essential when examining the politics of sound because sound can traverse many boundaries and transduce many obstacles, but it can never escape its own mediation.

ACKNOWLEDGMENTS

The research for this article was done in large part on the land of the *xʷməθkʷəy̓əm* (Musqueam), *Sḵwx̱wú7mesh* (Squamish), and *səlilwətał* (Tseil-Waututh) nations, as well as Wet’suwet’en land. Much of the writing took place on Monongahela, Wyandot, Lenni-Lenape, Shawnee, and Haudenosaunee land; and the final edits were made in Bulbancha, place of many languages, and a meeting site for the Chitimacha, Houma, Choctaw, Atakapa-Ishak, and Tunica peoples. I am grateful for everything I’ve learned in these places, and from some of the Indigenous people of these places, and this piece is dedicated to all those working toward their return.

I am also grateful to several people for reading earlier drafts, including Daniel Villegas Vélez, Nadia Chana, Dylan Robinson, and Gavin Williams. I owe a special debt of gratitude to Matt Sakakeeny and Alex Chávez for their thoughtful edits, patience, and encouragement, as well as Matt’s inspired reading suggestions. Thanks especially to the anonymous reviewers for their careful attention and insightful feedback, and to Elizabeth Chin for her remarkably generous reading and advice. Any errors are my own.

ENDNOTES

¹ I use the word “Indigenous” to refer to members of a sovereign polity, and “Aboriginal” when discussing how Indigenous people are recognized by Canadian law. I also occasionally refer to “Native Americans,” taking my cue from scholars who work within US legal conventions.

² Within sound studies, Kate Galloway’s (2020) reading of Inuit artist Tanya Tagaq’s music videos is perhaps the most prominent example of what Galloway calls the “aurality of pipeline politics.” However, Galloway uses the term “aurality” to refer to things that can be heard, or the “acousmatic.” This usage eschews the more rigorously historicized avenue of inquiry prominently developed by Ana Maria Ochoa Gautier (2014) and others, in which aurality is a field that gives rise to different forms of listening, voicing, music, and sound, which are then disciplined into modes of knowing. Moreover, while Galloway gestures toward pipelines as a metonym for a general condition structuring Indigenous life in settler colonial Canada, the pipelines in question are artistic representations. Galloway’s conception of aural pipeline politics thus fails to consider epistemological grounding and material effects.

³ The settler legal system’s hostility to the ways Indigenous legal orders mobilize *song* can be seen in Dylan Robinson’s (2020) account of the “tin-eared” Chief Justice who presided over *Delgamuukw v. British Columbia*.

⁴ The strategic maneuvers adopted by Indigenous people when dealing with settler bureaucracy have been analyzed as “cooperation without submission” (Richland, 2021), consignment (Özden-Schilling, 2019), and refraction (Todd, 2018). Each of these strategies “[recognizes] their engagement with these imperfect legal instruments ... [and works] from a basis of “epistemological diversity,” relations, and insistent sovereignty, while foreign actors misrecognized and objectified these efforts” (Ramones and Merry, 2021, 749–50).

⁵ Thank you to Dylan Robinson for flagging this as a nonsensical transliteration and helping to deduce what is likely the intended term: the more appropriate “relayer of *sxwōxwiyám*.”

REFERENCES CITED

- Andersen, Chris. 2014. *Métis: Race, Recognition, and the Struggle for Indigenous Peoplehood*. Vancouver: University of British Columbia Press.
- Attali, Jacques. (1977) 1984. *Noise: The Political Economy of Music*. Translated by Brian Massumi. Minneapolis: University of Minnesota Press.
- Barker, Joanne. 2017. “Introduction.” In *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies*, edited by Joanne Barker, 1–44. Durham, NC: Duke University Press.
- Cattellino, Jessica R., and Audra Simpson. 2022. “Rethinking Indigeneity: Scholarship at the Intersection of Native American Studies and Anthropology.” *Annual Review of Anthropology* 51:365–81.
- Constable, Marianne. 2005. *Just Silences: The Limits and Possibilities of Modern Law*. Princeton: Princeton University Press.
- Coulthard, Glen. 2014. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.
- Cruikshank, Julie. 1992. “Invention of Anthropology in British Columbia’s Supreme Court: Oral Tradition as Evidence in *Delgamuukw v. B.C.*” *BC Studies* 9(Autumn): 25–42.
- Cruikshank, Julie. 2002. “Oral History, Narrative Strategies, and Native American Historiography: Perspectives from the Yukon Territory, Canada.” In *Clearing a Path: Theorizing the Past in Native American Studies*, edited by Nancy Shoemaker, 3–28. New York: Routledge.
- Derrida, Jacques. 2016. *Of Grammatology*. Translated by Gayatri Chakravorty Spivak. Baltimore: Johns Hopkins University Press.
- Drobnick, Jim, ed. 2004. *Aural Cultures*. Toronto: YYZ Books.
- Dyson, Frances. 2009. *Sounding New Media: Immersion and Embodiment in the Arts and Culture*. Berkeley: University of California Press.
- Feld, Steven, and Donald Brenneis. 2004. “Doing Anthropology in Sound.” *American Ethnologist* 31(4): 461–74.

- Galloway, Kate. 2020. "The Aurality of Pipeline Politics and Listening for Nacreous Clouds: Voicing Indigenous Ecological Knowledge in Tanya Tagaq's *Animism and Retribution*." *Popular Music* 39(1): 121–44.
- Goshadze, Mariam. 2022. "The Varieties of Sonic Experience: 'Quiet' versus 'Not-Noise' in a Ghanaian Harvest Festival." *American Anthropologist* 124(1): 165–74.
- Graben, Sari, and Abbey Sinclair. 2015. "Tribunal Administration and the Duty to Consult: A Study of the National Energy Board." *The University of Toronto Law Journal* 65(4): 382–433.
- Graeber, David. 2009. *Direct Action: An Ethnography*. Chico, CA: AK Press.
- Granville-Miller, Bruce. 2011. *Oral History on Trial: Recognizing Aboriginal Narratives in the Courts*. Vancouver: UBC Press.
- McCreary, Tyler, and Richard Milligan. 2014. "Pipelines, Permits, and Protests: Carrier Sekani Encounters with the Northern Gateway Project." *Cultural Geographies* 21(1): 115–29.
- McLuhan, Marshall. 1962. *The Gutenberg Galaxy: The Making of Typographic Man*. Toronto: University of Toronto Press.
- McLuhan, Marshall. 1964. *Understanding Media: The Extensions of Man*. New York: McGraw-Hill.
- Million, Dian. 2014. *Therapeutic Nations: Healing in an Age of Indigenous Human Rights*. Tucson: University of Arizona Press.
- Morris, Rosalind C. 2014. "Theses on the New Öffentlichkeit." *Grey Room* 51(Spring): 94–111.
- Napoleon, Val. 2005. "Delgamuukw: A Legal Straightjacket for Oral Histories?" *Canadian Journal of Law and Society* 20(2): 123–55.
- Napoleon, Val. 2007. "Thinking about Indigenous Legal Orders." Research Paper for the National Centre for First Nations Governance. https://www.law.utoronto.ca/sites/default/files/documents/hewitt-napoleon_on_thinking_about_indigenous_legal_orders.pdf.
- (NEB) National Energy Board of Canada. 2012. "Procedural Direction #13: Community Hearings for Oral Statements in Victoria, Vancouver and Kelowna." <https://docs.neb-one.gc.ca/ll-eng/llisapi.dll/fetch>.
- (NEB) National Energy Board of Canada. 2014a. "Hearing Order/Ordonnance D'Audience OH-001-2014." <https://www.neb-one.gc.ca/prtcptn/hrng/index-eng.html>.
- (NEB) National Energy Board of Canada. 2014b. "The Hearing Process." <https://www.neb-one.gc.ca/prtcptn/hrng/index-eng.html>.
- Nickel, Rod, and Ismail Shakil. 2022. "Canada-Owned Transmountain Oil Pipeline Not Profitable—Budget Officer." *Reuters*, June 22. <https://www.reuters.com/business/energy/trans-mountain-oil-pipeline-no-longer-profitable-canada-budget-officer-2022-06-22/>.
- Novak, David. 2013. *Japanoise: Music at the Edge of Circulation*. Durham, NC: Duke University Press.
- Ochoa Gautier, Ana Maria. 2014. *Aurality: Listening and Knowledge in 19th Century Colombia*. Durham, NC: Duke University Press.
- Ochoa Gautier, Ana Maria. 2016. "Acoustic Multinaturalism, the Value of Nature, and the Nature of Music in Ecomusicology." *boundary 2* 43(1): 107–41.
- Özden-Schilling, Tom. 2019. "Cartographies of Consignment: First Nations and Mapwork in the Neoliberal Era." *Anthropological Quarterly* 92(2): 541–74.
- Porcello, Thomas, Louise Meintjes, Ana Maria Ochoa, and David W. Samuels. 2010. "The Reorganization of the Sensory World." *Annual Review of Anthropology* 39(October): 51–66.
- Povinelli, Elizabeth. 2002. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham, NC: Duke University Press.
- Povinelli, Elizabeth. 2011. "The Governance of the Prior." *Interventions: International Journal of Postcolonial Studies* 13(1): 13–30.
- Ramones, Ikaika, and Sally Engle Merry. 2021. "Capitalist Transformation and Settler Colonialism: Theorizing the Interface." *American Anthropologist* 123(4): 741–52.
- Richland, Justin. 2018. "Jurisdictions of Significance: Narrating Time-Space in a Hopi-US Tribal Consultation." *American Ethnologist* 45(2): 268–80.
- Richland, Justin. 2021. *Cooperation without Submission: Indigenous Jurisdictions in Native Nation-US Engagements*. Chicago: University of Chicago Press.
- Robinson, Dylan. 2020. *Hungry Listening: Resonant Theory for Indigenous Sound Studies*. Minneapolis: University of Minnesota Press.
- Rose, Tricia. 1993. *Black Noise: Rap Music and Black Culture in Contemporary America*. Middletown, CT: Wesleyan University Press.
- Samuels, David, Louise Meintjes, Ana Maria Ochoa, and Thomas Porcello. 2010. "Soundscapes: Toward a Sounded Anthropology." *Annual Review of Anthropology* 39:329–45.
- Scanlon, Liam. 2014. "Critics Blast 'Insensitive' Rules for Aboriginal Oral Evidence at Kinder Morgan Hearings." *Vancouver Observer*, May 13. <https://www.vancouverobserver.com/news/critics-blast-insensitive-rules-aboriginal-oral-evidence-kinder-morgan-hearings>.
- Schafer, R. Murray. 1977. *The Tuning of the World*. New York: Random House Inc.
- Stauffer, Jill. 2015. *Ethical Loneliness: The Injustice of Not Being Heard*. New York: Columbia University Press.
- Sterne, Jonathan. 2003. *The Audible Past: Cultural Origins of Sound Reproduction*. Durham, NC: Duke University Press.
- Sterne, Jonathan. 2012. *MP3: The Meaning of a Format*. Durham, NC: Duke University Press.
- Sterne, Jonathan. 2011. "The Theology of Sound: A Critique of Orality." *Canadian Journal of Communication* 36:207–25.
- Tausig, Benjamin. 2019. *Bangkok Is Ringing: Sound, Protest, and Constraint*. Oxford: Oxford University Press.
- Temper, Leah. 2019. "Blocking Pipelines, Unsettling Environmental Justice: From Rights of Nature to Responsibility to Territory." *Local Environment* 24(2): 94–112.
- Todd, Zoe. 2018. "Refracting the State through Human-Fish Relations: Fishing, Indigenous Legal Orders, and Colonialism in North/Western Canada." *Decolonization* 7(1): 60–75.
- Vernon, Caitlyn. 2013. "What Part of 'No' Does Enbridge Not Understand." *HuffPost*, June 28. https://web.archive.org/web/20190313014555/https://www.huffingtonpost.ca/caitlyn-vernon/enbridge-northern-gateway-no_b_3514309.html?utm_hp_ref=ca-northern-gateway-protests.
- Waltham-Smith, Naomi. 2020. *Shattering Biopolitics: Militant Listening and the Sound of Life*. New York: Fordham University Press.
- Weir, Lorraine. 2016. "'Oral Tradition' as Legal Fiction: The Challenge of Dechen Ts'edilhtan in *Tsilhqot'in Nation v. British Columbia*." *International Journal of Semiotic Law* 29: 159–89.

How to cite this article: Veeraraghavan, Lee. 2024. "What is "heard" at a pipeline hearing?: The gerrymandering of aurality in British Columbia, Canada." *American Anthropologist* 126: 248–259. <https://doi.org/10.1111/aman.13965>