

THESIS

NIN GII NISAA A'AW WAAWAASHKESHII: ENGAGING ANIMAL RIGHTS THEORY
WITH OJIBWE AND CREE THEORIES OF HUNTING ETHICS

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ABSTRACT

NIN GII NISAA A'AW WAAWAASHKESHII: ENGAGING ANIMAL RIGHTS THEORY WITH OJIBWE AND CREE THEORIES OF HUNTING ETHICS

In this thesis, I call on animal ethicists working in Western traditions to reflect on deeply held assumptions, prejudices, and colonial histories that continue to marginalize not only Indigenous hunting practices, but the very theories that defend their ethical justification. Such reflection is necessary for genuine engagement to take place between Western theories and Indigenous theories of hunting ethics. This thesis can be understood as part of a larger project to clear the way for critical conversation between these different traditions. However, the scope of the thesis is limited to a particular Western theory, that is animal rights theory, and a particular version of Indigenous hunting ethics, based in reciprocity and contextualized by the hunting practices of Ojibwe and Cree cultural groups. I argue that animal rights theorists must engage with Indigenous theories of hunting ethics as a matter of moral and epistemic responsibility. This thesis contains three chapters. In the first chapter, I will motivate the claim that the persistent ignorance to Indigenous ethical theories by Western theorists—and animal rights theorists in particular—is a form of epistemic injustice. I argue that engagement with Indigenous theories by animal rights theorists is a necessary step for overcoming this injustice. In the following chapters, I attempt to motivate the theoretical importance of overcoming the injustice. In the second chapter, I offer an account of animal rights theory that emphasizes possible points of overlap with Indigenous theories. In this account, I argue that animal rights theory requires the addition of relational accounts of animal ethics to be tenable. Relational accounts leave open two substantive theoretical questions that I will take up in chapter three: first, whether relational context matters for our negative obligations; and second, the extent to which animals possess agency and power in their relationships with humans. Ojibwe and Cree hunting ethics, based in a theory of reciprocity, also center relational context for determining our obligations to animals. However, these theories

respond to these open questions differently than their Western counterparts. I argue that the difference in how these theories respond to these questions illustrates why they come out so differently in their evaluation of the moral character of hunting. Western and Indigenous ethical theories appeal to quite different conceptual frameworks to assess ethical behavior within hunting relationships. Integral ethical concepts like those of taking life, harm, intentionality, and power can be understood differently when a theory of reciprocity is used to define human-animal relations, instead of the relational theories of their Western counterparts. As a result, the kinds of obligations associated with the act of taking life are different on Indigenous theories. I take these different understandings of ethically significant concepts to be at the heart of the disagreement between animal rights theory and Ojibwe and Cree theories of hunting ethics regarding the moral character of hunting. The ignorance of Western theorists to Indigenous conceptual frameworks allows them to downplay the theoretical significance of this disagreement. These theorists have an ethical and epistemic responsibility to address this ignorance.

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DEDICATION

This thesis is dedicated to the deer who gave its life.

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Chapter 1

Willful Hermeneutical Ignorance of Indigenous Ethical Theories

This thesis is an attempt to clear the way for critical conversation between animal rights theory and Indigenous hunting ethics. It calls on Western theories of animal ethics to reflect on deeply held assumptions, prejudices, and colonial histories that continue to marginalize not only Indigenous hunting practices, but the very theories that defend their ethical justification. This thesis contains three chapters. In the first chapter, I will clarify the project of the thesis, and explain the injustice in virtue of which the project is necessary. In the second chapter, I present the animal rights account. I argue that the addition of relational accounts of animal ethics make the traditional animal rights account more tenable; however, popular relational accounts still leave open important questions: namely, whether relational context matters for our negative obligations to animals and the power and agency animals have in these morally relevant human-animal relationships. In the third chapter, I present some Indigenous theories of hunting ethics, based in reciprocity, which also take relational context to matter for the way we treat animals; however, these theories do not share the presumptions of Western accounts. Conceptions of taking life, harm, intentionality, and power can be understood differently when contextualized by Indigenous theories of hunting ethics. By appealing to a theory of reciprocity to define human-animal relations, these theories understand the nature of taking life quite differently than their Western counterparts. As a result, the kinds of obligations associated with taking life are different on these theories. I take these different understandings of ethically significant concepts to be at the heart of the disagreement between animal rights theory and Indigenous theories of hunting ethics regarding the moral character of hunting. However, I argue that the ignorance of Western theorists to Indigenous conceptual frameworks allows them to downplay the theoretical significance of this disagreement. These theorists have an ethical and epistemic responsibility to address this ignorance.

There are two central aims I hope to accomplish in this first chapter. The first is to show that animal ethicists commit a form of epistemic injustice, called *willful hermeneutical ignorance* (WHI), when they fail to engage with Indigenous ethical theories as competing views for how we should treat other

animals. WHI occurs when “dominantly situated knowers refuse to acknowledge epistemic tools developed from the experienced world of those situated marginally” (Pohlhaus, 2012, p. 715). I argue that animal ethicists commit WHI when they ignore the extensive literature available regarding Indigenous positions on animal ethics. I argue that the WHI committed by animal ethicists bears similarity to, and is in fact tied up in, other instances of WHI committed by anthropologists, wildlife management officials, and scientific researchers who fail to engage with Indigenous theories of ethical human-animal relations. The pervasiveness of WHI negatively affects the ability of Indigenous communities to maintain hunting practices and engage cooperatively with non-Indigenous entities in the wildlife management arena. The second aim of this chapter is to identify the appropriate way to rectify this injustice. To do this, I turn to methodological approaches that have been developed to address the need for engagement in cross-cultural, philosophical dialogue. Along the way, I clarify the limits to my project, my own positionality as a settler, and what I hope to achieve. In this thesis, I follow Mariana Ortega and María Lugones’ methodologies (2006; 1987) in attempting to engage with the “world” of a philosophical tradition that is not my own, and yet that I cannot rightfully ignore, if I am to be diligent in my attempt to understand those who are different from me and reflect on my own identity, history, and deeply held assumptions. Rectifying WHI is necessarily a collaborative effort that requires honest engagement with epistemic friction, careful self-reflection, and a willingness to give up the comfort and control provided by one’s privilege.

1.1 Background of the Problem

To start, I will elaborate on the way Western science and academia treat Indigenous beliefs about animals. Paul Nadasdy has criticized the way anthropologists studying relations of reciprocity among Northern Indigenous peoples have “bent over backwards to avoid analyzing hunting as a form of reciprocity” (Nadasdy, 2007, p. 29). According to Nadasdy, anthropologists treat northern Indigenous hunters’ conceptions of animals as “‘cultural constructions,’ implying that they are purely symbolic or metaphorical, rather than real” (2007, p. 26). A version of this critique has also been raised by Indigenous authors, notably by Vine Deloria Jr. (1999). Treating Indigenous beliefs this way means we

are not compelled to take them seriously as understandings that may inform our own theories, and thereby has negative consequences for the power of Indigenous peoples in wildlife management settings. Nadasdy argues that anthropological theory has contributed to the continued marginalization of Indigenous beliefs in these settings (2007, p. 25). Muller et. al share Nadasdy's concern that portraying Indigenous knowledges as "perspectives, heritage artefacts, or oral histories" undermines the authority of Indigenous communities in environmental management settings (Muller et al, 2019, p. 402). One example of wildlife management's failure to take seriously Indigenous beliefs about animals is the case of wildlife management of Inuit polar bear hunting, where the assumptions of Western management systems conflict with Inuit beliefs about polar bears. These management systems conflict with the Inuit belief that polar bears are *active participants* in the hunting relationship with Inuit (Schmidt and Dowsley, 2012, p. 378). An example of this is the hunting quotas Western management schemes utilize, which interfere with the polar bear's ability to give itself to Inuit hunters. If their quota has already been met, when Inuit hunters encounter a polar bear who is offering itself to them, they must either violate hunting regulations or risk disrespecting the polar bear (Schmidt and Dowsley, 2012, p. 382-383).

The belief that animals are active participants in hunting relationships serves as a center point for this thesis. There is evidence that this belief, or some version of it, is shared by many culturally related northern Indigenous traditions throughout the arctic and subarctic (Reo and Whyte 2012, Nadasdy 2007, Brightman 1993, Berkes 2008). Despite the belief's being shared by many Indigenous traditions and well documented in Western academic literature, I will argue that this belief is consistently unacknowledged, mischaracterized, or dismissed outright in settings where Westerners discuss and enact their own commitments regarding how they ought to engage with animals. For the purposes of this thesis, I will focus on the way this belief is fleshed out in relations between cervids (deer and caribou, for example) and Ojibwe and Cree peoples. I have chosen this focus because of the multitude of literature available on the nature of this belief within these cultures and the hunting practices associated with it, including and especially the work of Native scholars. A rough and ready version of this belief is that deer (or caribou, etc.) give themselves up to hunters, as part of their role in a

long-lasting, reciprocal relationship between humans and deer. For current purposes, this rough understanding of the belief will suffice. The belief will be discussed in greater detail in chapter three.

This belief clearly conflicts with common Western conceptions of the relationship between human hunters and hunted animals, where animals are “constantly trying to evade hunters” (Schmidt and Dowsley, 2012, p. 378) and human hunters violently “take the lives of animals by force” (Nadasdy, 2012, p. 25). The way Indigenous conceptions of this process conflict with Western conceptions makes them especially vulnerable to being marginalized by Westerners. Along with anthropologists and wildlife managers, I argue that animal ethicists are responsible for failing to properly engage with Indigenous conceptions of hunting. Despite the fact that the Indigenous beliefs about animal agency in hunting relationships are well documented in Western academic literature, the content of such beliefs are not mentioned by animal ethicists even when they explicitly address Indigenous hunting practices. I will focus particularly on Donaldson and Kymlicka’s discussion of Indigenous hunting practices in their 2011 book, *Zoopolis*. I focus on Donaldson and Kymlicka because they provide a recent, influential account of animal rights theory that attempts to discuss the beliefs of Indigenous peoples regarding ethical hunting practices. Not many accounts of animal rights theories even attempt such a discussion. However, Donaldson and Kymlicka’s attempt is still notably lacking; it fails to engage with Indigenous theories of animal ethics. This failure is theoretically problematic because Donaldson and Kymlicka’s account is open to critique by Indigenous theorists regarding their presumptions about the nature of taking life and animal power. I will develop this critique in chapters two and three. In this chapter, I will attempt to make clear that Donaldson and Kymlicka fail to engage with Indigenous theories of animal ethics and the significance of this failure.

Donaldson and Kymlicka cite James Serpell’s analysis of the ritual killing of animals, referring to the beliefs and practices of Indigenous communities as instances of “blame-shifting” where the function of sacrificing meat to the gods is so their human hunters can avoid the “psychic stress” of killing animals (Serpell, 1996 qtd. in Donaldson and Kymlicka, 2011). It is problematic that Donaldson and Kymlicka refer to Serpell’s account alone to attempt to settle this issue. Further unnerving is the way these authors choose to focus on processes of the subconscious rather than regard the practices and beliefs of

Indigenous hunters at face value—as ways to approach the world, understand it, and live in it. But Serpell is not alone in ignoring Indigenous hunters’ own professed understandings of their relationships to animals. Robert Brightman, in his 1993 book *Grateful Prey*, discusses the beliefs of the Rock Cree of northern Manitoba about human–animal reciprocity as “not real but, rather, part of an ideology invented by the Cree to help them deal psychologically and spiritually with the violence inherent in hunting” (Nadasdy, 2007, p. 30).

Donaldson and Kymlicka conclude from Serpell’s analysis of Indigenous hunting practices that their account is *consistent* with Indigenous ethics. I will address the details of Donaldson and Kymlicka’s account in chapters to come. The version that will suffice for now is that those who have the ability to live without hunting animals ought to do so. In the past, they argue, because human communities could not get by without hunting animals, doing so was not unethical. Thus, they attempt to avoid condemning traditional hunting practices of the past. However, whether their view accommodates current-day Indigenous hunting practices is an open question. Nadasdy engages with Donaldson and Kymlicka on this point, arguing that the beliefs of Indigenous peoples are not consistent with Donaldson and Kymlicka’s picture of animal ethics in Zoopolis precisely because of their differing views regarding animal agency (2016, p. 7).¹

I will focus on animal rights theory specifically throughout my thesis. I will explain the content of animal rights theory, including Donaldson and Kymlicka’s own account, in chapter two, where I will begin to develop a critique of the view. I focus on animal rights theory because the failure of animal rights theorists to engage with existing Indigenous accounts of animal ethics is particularly problematic, given how animal rights theory is entangled with a political movement that has challenged the very existence of Indigenous hunting practices (Lynge 1992, Wenzel 1991). For this reason, an account of animal rights theory that misrepresents the Indigenous position is especially concerning. Like Nadasdy’s concern that anthropological theory has negative consequences for the ability of Native people to have a voice in wildlife management, we should be concerned about the way animal rights

¹Billy-Ray Belcourt also rejects the claim that Donaldson and Kymlicka’s theory is consistent with Indigenous thought, because of the way Donaldson and Kymlicka rely on colonial politics (2015).

theorists' failure to properly engage with Indigenous conceptions of hunting negatively affects Indigenous communities' ability to continue these practices. I will discuss these negative effects in more detail later on. For now, I want to emphasize that the failure to engage with Indigenous theories of animal ethics can be understood as unjust in and of itself, regardless of the negative consequence of this ignorance. In the next section, I will argue that the failure to properly engage with Indigenous beliefs constitutes a form of *epistemic injustice*.

1.2 Identifying the Problem as Willful Hermeneutical Ignorance

Until now, I have purposefully used vague language, including *failure to properly engage with Indigenous beliefs*, to describe a particular injustice that I believe is being committed against Indigenous peoples. I will now make this claim more precise. I will argue that the failure of animal rights theorists to engage with Indigenous accounts of animal ethics is an instance of *epistemic injustice*. Miranda Fricker defines epistemic injustice as "prejudicial exclusion from participation in the spread of knowledge" (2007, p. 162). A person may be excluded from participation in the spread of knowledge on the basis of prejudice against that person's sex, age, race, culture, religion, or social class, for instance. The fact that people hold such prejudices makes it so that those with particular social identities are placed at an unfair disadvantage when sharing knowledge and contributing to knowledge production. Fricker takes identity prejudice, rather than prejudice simpliciter, to be the paradigmatic instance of epistemic injustice, because it constitutes a systematic, and therefore more sinister, instantiation of epistemic injustice. Identity prejudice tracks a speaker throughout various contexts in which she attempts to act as a knower. So, regardless of the speaker's sincerity or competence, she may be treated in all these cases as if she were untrustworthy or unreliable because those who prejudicially judge her have something in mind that she cannot escape: her marginalized social identity.

The wrong of epistemic injustice should appear painfully familiar given the historic treatment of Indigenous peoples. Put most simply, epistemic injustice wrongs someone in her capacity as a knower (Fricker, 2007, p. 1). To be wronged in this way is to be wronged in "a capacity essential to human value" (Fricker, 2007, p. 44). If we follow Miranda Fricker in recognizing one's capacity as a knower to

be an essential human capacity, then we should understand instances of epistemic injustice as dehumanizing. In other words, degrading someone qua knower symbolically degrades her qua human (Fricker, 2007, p. 44). Consider how prejudicial rhetoric used by settlers to justify the violent, forced removal of Natives often attacked Natives' capacities as knowers (for instance, calling them "primitive" or "savage," terms favored by philosophers like Hobbes, Locke, Mill and Hegel) (Tsosie, 2017, p. 357-358). This rhetoric serves to dehumanize Indigenous peoples by degrading them as knowers. The negative impact of such rhetoric is made clear in the case study elaborated by Rebecca Tsosie. In the *Tee Hit Ton Indians v. United States*, the Tee Hit Ton Indians claimed that they were the rightful owners of the land that the government had authorized for timber harvesting, but their claim was rejected by the Supreme Court, which considered it merely a claim to "aboriginal title" rather than true "property interest" (Tsosie, 2012, p. 1157). The work that the term "aboriginal title" does here is to make it so that a speaker, in virtue of her being Indigenous, is excluded from having standing to make epistemically significant claims. The testimony of tribal members to their long standing relationship with the land held no sway with the judges, who had already decided that this was a "primitive" community, whose land use, as well as testimony, was of a different kind than that of European settlers. The testimony of the Tee Hit Ton people was rendered ineffective by the prejudice of the court.

Besides the dehumanization inherent in epistemic injustice, the case of the Tee Hit Ton Indians brings out a secondary harm that frequently follows as a result of epistemic injustice. The secondary harms of epistemic injustice are the negative practical implications that afflict a person who is obstructed from the sharing and production of knowledge. When your word is not taken to be credible, such as in the case of the Tee Hit Ton Indians, it will be harder, or perhaps impossible, to advocate for yourself. For the Tee Hit Ton Indians this resulted in an unfavorable ruling in an unfair trial; epistemic injustice rendered the U.S. justice system inept. The secondary harm of epistemic injustice reverberates to many dimensions of one's life, to the extent that epistemic injustice can affect one's ability to advocate for herself in hospitals, police encounters, or in classrooms, for example. Of course, the pervasive deflation of credibility will also effect a person's (or community's) ability to advocate for herself in front of a board of wildlife management officials. This secondary harm is exactly what

Nadasdy is concerned with when he discusses the implications of anthropological theory for Indigenous communities' political power in wildlife management settings. We might interpret Nadasdy as arguing that it is the epistemic injustice committed by anthropologists that results in Indigenous peoples being unable to effectively advocate for themselves in these settings.

I will argue that a particular kind of epistemic injustice, called *willful hermeneutical ignorance (WHI)*, is evident in the way Indigenous conceptions of animals are treated when Westerners discuss and enact our own beliefs regarding how we ought to engage with animals (including developing theories of animal ethics and wildlife management). WHI occurs when “dominantly situated knowers refuse to acknowledge epistemic tools developed from the experienced world of those situated marginally. Such refusals allow dominantly situated knowers to misunderstand, misinterpret, and/or ignore whole parts of the world” (Pohlhaus, 2012, p. 715). In the case of the Tee Hit Ton Indians, we discussed the way prejudice can render a speaker's testimony ineffective in a courtroom, however WHI is crucially different from this case of epistemic injustice. WHI does not deal centrally with testimony, but with the way prejudice can undermine a speaker's *epistemic tools*, which are conceptual resources such as the reasons or methods by which a speaker arrives at knowledge.

The easiest way to understand WHI is by seeing it at work in specific cases. First, I will consider the critiques that have been made regarding the misuse of traditional ecological knowledge by Western science and show how WHI is at work in these cases. This discussion of the misuse of traditional ecological knowledge will help us understand the general character WHI takes when Western thinkers interact with Indigenous knowledges. After this, I will provide an example of WHI in a wildlife management setting. This will tie the WHI that is pervasive in Western scientists' and researchers' use of traditional ecological knowledge to very tangible implications for Indigenous communities' ability to advocate for themselves where wildlife management decisions are made. My hope is that a discussion of these cases will provide us with the holistic picture we need to not only identify WHI in animal ethics but understand why identifying it matters in the first place.

To start, many have expressed concern with Western researchers' use of traditional ecological knowledge (TEK). To understand these concerns, we will need to get a hold on what TEK is. TEK has been defined by Martha Johnson as:

“a body of knowledge built up by a group of people through generations of living in close contact with nature. It includes a system of classification, a set of empirical observations about the local environment, and a system of self-management that governs resource use. The quantity and quality of traditional environmental knowledge varies among community members, depending upon gender, age, social status, intellectual capability, and profession (hunter, spiritual leader, healer, etc.). With its roots firmly in the past, traditional environmental knowledge is both cumulative and dynamic, building upon the experience of earlier generations and adapting to the new technological and socioeconomic changes of the present” (1992, p. 6).

How to define TEK (and whether we should try to at all) is a contentious issue, and a proper dealing of this topic is outside of the scope of this thesis. For now, Johnson's definition serves as a good starting point. According to this definition, we can see hunting ethics as being a component of TEK insofar as it is part of a “system of self-management that governs resources use.” TEK is interwoven with protocols regarding how we ought to conduct ourselves in the world, including obligations of stewardship and caretaking (Whyte et al., 2016, p. 2). In this way, “ethics” is not separate from environmental knowledge. This interwovenness raises concerns with TEK being forced into Western frameworks when it is incorporated into scientific research by scientists who do not share similar protocols. Some definitions of TEK emphasize practice and belief, alongside knowledge, as being essential dimensions that constitute TEK. Other definitions emphasize the enactment of relationships between Indigenous communities and their local environmental contexts as essential components to TEK.

Such definitions of TEK allow us to critique Western researchers who attempt to incorporate TEK into their work without centering Indigenous voices—those who actually subscribe to the belief systems and values, engage in the practices, and enact the relationships that are essential components of this body of knowledge. This appears to be the concern of the Assembly of First Nations and Inuit Circumpolar Conference with Western researcher's increasing interest in TEK. The Assembly wrote

that the field of TEK is “increasingly dominated by non-Native experts, analysts, and consultants” who are not committed to using this knowledge according to the values and priorities of Native people and their communities (1991). In response to increasing outsider interest, some Indigenous Peoples have characterized TEK “as the ultimate form of colonialism: ‘You have taken our lands; now you are after our minds’ ” (Assembly of First Nations (AFN) and Inuit Circumpolar Conferences (ICC), *The Feasibility of Representing Traditional Indigenous Knowledge*, 1991).

WHI helps capture what is going wrong with Western researchers’ engagement with TEK. Western researchers commit WHI when they ignore the hermeneutical, or interpretive, tools offered by TEK, and instead extract information that will fit nicely into Western hermeneutical tools. TEK can be understood to consist of a way of knowing distinct from the way of knowing of Western science, with its own methods, or epistemic tools, for arriving at knowledge. However, because Western science maintains complete authority, as it is often assumed to be the universal or “neutral” view by scientists (Whyte, 2013, p. 7; Agrawal, 1995, p. 433), Western science’s engagement with TEK reduces TEK to a data bank that can be “slotted into Western paradigms” (Ellen and Harris, 2000, p.15). We can see this as a rejection of TEK as a knowledge system; when TEK is taken apart and fit into pre-existing Western boxes, it is recognized not as its own distinct process of knowledge acquisition, but simply a set of things known. This allows for what has been referred to as an *assimilation* of TEK to Western science, where Western scientific frameworks are maintained and ecological knowledge is separated from the local contexts, practices, and relationships that are essential aspects of TEK (Ludwig and Poliseli, 2018 p. 43; also see McGregor 2004).

For example, consider how the practice of hunting involves considerable knowledge of animal populations, migration patterns, animal behavior, etc. that are of interest to Western researchers. However, views about the proper relationship between humans and these animals are also essential to Indigenous hunting, and these views frequently conflict with Western scientific paradigms. As we have discussed, Indigenous views about animal agency conflict with typical wildlife management practices.

Western researchers may attempt to disjoin the interwoven ethical, spiritual, and practical dimensions of TEK to make it more amenable to Western frameworks. But the attempt to disjoin these

dimensions is an act of willful ignorance of TEK as a knowledge system distinct from that of Western science. It is this willful ignorance that, I will argue, makes such research take on the character of an extractive, colonial process. The project of this thesis has come out of my concern with the fact that, while there is an explosion of interest in the scientific research opportunities presented by traditional ecological knowledge, the Indigenous beliefs and values regarding human-animal relationships that are so integral to TEK continue to be left out of these research agendas.

One example of WHI to Indigenous conceptions of human-animal relationships can be seen in the 1993 conflict between Native communities including Gwich'in people in Old Crow, Yukon and wildlife managers over the care of the Porcupine Caribou Herd. Native Porcupine Caribou hunters were dissatisfied with the practices of wildlife managers in the area, with a specific point of tension being the use of radio collars for conducting research on the herd. This tension was made especially tangible upon the death of several collared caribou calves. Native hunters' concerns about collaring and other research practices were repeatedly communicated at Porcupine Caribou Management Board meetings, where attendees include Native community members and outside researchers. However, the concerns of the hunters were perceived by wildlife managers to be a community *education* problem, where they assumed the hunters would change their position if they were "fully educated about the use of collars" (Kofinas, 2005, p. 184). The characterization of this disagreement as an "education" problem presumes that there is just one way to be "educated"—that is, the Western way.

These concerns about community education were maintained, even though non-Native board members were privy to the content of Gwich'in ethical theories regarding the treatment of caribou. Kofinas writes that Gwich'in ethical theories regarding caribou-human relations, like the agreement made between humans and caribou *unh ttrotsit ultsui gwuno* (when the earth was first made) for mutual respect, were never the subject of discussion at board meetings (2005, p. 184). Non-Native board members continued to maintain that Native hunters' concerns were the product of naivety, rather than supported by a substantive position on research ethics that is informed by Gwich'in beliefs about proper human-caribou relations. In this way, Gwich'in ways of understanding the human-caribou

relationship, including the unique perspectives and epistemic tools from which one might offer objections to the use of radio collars, were ignored at the co-management interface.

In this case we also see the secondary harms that so frequently follow cases of epistemic injustice. During the period of disagreement regarding collaring practices, one lead researcher ignored requests to meet with the community chief to discuss their concerns. In an interview, this researcher said that he was confident about his research practices, and therefore did not need the community's "blessing"; he also expressed beliefs consistent with the "education problem" narrative, saying that he would respond to the disagreement by "spend[ing] time trying to educate the community" (Kofinas, 2005, p. 185). This researcher's words and actions exemplify the way Indigenous peoples are vulnerable to being treated in cases where WHI is perpetuated. If it is *assumed* that community members do not hold substantial, well-founded positions regarding proper management practices, then it may seem justified for researchers to skip consultation with the community altogether. This case is especially worrisome because it consists of non-Native entities who profess their support for TEK and their commitment to co-management with Native communities who *still* selectively ignore the theoretical underpinnings for human-animal relations maintained by these communities.

1.3 Willful Hermeneutical Ignorance and Animal Rights Theory

Now, we can move to identification of WHI in the context of animal ethics. Despite the growing interest of scientific researchers in TEK, philosophers have remained notably disengaged from Indigenous philosophical traditions, including Indigenous theories of animal ethics. Philosophy departments in the U.S. and elsewhere have recently been criticized for failing to engage with non-Western philosophical traditions, including Indigenous traditions (Butnor, *forthcoming*). Bryan Van Norden and Jay Garfield argued that these departments should change their name, perhaps to Anglo-European philosophy, to be more transparent about the kind of instruction they are really offering (2016). Norden and Garfield's argument highlights the way that academic philosophy ignores the existence of other philosophical traditions—by claiming that narrowly focused material on Western thought alone could be referred to as just "philosophy." Ashby Butnor argues that the failure of

academic philosophy to diversify and engage with non-Western thinkers and traditions is an instance of WHI (*forthcoming*, p. 11). Although significant work is available regarding non-Western philosophies, most academic philosophers do not work on these topics or teach them to students. The failure to engage with Indigenous philosophical traditions is especially alarming in fields like animal ethics, where a significant amount of literature regarding Indigenous theories on the topic is available. These theories should be recognized—especially when animal ethicists explicitly discuss Indigenous hunting practices. Animal rights theorists, despite frequently taking up the issue of Indigenous hunting practices, consistently fail to engage with Indigenous conceptions of hunting.

Let's return to Donaldson and Kymlicka's book, *Zoopolis*. Recall that, in their discussion of Indigenous hunting practices, they assume that Indigenous hunting practices are motivated by subconscious processes, citing an anthropologist for this claim rather than consulting Indigenous philosophical traditions for their theories of hunting ethics. Following our discussion of WHI, we can now see how Donaldson and Kymlicka perpetrate this kind of injustice. They dismiss the ethical theories developed by marginally situated Indigenous knowers that provide an entirely different defense of the moral justification of hunting practices. Instead of considering these theories, Donaldson and Kymlicka attempt to make sense of Indigenous hunting practices by (rather sloppily) appealing to dominant, Western frameworks. After discussion of one anthropologist alone, they conclude that Indigenous peoples' conceptions of hunting are, in fact, consistent with their own view. In committing WHI, Donaldson and Kymlicka ignore the ways their view may be open to critique from Indigenous positions. The project of my thesis is to show that there are other legitimate ways to conceive of hunting, and compelling approaches to hunting ethics.

Historical context is also important for understanding the problems with Donaldson and Kymlicka's failure to engage with Indigenous philosophical traditions. Animal rights theory is tied up with a political movement that, in its quest to protect the rights of animals, has restricted Indigenous peoples who wish to continue hunting. Indigenous ways of understanding their relationships with animals are obscured and/or misrepresented to the public, whether intentionally or not, in ways that work to the advantage of these activists. Below I present several conflicts between the animal rights

political movement and Indigenous hunting. I must be clear that not all animal rights theorists agree with the actions of the movement, and even the movement itself is not a single, unified effort (Wenzel, 1991, p. 36). Kymlicka has expressed concern with the ways the movement has targeted Indigenous communities, writing that majority cultures tend to “apply demands for moral accountability in culturally biased ways, holding minorities accountable while exempting themselves” (2017, p. 297). The relationship of the movement to the theory, and to Donaldson and Kymlicka’s work specifically, is a complicated issue. However, it is still appropriate to discuss the impact of the movement on Indigenous hunting in order to better understand the context in which animal rights theorists continue to avert their eyes from these philosophical traditions.

To start, Indigenous conceptions of hunting are frequently ignored when hunting practices are challenged by animal rights activists through the U.S. legal system. Take the example of Qwidiččaʔa-t̓x̓ (pronounced Kwih-dich-chuh-ahtx) whaling rights. The Qwidiččaʔa-t̓x̓ are a North American Indigenous tribe who reside next to Neah Bay in what is now referred to as the state of Washington. Their formally recognized name by the U.S. government is *Makah*, which I will use interchangeably with their name in their own language. Living on the coast of the Pacific since well before the U.S. existed, whaling has been an important practice for the Makah, and they ensured that the Treaty of Neah Bay made between the Makah and the U.S in 1855 protected their right to hunt whales into the future (Makah Tribal Council, 2019). However, in a 2002 case, a U.S. court determined that Makah hunting practices are subject to the Marine Mammal Protection Act, despite the fact that these practices are specifically protected in the treaty of Neah Bay (Palmer et al., *forthcoming*). However, legal battles have not taken as their focus the viability of the treaty of Neah Bay and subsequent concerns regarding the sovereign status of the Qwidiččaʔa-t̓x̓. Rather, the court has focused discussion on whether the “cultural and religious” importance of whaling to the Makah provides grounds for an exception to the Act (Palmer et al., *forthcoming*). In contrast, opponents have raised arguments regarding holistic ecological concerns, such as the effect of hunting on species populations, especially the gray whale population called the Pacific Coast Feeding Group, and animal rights or welfarist concerns with the impact of hunting on individual whales (Palmer et al., *forthcoming*). Makah conceptions of the ethical

character of whaling are left out of this process. Regarding the issue, Claire Kim has written that the opposing parties “did not acknowledge or grapple with this different... understanding of human-whale relations, but simply dismissed it” (2015, p. 207). The content of Makah theories of hunting ethics is not considered relevant for a justification of whaling; they are relevant only insofar as these theories are evidence that Qwidičča?á-tǎ hunting of gray whale continues to be of cultural importance.

In the case of Makah whaling then, Western ways of understanding hunting and its ethical implications marginalize Makah interpretive resources. The case of Inuit sealing similarly turns on non-Indigenous interpretive resources, with the animal rights position putting forth their own definitions of what constitutes acceptable “traditional” hunting practice. As Wenzel argues, the narrative of the animal rights position contends that Inuit sealing is only legitimate if it is practiced in a sufficiently “traditional” way and operates within a “closed [economic] system”; these criteria were defined exclusively by non-Indigenous understandings of these terms (Wenzel, 1991, p. 58-61). When anti-sealing protests eventually led to the passing of a ban on the sale of fur in Europe, effectively ending industrial sealing in Canada, the fact that this ban had devastating economic repercussions for Inuit communities was seen as further evidence that Inuit sealing was no longer a form of subsistence living, and therefore illegitimate (Wenzel, 1991, p. 59). Those who held this position failed to see how selling furs to foreign markets, by enabling Inuit communities to support themselves and fund the purchase of increasingly expensive materials for sealing, played an integral role in allowing Inuit to maintain their long-standing relations with ringed seals in the changing world around them (Wenzel, 1991, p. 54 and 142).

Finally, the failure of animal rights activists to understand Indigenous positions is showcased in a 2017 animal rights protest of the Haudenosaunee deer harvest (Gignac, 2017). A newspaper article quotes Liz White, director of Animal Alliance of Canada, stating that she “sees no difference between First Nations hunting and recreational hunting [because] ‘at the end of the day, stripped of niceties, somebody takes a weapon and kills an animal’ ” (Ibid.). In response, Paul Williams, who is a member of the Haudenosaunee Wildlife and Habitat Authority, comments that activists like White “really fail to understand the relationship between the people and the deer, a relationship that’s thousands of years

old” (Ibid.). According to Williams’ claim, the animal rights activists act based on misunderstanding of the Indigenous position. More information about the case here would be sure this misunderstanding is a case of WHI. I suspect that, like the prior cases, animal rights activists’ misunderstanding in this case can be attributed to a failure to seriously engage with Indigenous ethical theories in the first place. These cases are only a small illustration of the harm done to Indigenous communities by activist groups while the Indigenous ethical theories that may offer a defense of hunting practices are left out of the conversation.

1.4 Towards Overcoming Willful Hermeneutical Ignorance

Recognizing cases of WHI is only part of the battle, for we are now left with the question of how to remedy it. Working towards Indigenous sovereignty is a clear way to support Indigenous hunting practices; if Indigenous nations could regulate hunting for themselves, then there would be no need to justify their beliefs to outsiders, and perhaps the harms created by WHI would be less dire. However, management of animals like the Porcupine Caribou Herd would still require collaboration with non-Indigenous entities even in this optimal case, as the migration patterns of the herd extend through the territory of First Nations, Canada, and the United States. In less optimal cases, like the current state of affairs, Indigenous peoples frequently have to collaborate with Western officials if they are to have any say in how wildlife management decisions go at all. The ability of Indigenous peoples to collaborate in these settings is undermined by the WHI of anthropologists, wildlife managers, and animal rights theorists, as I have attempted to show in earlier discussion.

Furthermore, even if a more optimal state of affairs in regard to sovereignty were achieved, and Indigenous peoples never had to justify their beliefs to outsiders in order to continue hunting, we still have reason to address the primary wrong of willful hermeneutical ignorance. Even when secondary harms are eliminated (which may or may not be actually achievable), willful hermeneutical ignorance is still wrong. It is both an ethical and epistemic failure. As a matter of ethics, those who wish to determine how it is best for us to conduct ourselves in our relations to other animals can’t ignore non-Western positions. This is especially important for the field of animal ethics, where philosophers

devote themselves to understanding how we ought to treat non-human animals. Epistemically, the fact that both Indigenous and Western traditions offer different understandings of animal ethics means that anyone who is concerned with this topic has a reason to wonder how we should proceed with the information available. To ignore a tradition outright and continue as if there are not compelling positions that may counter your own, is to not only obstruct others' ability to share and produce knowledge, but to obscure from yourself important evidence. Philosophers hoping to avoid willful ignorance will have to engage in collaborative work on the issue of animal ethics that will consist of some kind of conversation between these traditions.

Important time here must be devoted to understanding what constitutes the kind of collaboration that can rectify WHI. Kyle Whyte's 2013 account of TEK as a collaborative concept is a good place to start. As I alluded to earlier, there are many ways that TEK is an imprecise and unhelpful term. For one, TEK is a term in the English language, employs non-Indigenous concepts, and was originally used by non-Indigenous people to attempt to refer to diverse traditions, knowledge systems and communities. Deborah McGregor writes that her first encounter with the term was not with aboriginal people, but non-Indigenous scholars (2004, p. 392-393). Although it is supposed to refer to something about Indigenous peoples, traditional ecological knowledge is a Western concept not an Indigenous one. Additionally, as Agrawal has argued, the use of TEK by Westerners frequently serves as an attempt to distinguish between this knowledge and Western knowledge (which is often presumed to consist of *scientific* knowledge); such a distinction is meant to emphasize Western knowledge as the neutral or objective method (Agrawal, 1995, p. 433). Despite its failings, Whyte argues, that TEK remains a useful concept insofar as it invokes Western thinkers to recognize that there are ways of understanding the world that are different from their own; Whyte writes that "when the concept of TEK is used, it really points to the possibility that there are cross-cultural and cross-situational divides that make it so that non-Indigenous parties cannot expect their own assumptions to apply to Indigenous contexts." (2013, p. 10) In this sense, TEK is a collaborative concept.

Conceiving of TEK this way makes clear the unjust nature of slotting TEK into Western paradigms without critically investigating those paradigms, as this is not *collaborating* with non-Western

knowledges. My own project has been formed in the spirit of Whyte's conception of TEK. First, his work makes clear the limitations of my project. As a person of settler descent working within the Western philosophical tradition, when I mention Indigenous hunting ethics, I am *already* doing something collaborative. I am not engaging with Indigenous hunting ethics on its own terms, in its own language, within its own tradition. I necessarily bring to the discussion my own Western ways of understanding the world and my way of doing philosophy. This project, therefore, is not one that seeks to add anything to or expand on Indigenous concepts and beliefs *as they actually are* in their original contexts. I am entirely unqualified for such a project. Rather, this project aims at collaboration. I am working from published academic articles that have extensively discussed the hunting-related ethics and beliefs of certain Indigenous traditions. This reliance on written, academic publications also makes my project notably Western in nature. Written word is not the way all traditions share knowledge and is uncommon in many Indigenous traditions. However, I am limited in my ability to do otherwise, and proceed according to my training as an analytic philosopher. These limitations inform the goal of this work. My project is to contribute to a dialogue between animal rights theory and the theories of Indigenous hunting ethics according to the language and method of analytic philosophy, so that animal rights theorists (as well as other Western theories of animal ethics) can reflect on the presumptions on which their theories operate—presumptions that we might want to reject. The aim of this project is quite narrow in this regard. In this way, Whyte's conception of TEK informs the limits, but also the aim of this project. TEK as a concept is useful as long as it invokes us to recognize that our (read Western) assumptions are not shared by all. Similarly, discussion of Indigenous animal ethics by Western philosophers is useful as long as it invokes us to reconsider the entrenched assumptions of a Western philosophical tradition, and the ways our theories might look without them.

To continue to identify what constitutes the kind of collaborative methodology that may rectify WHI, it will be useful to turn to Jose Medina's theory of "epistemic friction" (2013). According to Medina, generating epistemic friction has important epistemic benefits, "forcing one to be self-critical, to compare and contrast one's beliefs, to meet justificatory demands, to recognize cognitive gaps, and so on..." (Medina, 2013, p. 13). Generating epistemic friction requires acknowledging and engaging with

what Medina refers to as epistemic resistances, or those positions and perspectives that are different from one's own (Ibid.). Non-Western philosophical traditions act as epistemic resistances for Western philosophers. Engaging these traditions generates the epistemic friction that makes people better epistemic agents. Importantly, as Medina points out, those situated in marginal social positions are often forced to engage with epistemic resistances, while those in dominant or powerful social positions, who enjoy the privilege of their perspective being assumed by others, are often able to choose whether they engage with acknowledging epistemic resistances and may frequently avoid them. So, an Indigenous philosopher is forced to engage with Western philosophy in her own work, while a Western philosopher may not even acknowledge the existence of Indigenous philosophical traditions. Those in dominant positions should be mindful of this asymmetrical power relation. However, despite the fact that some are afforded the power to avoid engaging with such epistemic resistances, Medina argues that our goal should be to acknowledge and engage with *all* the resistances we encounter (Medina, 2013, p. 13). The kind of collaboration that rectifies WHI cannot shy away from epistemic resistance. Collaboration must welcome differences in understanding and the epistemic frictions created by this difference that might challenge one's own position.

Importantly, engaging with epistemic resistance is uncomfortable. When seeking to engage with Indigenous philosophical traditions, those of settler descent must be wary of the ways they try to avoid this discomfort. Shannon Sullivan identifies the phenomenon of ontological expansiveness that consists of people with social privilege assuming that "all spaces are rightfully available for [them] to enter comfortably" (2019, p. 249). The comfort Sullivan has in mind is that of being able to exist in a space without dealing with issues of social difference like race and/or culture. The ways that race and culture are tied up in philosophical traditions may be invisible to those in social positions of power who have grown up squarely within Western traditions working in academic philosophy. Such people are used to being able to do philosophy without having "to devote any emotional or psychological energy to thinking about how to engage in situations that critically foreground our whiteness" (Sullivan, 2019, p. 252). The case will be quite different for Indigenous scholars working in academic philosophy, where the fact that they are Indigenous may be foregrounded in their interactions with others; in this way,

minoritized identities are “ontologically constrained” (2004, p. 302). Those working in non-Western traditions must be continually aware of the gaze of colleagues who are unfamiliar with their work, the literature they read, or even the basic assumptions they hold.

On the other hand, Western philosophers doing philosophy with other Western philosophers may be accustomed to expecting this familiarity from their colleagues. However, the expectation that the Indigenous philosopher make her Western colleagues familiar and comfortable in her world, in her traditions, and her way of knowing is an instance of ontological expansiveness. Philosophers often like to object to a view by retorting that we “don’t understand.” Yet, demanding that those working in non-Western traditions make their colleagues “understand,” using Western terms and concepts, the nuance and complexity of their own tradition merely reinforces WHI. Further, the Indigenous philosopher cannot be expected to shield her colleagues from their own social privilege and colonial history. Here it is clear that ontological expansiveness reinforces the presumption on which WHI operates; by expecting those working in non-Western traditions to accommodate them, Western philosophers reinforce that their own way of understanding the world ought to be the default way against which other methods are measured and interpreted. In contrast, those of settler descent hoping to engage with Indigenous philosophical traditions in a truly collaborative manner should expect to be uncomfortable. Working in these spaces does not afford Western philosophers the privilege of remaining “fragile” to the topic of their settler traditions; neither does it allow them to continue unreflectively asserting their own way of knowing as primary. Engaging in this way will necessarily be uncomfortable; it involves becoming aware of the limitations of one’s own perspective and deeply held assumptions. However, refusing to engage one’s identity as a colonizer while seeking to work in this space is ontologically expansive behavior.

To engage with other philosophical traditions, then, we must be reflective enough to see the ways we attempt to avoid discomfort, both in ignoring epistemic resistances and the ways our own ways of knowing are tied up in issues of race, culture and history. In addition to this, we must add the need to be reflective of our own projects, and the way we might *use* others, warping them and their work, to fit our own purposes. Mariana Ortega is concerned with precisely this in her critique of white feminists who

selectively consider the theories of women of color with the goal of bolstering their own work (2006, p. 62-65). In such instances, white feminists believe they are acting out of love, but are actually spreading ignorance by grabbing too quickly onto pieces of work by women of color that may benefit their own projects, without considering the nuances and complexities that may actually initiate conflict with their projects. I think Medina's theory can be applied here to say that such feminists are using their positions of privilege to avoid epistemic resistance. By considering convenient pieces of the work of women of color, these feminists are able to avoid entering the unpleasant, conflicted state caused by epistemic friction. Ortega can also be understood as being concerned with a particular manifestation of WHI. Those in dominant positions ignore or *warp* epistemic tools developed by marginalized knowers, while claiming that they are open-mindedly, lovingly engaging with them. If we are not wary, our attempts to rectify WHI may just perpetuate them under the guise of good intention. Engagement with other traditions is useless at best, and harmful at worst, if it does not consist of a willingness to come up against epistemic friction, reconsider one's own deeply held assumptions, and reconcile one's personal agenda.

Ortega argues that the practice of "world traveling," as described by María Lugones (1987), is a useful methodology for more honest engagement with women of color. Lugones' theory of world-traveling comes from the daily experiences of those with marginalized social identities, who must leave communities they inhabit comfortably at home to inhabit the communities where they are an outsider, for instance, in order to make a living. In these communities they experience different norms, ways of knowing, and constructions of themselves. While oftentimes practiced out of necessity, the practice of world-travelling can, in the right contexts, be engaged in order to better love, understand, and affirm differences across cultural and racial boundaries (Lugones, 1987, p. 1.). This is made possible through what Lugones calls *playful* world traveling. According to Lugones, playfulness "involves openness to surprise, openness to being a fool, openness to self-construction or reconstruction and to construction or reconstruction of the 'worlds' we inhabit playfully" as well as "a lack of self importance" (1987, p. 17). This kind of attitude allows one to inhabit other worlds in a way that fosters love and understanding.

Lugones' theory helps address Ortega's concerns because it makes self-reflection essential to understanding others' worlds; Lugones writes that "by travelling to their "world" we can understand what it is to be them and what it is to be ourselves in their eyes" (Lugones, 1987, p. 17). Consistent with Sullivan, Lugones sees self-reflection as essential to proper engagement with the worlds' of others. Coming to understand others' worlds requires understanding who *we* are in others' worlds, and, in doing so, recognizing our own social positioning and privilege. Importantly, world-travelling also requires that we recognize and overcome perceptions of other people as objects, "as pliable, foldable, file-awayable, classifiable" beings who we may use according to our own purpose (Lugones, 1987, p. 18). Seeing others as beings to be used for one's own purposes traps the perception of them in the perceiver's world, leading to a simplified and ignorant perception of the other. A Lugones-inspired critique of the issues addressed earlier in this chapter might say that this is exactly the way Western science has perceived TEK. The mainstream, dominant, colonizer world may only allow for constructions that objectify non-Western traditions, and those who exist within them. Continuing to perceive traditions and people this way inhibits one from world-travelling. World-travelling requires seeing others *as they are*, existing in worlds beyond the dominant one, amidst complexity and nuance. Ortega complements Lugones, arguing that there is a distinctively relational dimension to world travelling. She writes that "world'-traveling has to do with actual experience; it requires a tremendous commitment to practice: to actually engage in activities where one will experience what others experience; to deal with flesh and blood people not just their theoretical constructions; to learn people's language in order to understand them better, not to use it against them; to really listen to people's interpretations however different they are from one's own; and to see people as worthy of respect rather than helpless beings that require help" (Ortega, p. 69). Ortega emphasizes that white feminists who are actually committed to understanding women of color must do more than simply read their work.

It is worth buttressing this discussion once more with concerns of ontological expansiveness. In *White World Travelling*, Sullivan expresses concern about the harm that can be done by well-intentioned white people who attempt to travel to the worlds of people of color (2004). White people do harm by failing to recognize that some worlds aren't *for* them, intruding on and tending to

“damage and destroy spaces of resistance to white domination” (Sullivan, 2004, p. 302). In some cases, white ignorance offers a refuge to folks who are constantly bombarded by the dominating constructions of the white world; for instance, a Latina philosopher shared with Sullivan her preference that white folks do not learn Spanish because the exclusive knowledge of Spanish she shared with other Latinxs allowed them to engage in private conversation, creating a small space of reprieve from the world of white-dominated conferences (2004, p. 302).

On the other hand, Sullivan is well aware of the problem we discussed at length in the first half of this chapter; Sullivan writes that “white people's distancing themselves from the interests, lives, and languages of non-white people can function as a racist dismissiveness of them” (2004, p. 303). The maintenance by Western philosophers of distance between themselves and non-Western philosophical traditions is problematic in a similar way. It appears, then, that we are confronted with a double-edged sword.

While the way is ethically fraught, I do think we can overcome WHI through collaborative engagement with other philosophical traditions. Self-reflection is a necessary component of such an endeavor, as well as a willingness to be uncomfortable. And I think Sullivan's critique reveals another vital aspect of this engagement: the relinquishing of control. Alluding to the term “ofay,” an African American Language term employed by George Yancy (2004), Sullivan writes that “I am fairly sure, for example, that as a white person, I am one of the ofay to which Yancy refers. I do not know, however, exactly what the word means, and so I do not know exactly what I am saying about myself when I acknowledge myself as an ofay...for white people to identify themselves as ofay is for them to recognize a linguistic space in which they do not belong but that nevertheless has power over them. This recognition thus requires them to give up the related racist fantasies of total mastery of language and singular control of ontology” (2004, p. 303). Collaborative engagement requires that we give up our privileged sense of control over others and the way they perceive us; it requires that we accept that there are spaces we cannot enter, and that even many of the places we may enter we will nonetheless never fully understand.

It is with the methodologies of Medina, Sullivan, Ortega, and Lugones that I situate the kind of collaborative work I hope to engage in through this thesis. Medina helps illuminate the goal of the project—to generate epistemic friction where it has been willfully avoided. I follow Ortega and Lugones in attempting to engage with the “world” of a philosophical tradition that is not my own, and yet that I cannot rightfully ignore, if I am to be diligent in my attempt to understand those who are different from me and reflect on my own identity, history, and deeply held assumptions. Finally, I carry with me the concerns of Sullivan in the harm I may cause by entering spaces in which I am unwelcome. My careful intention is not to take up space that is not my own, but rather use the space that I have been given to encourage collaboration in a discipline where Native thinkers have historically been unacknowledged and unwelcome. Nicole Latulippe has emphasized the need for researchers to be explicit about what their engagement with TEK implies for Indigenous self-government and empowerment (2015). I hope to have made explicit in this chapter that this research project is at its core an attempt to address instances of WHI to Indigenous knowledges, whose pervasiveness within my own discipline and many others continues to hinder collaborative efforts in wildlife management and elsewhere. Nothing I write here is meant to serve as an all-things-considered final point, but rather as a single contribution to an ongoing dialogue. Ultimately, engaging in a dialogue across important cultural, historical, and social differences is difficult work, but we also cannot continue in willful ignorance to the fact that there is a diversity of voices here with us. Instead we must, with an abundance of care and reflection, engage.

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Chapter 2

Animal Rights Theory and Relational Context

In this chapter, I present the animal rights account. The goal of this chapter is to show that animal rights theory (ART) has important ethical concerns in common with the theories of Indigenous hunting ethics that has been willfully ignored. Most significantly, there is a common concern with the role of relational context in determining our obligations to animals (there are also similar concerns with respect which will be discussed further in chapter three). At the end of the chapter, I outline a couple of questions that are left open by relational accounts of animal ethics. These questions will be important in the third chapter, where I present Indigenous theories of hunting ethics and argue that these questions are central to the disagreement between Indigenous theories and ART regarding the moral character of hunting. Ultimately, this makes clear the insidious presence of WHI in ART and motivates the theoretical importance of ART's critical reflection and collaborative engagement with Indigenous theories of hunting ethics.

In the following, I will present ART and follow a particularly salient line of critique that has been raised against it: this is the critique that ART requires us to universalize our obligations to all animals such that we are unable to differentiate between them. I will explain and motivate the worry foregrounded by this critique which is, in brief, that such universalization leads to unintuitive consequences, such as the fact that I have the same obligations to my dog, Maya, as I do to a wild antelope. In response to this worry, I outline two prominent relational accounts of animal ethics, by Clare Palmer and Sue Donaldson and Will Kymlicka respectively, that may help ART assuage the worry by building in sensitivity to relational contexts. The relational context is supposed to justify our having expansive positive obligations to pets that are not shared with animals living in the wild. Important here will be the way these accounts carve up the possible, morally relevant human-animal relationships and the kinds of obligations that follow from them. Before concluding, I will argue that these relational accounts of animal ethics leave open certain questions that should be unsettling to proponents of ART

who wish to adopt these accounts. These issues will be investigated further in the third chapter through engagement with Indigenous theories of hunting ethics.

2.1 The Regonian Account of Animal Rights

First, I will briefly explain the traditional animal rights position. I will refer to the work of Tom Regan for this, as his account is generally taken to be paradigmatic of ART. According to Regan, there is a certain class of beings who have equal, inherent value. Regan's designation of inherent value can be understood in opposition to other views. For instance, having inherent value is different from being a *receptacle* for inherent value. Having value in this latter sense is what utilitarians might have in mind, since their view takes pleasure to be the thing that is inherently valuable, and thus creatures who experience pleasure are valuable only by proxy—as its receptacles. For Regan, to have inherent value means to have value that is irreducible to and incommensurable with the value of pleasurable experience. Furthermore, having inherent value designates one as having a certain kind of moral status. This status entails that the interests of the inherently valuable being are morally important, so that they cannot be easily sacrificed to bring about some other end. For Regan, all who have moral status hold this status equally. One either has inherent value or one does not; there are no degrees of inherent value.

Regan's subject-of-a-life criterion is meant to pick out those beings who have equal, inherent value. To be the subject of a life is to have a perspective from which your life can go better or worse *for you*. Others have cashed out the subject of a life criteria as describing those beings who are selves, or who experience their lives “from the inside” (Donaldson and Kymlicka, 2011, p. 24-25). More explicitly defining this characteristic, Regan says that beings that are the subject of a life “have beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference-and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare...” (1983, p. 243). For Regan, identification of the animals that are the subject of a life allows us to pick out those who have inherent value.

From here, we can see how Regan's view arrives at the existence of animal rights. For Regan, the special moral status held by those beings with inherent value demands the protection of basic rights. In virtue of the subject-of-a-life criteria, we can see that many non-human animals are beings with inherent value, and thus these animals, like the human ones, have rights. There are other ways of cashing out the entailment relationship between being the subject of a life and having rights. Sue Donaldson and William Kymlicka, whose view we will see later, argue that selfhood implies a special kind of vulnerability that demands the protection of rights. What these views, and many animal rights theories, have in common is that they maintain that, in virtue of the fact that some beings are subjects of a life, these beings ought to be afforded the protection of rights.

Regan takes the rights of those inherently valuable, subjects of a life to be unacquired, equal, and universal. We can think of a right that is unacquired, equal, and universal as a *basic right*. They are *unacquired* in the sense that any being who is the subject of a life has these rights automatically. They are *universal* in that every subject of a life has these rights; and they are *equal* in that there is no difference in the set or strength of basic rights between subjects of a life. I am using *right* to mean a claim to certain treatment (by an individual or individuals). Regan derives the set of basic rights to which each being with inherent value is entitled from the *principles of justice*. To start, Regan defends a principle of justice that involves the claim to be treated with respect. He calls this the *respect principle*. According to Regan, the respect principle says that "we are to treat those individuals who have inherent value in ways that respect their inherent value" (1983, p. 248). Here we can once again understand Regan's position by considering utilitarianism as the foil. According to utilitarianism, sacrificing the interests of an individual to promote the best overall consequences (for example, the most pleasure) is not just permissible, but morally required. But Regan takes such a sacrifice of an individual's interests as a paradigmatic instance of failing to *respect* that individual's inherent value. Sacrificing an individual's interests to promote some good implies that the individual is a mere receptacle for value, so that her own losses are justified by other gains. To act in such a way is to fail to respect the inherent value of a being; we trade in value, treating beings as replaceable. The respect principle is motivated by the idea that there is something significant about violating an individual's interests that cannot be justified by

another's gain. All else being equal, the respect principle says that we are morally required not to violate another's interests.

Another principle of justice, the harm principle, is derived from the respect principle. The harm principle says that we have a duty not to harm those beings who are rights holders, because doing so would fail to respect their inherent value. Harm constitutes a failure to respect because respect is partly constituted by recognizing an individual's ability to experience harm as something that is bad *for her*. However, Regan argues that there are other moral principles that are consistent with the respect principle that may override the duty not to harm. The liberty principle is one such principle. The liberty principle is also particularly relevant for our purposes, as it has important implications for the question of whether killing animals for food is a rights violation. This liberty principle says that "provided that all those involved are treated with respect, and assuming that no special considerations obtain, any innocent individual has the right to act to avoid being made worse-off [relative to other innocents] even if doing so harms other innocents" (1983, p. 331). Thus, those who find it a great loss to forgo meat consumption perhaps may be justified in eating meat via appeal to the liberty principle. If the harm one incurs by forgoing meat rivals the harm one commits by eating meat, then perhaps a person eats meat only so as to avoid being made worse-off than others.

Regan largely counters this, arguing that, for any unexceptional instance of humans eating animals, the basic conditions of the liberty principle will not be met. There are two conditions of the liberty principle that Regan worries will not be met by typical cases of human meat consumption: the animals consumed will not be treated with respect or they will actually end up as the ones who are worse-off. To the former condition, Regan argues that raising animals on farms to kill and consume involves treating them like *renewable resources* (1983, p. 343). The problem raising animals on farms for meat involves treating them as utterly replaceable. As I discussed earlier, this is inconsistent with respecting them as individual beings with inherent value. The argument for the failure of typical meat eaters to meet the latter condition, that the animals will actually end up being the ones worse-off, is relatively straightforward. Lots of pain and suffering comes from factory farms—much more pain and suffering than would be caused to the person who had to forgo meat for a plant-based meal. At least, this is the case in

communities where plant-based options are readily available from the grocery store. Further, Regan presses that even in a scenario where the animal lives in pasture-paradise until its death, thereby avoiding the suffering caused by factory-farm conditions, the slaughter of the animal still results in the deprivation of its future in a way that makes it worse off than the human would have been if she had to forgo the meat. Thus, Regan concludes that the liberty principle cannot justify typical meat consumption by humans—in most cases, animals are not respected, and human meat-eaters are not acting so as to avoid being made worse off than the animals they eat. The basic rights of animals mandate that, in unexceptional cases, humans follow a vegetarian diet.

Regan addresses the raising and slaughter of farm animals only, but we can interpret how his argument might apply to hunting. As a first pass, I want to suggest that it is possible for an animal to be hunted respectfully. According to Regan's account, respecting a creature requires recognizing its inherent value, and not treating it as something utterly replaceable. There seem to be examples of people hunting this way. Ojibwe rituals surrounding the hunting of deer, such as offering tobacco, communicating with the animal in prayer and taking care to use the majority of the meat on the animal, for instance, enable a hunter to respect the animal she hunts in just this way (Reo and Whyte, 2012). Whether this account will appease Regonian and other ART accounts' demands for respect remains to be shown. But notice that even if it is granted that such practices meet the respect requirement, that still leaves Regan's second constraint unaddressed. This constraint says that the hunter must act to avoid being made worse off than other innocents. On Regan's view, for the hunter to be worse off than the animal, who she kills and deprives of its future, she would have to be close to starvation herself so that the hunter avoids her own death by killing the animal. Only in such extreme conditions is the harm she causes the animal justified, because only these conditions actually satisfy the condition that the hunter harms the animal to avoid being made worse-off. According to Regan's account, it seems that only in these exceptional circumstances is eating an animal morally justified.

2.2 The Role of Relational Context in Animal Rights

Regan's account takes our obligations to animals to consist of a set of universal, basic rights shared by all beings with inherent value. For Regan, these universal, basic rights are negative. For now, I will employ a rough sense of the term negative right, using it to mean a right *against* certain treatment. For example, Regan argues that an animal has a negative right *against* being harmed. Regan's rights account provides a theoretical framework for the negative rights held by animals. However, in this regard Regan's account does not provide a complete ethical picture; his framework does not account for *all* of the obligations we have to animals—specifically, it fails to say anything about our positive obligations to them. Obligations can be understood similarly to rights, as referring to treatment which a being is owed. Rights is a more specific concept, however, and I will switch to obligation talk here to accommodate positions that don't take themselves to be "rights" accounts. Positive obligations can be understood in contrast to negative obligations, as corresponding to an animal's entitlement *to* certain treatment, rather than against it. Examples of positive obligations might include the obligation to protect an animal from harm. Regan can go as far as maintaining that we have an obligation to protect an animal from harm when she is threatened by a moral agent; but only because this is entailed by the negative obligation against harm. Relying solely on the negative obligation against harm means that Regan cannot affirm an obligation to protect an animal from the effects of a non-moral agent, like a natural disaster. Furthermore, Regan's account provides no framework from which we can maintain a positive obligation to assist animals like pets, such as the obligation that I believe I have to feed my dog Maya.

This critique is notably raised by Clare Palmer. She recognizes that Regan himself thought of the rights account as an incomplete theory of our obligations to animals (2010, p. 38). She argues that rights accounts like Regan's require the addition of another theory, one with a very different grounding for our positive obligations to animals, in order to provide a full account of what we owe animals. This theory must *differentiate* within the class of morally considerable beings, such that some are entitled to certain treatment while others or not. This will look very different from Regan's account, where he defends the existence of a set of universal, equal rights. That the theory can support unequal sets of context-dependent rights is necessary because it seems clear that I have positive obligations to provide

assistance to Maya that I do not have to a wild antelope. I have a duty to protect Maya from harm, for instance. If Maya were a small dog like a chihuahua, I would have a duty to keep her indoors when coyotes are nearby. On the other hand, if this same obligation were extended to the wild antelope, then I would have a duty to protect the antelope from predation, too.

Many believe the duty to protect animals from predation is absurd; and, if ART obligates us to such, this serves as a *reductio ad absurdum* of the view (Donaldson and Kymlicka, 2011, p. 158-160; Cohen and Regan 2001; Callicott 1980). Others have worried about expansive duties to provide food or shelter to wild animals that might be entailed by ART (Sagoff 1984, p. 92-92; Wenz 1988, p. 198-199). I will focus on the worry that ART obligates us to protect animals from predation—which I will refer to as the problem of predation.² The problem of predation helps put in relief the importance of a theory's ability to differentiate between our obligations to animals. It will be an important problem for us to consider as we think about the proper grounding for our positive obligations to animals. The problem of predation starts with the thought that, if we have a positive duty to protect some animals from harm, then we have a duty to protect them all, equally, from harm—which would include the harm caused by predation in the wild. But this would require all kinds of interference, perhaps an overhaul of natural systems, in order to effectively end predation in the wild. Of course, we are likely not capable of managing ecosystems in this way currently, but maybe one day we will be. And maybe we are obligated to work towards advancing our technology and ecosystem science so that we can arrive at that day. Many have considered the fact that a theory may obligate us to end predation to be a *reductio* of that view. Some ART theorists have simply accepted that we do have such an obligation. But for those who wish to reject this obligation, ART might be in trouble. It seems like ART obligates us to end predation because it requires us to universalize our obligations to all animals such that we are unable to differentiate between them. So, if I recognize positive obligations to my dog, Maya, I must recognize the same to the wild antelope.

²It should be noted that there is a growing literature arguing that the obligation to end predation is not a *reductio* of ART but rather a legitimate obligation we hold to wild animals (for examples, see Nussbaum 2023, and Milburn 2022). Because many still disagree with this position, I have chosen to continue treating it as an important objection to ART. However, those who disagree could easily substitute it for another obligation that they believe they hold to particular animals (like pets) but not all animals.

To assuage this worry, work has been done to develop accounts of ART that are sensitive to relational contexts. The relational context is supposed to delineate the animals to which we have different sorts of obligations. It is argued that this relational context offers justification for our having expansive positive obligations to pets that are not shared with animals living in the wild. In the following, I will consider two different relational accounts that may work as interpretations of ART that allow it to avoid the problem of predation. I hope to assess whether these theories can provide a plausible story for why I have obligations to Maya that I don't have to wild animals.

I will begin with Clare Palmer's relational account of animal ethics. To start, Palmer defends sensitivity to relational contexts as an essential feature for any account of animal ethics. Palmer argues that animal rights theories like Regan's go wrong because they take the *capacities* of animals to be the only fact relevant to deciding whether (1) they "count" morally (have inherent value) and (2) how they should be treated (2010, p. 46). Regan suggests a list of animal capacities including the ability to form beliefs, have desires and possess an emotional life that qualify an animal as the *subject of a life*. Hence, for Regan, it is by assessing whether an animal has these morally relevant capacities that we determine whether it has inherent value. Furthermore, Regan's argument for basic rights requires that those with the relevant capacities are all entitled to *the same* treatment. So, the answer to (1) whether a being has inherent value, already entails an answer to (2) how that being should be treated. If a being has inherent value at all, according to Regan, this already entails that it has a set of negative rights. Palmer critiques Regan, arguing that it is entirely unclear why the answer to (1) entails an answer to (2). Specifically, Palmer thinks that while relational context does not affect whether a being has inherent value, it does have implications for how we are obligated to treat that being; the relational context in which humans and animals find themselves is an additional feature that weighs on our moral obligations to animals.

Considering this relational context in addition to capacities will allow a theory of animal ethics to differentiate between the obligations we have to domesticated animals and those that we have to wild animals. That this differentiation is possible is important for avoiding the problem of predation. In addition, Palmer thinks it is an important point in favor of an ethical theory because many people share what she refers to as the *laissez faire intuition* (LFI). In its simplest form, this intuition says that we

should leave wild animals alone. This intuition motivates the judgment that we do not have a duty to interfere with predation, even though it is an instance of harm. Strong versions of the LFI say that we have an obligation not to interfere with the lives of wild animals. Palmer defends a weaker version of the LFI. Palmer's version says that, while we have negative duties not to harm wild animals, we do not generally have positive duties to assist them, although assistance may be morally permissible, and, in special cases, required (2010, p. 68, 90). Even this weak version is inconsistent with ethical theories that obligate us to end predation. Going forward, when I refer to the LFI, I have Palmer's weak version in mind.

A relational account of our moral obligations to animals can affirm the LFI while consistently holding that we *do* have general duties to assist domesticated animals. This matters, because we think that failing to provide food for your Labrador is morally reprehensible. The morally relevant difference between this case and the case of predation in the wild is the relational context. In the case of predation in the wild, there is no moral agent (read *human*) that has the relevant relationship with the suffering animals so as to generate an obligation to assist. However, when an animal does find itself in a particular kind of relationship with a moral agent, then it is owed food when it starves or medical care when it suffers.

Palmer takes these morally relevant relationships to be causal. When moral agents are responsible for harm or for creating vulnerabilities in animals, such as by domesticating them, they become tied up in those animals' lives in a way that generates positive obligations to assist. Palmer acknowledges that such histories can be salient in the case of wild animals too, such as when a housing complex displaces a population of coyotes, creating ongoing vulnerability and constraining the coyotes' self-sufficiency (2010, p. 105). However, domestication sits at the extreme end, where we have "deliberately create[d] morally considerable, sentient animals who have no other ways of fulfilling their needs and are constitutively profoundly dependent on and permanently vulnerable to humans" (Palmer, 2010, p. 93). Consider the case of my sister's Boston terrier, Roxy, for example. Humans domesticated wolves, selecting against their ability to hunt and for many physical characteristics that would ultimately hinder their survival outside of human control. In the case of the Boston terrier (especially this one), human

breeding choices have entirely closed the possibility of survival for these animals outside of human care. In addition to the history of human domestication of animals that leaves open precisely *who* is responsible for the care of these animals, my sister entered the story by bringing Roxy home. This has resulted in Roxy being in a situation such that whether she has adequate food, water, and living space is almost entirely dependent on my sister. Because of this relational history, Roxy was made vulnerable in a way that obligates my sister to tend to her needs.

The case of the displaced coyotes is another example of positive obligations generated by past harm, but these obligations are notably weaker. In this case, land was taken from a population of coyotes in order to build a large housing development. Now the coyotes live on the land around the development, and are vulnerable to hunting and trapping by residents, a decreasing food supply, and traffic accidents. Palmer argues that the residents of this housing development, in virtue of their benefiting from the past harm and continued vulnerability of this group of coyotes, now have special obligations to this group; these special obligations consist of an attitude of tolerance towards the coyotes, a commitment to sharing the land, restoring coyote habitat, and traffic control (2010, p. 105). Residents ought to incur expenses and endure inconveniences in order to fulfill these obligations. Notice how, in contrast to the case of domesticated animals, these obligations do not include feeding the coyotes or offering them protection. This is because doing so would heighten their vulnerability to humans—and it is the animals' vulnerability to humans that is the problem in the first place.

In contrast, Regan's rights account cannot consistently affirm these special obligations to assist one's pet or the displaced coyotes while denying those obligations to other animals. Both domesticated and wild animals possess the morally relevant capacities, and it is these capacities alone that are taken to generate obligations to treat them in certain ways. Thus, on the rights view, if we think there is an obligation to assist Roxy when she limps from the thorn in her paw, we must understand this as springing from a general obligation that applies to all beings with moral status—including wild animals. The white-tail deer, after all, is *exactly the same as Roxy* if we consider only the morally relevant capacities it possesses. Both are subjects of a life. If we understand an obligation to provide medical

assistance to Roxy, there is no clear way we could deny that same obligation to assist the deer when she fractures her limb.

To avoid this implication, one could deny the Regonian account of moral equality and argue that there is, in fact, some morally relevant capacity that distinguishes Roxy from the deer. This would generate different moral classes of beings according to which morally relevant capacities they have (for instance, whether an animal has a high level of cognitive function might put it in a higher moral class than one that just has enough sentience to experience pain and pleasure). However, the division we end up getting from such a ranking will not track anything like the domestic/wild division asserted by the LFI. For instance, we would have duties to assist primates, while we may have no moral obligation to even provide food for the pet fish that lives in a tank in our home. Palmer's view, on the other hand, can provide support for the intuitively plausible account that says we are obligated to feed the pet fish, and not the starving chimpanzee, in virtue of the fact that we put the fish in the tank, making it vulnerable and dependent on us for its survival, thus entering into a morally relevant relationship with that fish that generates the obligation to assist. Rights theory, or any theory of animal ethics that takes capacities to be the only morally relevant feature of animal lives, will not be able to account for the kind of difference in obligations we believe we have to domestic and wild animals. Palmer contends that such theories must be supplemented with a theory of animal ethics that attends to relational context.

The second relational account of animal ethics I will consider is the one defended by Donaldson and Kymlick in their 2011 book *Zoopolis*.³ Donaldson and Kymlicka came up already in chapter one, regarding their failure to properly engage with Indigenous theories of hunting ethics in *Zoopolis*. Now I will provide a detailed explanation of their project in this book. In chapter three, I hope to bring them into conversation with Indigenous theories, modeling how Donaldson and Kymlicka, as well as other animal ethicists, ought to engage outside of their own traditions.

Similar to Palmer, Donaldson and Kymlicka's account argues that the set of positive obligations we have to an animal depends on the nature of our relationship with that animal. However, Donaldson

³Unlike Palmer who remains ecumenical, Donaldson and Kymlicka explicitly present their relational account as an extension of rights theory.

and Kymlicka contend that Palmer, and others who have attempted relational accounts, have not developed relational accounts that are sufficiently detailed to guide our actual encounters with animals. Further, these other accounts, Donaldson and Kymlicka argue, are not focused on the correct *kinds* of relationships. Donaldson and Kymlicka depart from alternative theories because their theory understands the morally relevant relational context by employing “a more explicitly political framework” (2011, p. 12). For Palmer, the relationships that generate obligations to assist are characterized by particular histories of harm or dependency. For Donaldson and Kymlicka, the relevant relationships are determined by political notions like sovereignty, denizenship, and citizenship (2011, p. 12).

Donaldson and Kymlicka argue the framework of liberal theories of citizenship provides the material needed to differentiate the positive rights of animals. Using this framework, they defend three kinds of political relations an animal may fall into; the first two involve membership in our own political community—either with the status of full citizen or that of denizen. These first two are meant to encompass the myriad of ways that humans and animals regularly interact; it includes relationships with species like cats, cows and cardinals. The third kind of political relationship they describe is that between citizens of different sovereign communities. This characterizes the relationship that exists between humans and animal species that are taken to be wild, or in minimal contact with humans. While Donaldson and Kymlicka agree that regardless of these political contexts, all animals are entitled to a set of universal negative rights, it is exactly these distinct political contexts that we must consult to determine which positive obligations they are owed.

In this way, it looks like Donaldson and Kymlicka’s view can avoid expansive obligations to wild animals, while maintaining obligations to domesticated animals. But this will depend on their ability to maintain sensible distinctions between different kinds of animals. They argue that the most extensive positive obligations we have to animals are to those animals that should be politically understood as citizens. To start, Donaldson and Kymlicka argue that citizenship is the appropriate framework for conceptualizing domestic animal membership in our society. They understand domestication to consist of four components, including the purpose, the process, the treatment and the state of dependency

(2011, p. 74-75). First, animals can be domestic in the sense that they were created to serve a specific human purpose. Second, is the sense that they were created by humans in the first place through a process like selective breeding. Third, is the sense that such animals are treated differently by humans than other animals; for example, they may be continuously cared for and maintained by humans. Fourth, animals can be domestic in the sense that they are in a state of dependency on humans, where they require continuous care for survival.

Donaldson and Kymlicka argue that the appropriate framework for understanding our relationship to domestic animals is that of fellow citizens (2011, p. 101). This is because we “brought such animals into our society and deprived them of other possible forms of existence (at least for the foreseeable future)” (Ibid.). Since we did this, we have a duty to fairly include these members of our community in our social and political arrangements. From here, they make the unique move of claiming that the appropriate way to include them in these arrangements is as *citizens*. Donaldson and Kymlicka don’t only want to show that these animals’ interests ought to count as part of the public good, but also that they are fully capable of *being* citizens, through regular and meaningful engagement with their human caretakers. The context of domestication brings animals into close relation with humans, creating possibilities for “cooperation, communication, and trust, reciprocal engagement, rule-learning behaviour, and socialization” (2011, p. 214). They argue that animals’ political agency is enabled by their close human companions, who understand their forms of communicating and can advocate for their preferences. Citizenship is clearly the rights status for such animals once we recognize that animals competently navigate and express themselves within these relationships. Thus, the context of domestication both enables animals to be eligible for citizenship and demands that we make them citizens. Without having been domesticated, animals wouldn’t meet the preconditions necessary to be citizens, and without the vulnerability created by a history of domestication, they wouldn’t need to be.

Donaldson and Kymlicka recognize a second class of animals that live in close proximity to humans, and yet fail to meet the preconditions necessary for citizenship. These are what they call *liminal* animal species, such as squirrels, coyotes, rats and pigeons. According to Donaldson and Kymlicka, the animals in this group make a life out of “exploiting the opportunities of living near humans” (2011, p. 214). The

animals in this category frequently suffer mistreatment from humans and yet are hardly ever recognized in accounts of animal rights theory. Donaldson and Kymlicka argue that, because of the dichotomy we draw between humans and nature, liminal animal species are made invisible (2011, p. 211). We conceive of cities as being absent of animals, or at least non-domesticated animals. Because of this, we feel justified in removing or exterminating these animals because they are in *our* space, and not where they should be. Likewise, Donaldson and Kymlicka argue that liminal animals are invisible in ART, which has had very little to say about how they should be treated (2011, p. 212). Recall the LFI we discussed earlier. Donaldson and Kymlicka argue that many traditional ART views maintain a strong version of the LFI, where we have a negative duty *not to interfere* with the lives of animals, all else being equal. Donaldson and Kymlicka believe that, in the case of liminal animals, such a duty is misplaced, and actually obscures the existence of these animals from our moral consideration.

To start, such a duty operates on the assumption that all animals may flourish in spaces completely void of humans. If there are animals that live and flourish among human settlements, it becomes entirely unclear what might be meant by this injunction against interference. Many recognize that such a duty cannot be upheld in the case of domestic animals, whose particularly vulnerable position means they require human interference for their needs to be met. However, these are not the only animals that live among us; there are many animals who live in close proximity to us and are deeply impacted by our actions. In such a context, we have no hope of not “interfering” with these animals’ lives; furthermore, in this context, it’s not clear why interference would be unethical. The fact is that undomesticated animals do live and flourish making homes where we do. They take advantage of the opportunities provided by habitats of human settlement. Donaldson and Kymlicka argue that we should understand these animals as *belonging* in our cities, thus recognizing them as *co-residents*. In order to delineate how we should coexist with these animals, they assign them to the political class of denizens. We have some obligations to denizens but it is a “looser” kind of relationship with a “reduced set of rights and responsibilities” than to citizens (2011, p. 214).

In contrast to the animals they place in the categories of citizen and denizen, Donaldson and Kymlicka argue that we should view other animal communities as sovereign. It is for this category alone

that Donaldson and Kymlicka defend a general duty not to interfere in the lives of wild animals out of respect for their sovereignty, although in special circumstances we may need to provide aid. They argue that it is essential for the wellbeing, or flourishing, of animals that they are able to exist as members of autonomous communities, where they can “maintain their own forms of social organization on their territory” (2011, p. 172). That animals function competently in these communities allows for their claim to sovereignty. In these communities, they organize and regulate themselves to meet their needs, they cooperate, navigate risks, share knowledge, care for their young, find food, build shelter, and develop new techniques for survival (2011, p. 175-176). Perhaps these are not the capabilities of all animals, but some, especially social animals, do this and much more in the context of their communities. Thus, we can plausibly claim that these animals do have an interest in their continued maintenance of their community. In virtue of their self-maintenance and general resistance to human interference, such animal communities ought to be regarded as sovereign, and protected from the imposition of “alien rule” (2011, p. 172).

Donaldson and Kymlicka conclude that the value of sovereignty for animal communities not only denies an obligation to intervene in predation, but actually obligates humans to a general attitude of non-interference (in normal circumstances) instead. That they can justify a *prima facie* duty against interference with these animals is important for their ability to solve the problem of predation. While we have positive duties of assistance to domesticated animals, we have a negative duty not to interfere in the lives of wild animals. Despite the fact that some suffer from predation, we have a duty not to interfere rather than to help.

One way to put pressure on this view is to claim that these animal communities are not, in fact, competent enough in their social organization to justify their sovereignty. Animals frequently prey on each other and starve to death. To consider just one example, male lions will kill and eat the young of another male in order to assert their dominance. One might argue that the predation, starvation and infanticide found in these animal communities are evidence of a failure in communal living. In the case of human states, at least, we might think we can override the duty of non-interference when such rights violations are present. Furthermore, it seems that for many of these animals it would be better if the

social organization were different. Is the deer being slowly eaten alive by the grizzly really flourishing? One could at least conceive of a world where humans manage the deer population through harmless sterilization methods and sustain the omnivorous grizzlies on mostly plants and insects, or perhaps lab grown meat. It is at least plausible that the deer would flourish in this scenario. Because of this, it is not clear in what sense we can claim that the flourishing of individual animals is “tied up with” the flourishing of an autonomous animal community (2011, p. 172). But Donaldson and Kymlicka’s case for sovereignty depends on the autonomy of animal communities being essential to the flourishing of individuals. For it is not obvious how else their rights theory might ground the value of sovereignty. It would be a problem for the view if the deer’s right to life is simply sacrificed for the good of the community—such a claim could also be used to justify human hunting deer.

Donaldson and Kymlicka respond to this objection by arguing that animal communities should not be judged incompetent simply because of the existence of predation, because predation is an essential feature of the ecosystems in which sovereign animal communities flourish. They claim that “in the context of ecosystems, food cycles and predator-prey relationships are not indicators of ‘failure.’ Rather, they are defining features of the context within which wild animal communities exist; they frame the challenges to which wild animals must respond both individually and collectively, and the evidence suggests that they respond competently” (2011, p. 176). The point here is that animals capably pursue their own good within the context of food cycles that involve predator-prey relationships. Since predation is so central to their ability to flourish together, it is misguided to view it as failure. Furthermore, they claim this is the context in which animals evolved their particular dispositions and capacities and, so, it is the context in which they are able “to be the sorts of beings they are” (2011, p. 177). By referring to the “sorts of beings” animals are, Donaldson and Kymlicka again invoke the concept of flourishing. Although eliminating predation would prevent rights violations, attempting to dismantle such a basic structural component of an ecosystem would render the animals within it unable to flourish. The ability to live a long life is not all that matters to flourishing. Flourishing must also take into account the “sorts of beings” animals are, and those are the types of beings that developed within ecosystems where predation plays a central role.

2.3 Open Questions for Relational Accounts

There are two concerns I have with these relational accounts of our obligations to animals. The first concern has to do with whether relational context motivates morally relevant distinctions that not only justify different sets of positive obligations to animals, but negative obligations as well. In other words, if these relational accounts successfully defend the moral importance of relational context, why think it only makes a difference for positive obligations? We should wonder where these relational accounts leave us with the set of basic rights that we began with in Regan. My second concern is with the role animals play in their relationships with humans. I argue that Palmer's account leaves no room for animal agency or power in shaping the morally relevant relationships they take up with humans. Additionally, I argue that while Donaldson and Kymlicka allow for a bigger role for animals in these relations, their ways of interpreting animal behavior are not well-supported.

Both Palmer and Donaldson and Kymlicka develop accounts of relational duties that are meant to function as extensions to an ethical theory that has already defended a set of basic, negative duties. They both seem to maintain that if something has rights at all, then it has a set of basic, negative rights described by theories like Regan's. However, returning to Palmer's initial critique of Regan, it seems like these should be treated as two separate questions. Considering (1) whether a being counts morally, is a different matter from considering (2) how that being should be treated. As we've seen, there are good reasons for thinking not all animals are owed the same treatment. Both Palmer and Donaldson and Kymlicka have provided compelling arguments for why the kind of treatment an animal is owed does, in fact, depend on considerations outside of whether it has inherent value. If this is right, then we should wonder whether some negative duties are only salient in particular relational contexts. While Palmer clearly maintains that her relational account is only meant to be relevant for determining positive obligations to animals, Donaldson and Kymlicka do seem to think that the relational account is relevant for determining at least some negative obligations. We have seen this in their defense of the negative duty against interference in the case of wild animal communities. If Donaldson and Kymlicka have provided a compelling case that this negative obligation holds only in this particular relational context, then perhaps we should think other negative obligations are like this as well.

Earlier I outlined the problem of predation to motivate the intuitive notion that we ought to distinguish between the positive obligations we have to domestic and wild animals. However, there is at least some intuitive pull to the thought that we should distinguish between our negative obligations to these animals as well. To motivate this, consider the recent case of a Montana hunter who was multiple miles in the backcountry, with a permit for black bear and wolf hunting. Wolf hunting is in itself a contentious issue; however, it is legal in the state of Montana. This hunter was allegedly after a black bear on this particular excursion, but she ran into a pack of what she believed to be wolves. One was particularly aggressive, and, given that she had the required permit, she decided to take the animal. After killing it, she skinned it to remove the pelt, and posted photos of the triumph on social media. Viewers on social media realized her mistake before she did; she hadn't taken a wolf as she thought, but a husky. What she thought was a pack of wolves was actually an abandoned pack of husky and shepherd mixes. The backlash this hunter received was significant. *The Guardian* called the accident “horrifying and tragic” and reported that thousands of people condemned the hunter on social media (Salam, 2022).

This response seems to be specifically motivated by the fact that this woman killed a husky *instead of* a wolf. To be sure, there are staunch opponents of wolf hunting; however, there is no question that had she killed the wolf she thought she did, the story would not have gone viral. While some would have been upset by the hunting of the wolf, hordes were distraught by the hunting of the husky. Many who condemned the hunter called for her license to be revoked; but they did not call for an end to wolf hunting, or hunting for that matter. Those who condemned this hunter were focused on an action, the killing of a husky, that they took to have significantly different moral content than the act of killing a wolf. Many of these people seem to believe it is *worse* to kill a husky than a wolf. Of course, popular response to an action on its own is not enough to determine the moral content of that action. But this widespread, negative response may give us reason to think that there is some shared intuition going on here.

The problem with this intuition, however, is that it is not clear why it would be worse to kill the husky than the wolf. At least, the theories of animal ethics we have reviewed so far cannot account for such an intuition. According to these theories, both actions are a violation of an animal's negative

rights, which are supposed to be determined solely by the animal's capacities. Both animals have the kinds of capacities that qualify them as the subject-of-a-life, and, therefore, they are inherently valuable. But this does not offer a framework for differentiation. Perhaps people responded the way they did as a result of their belief that there were significant positive obligations to this feral pack of huskies that had not been fulfilled. Why were they in the backcountry in the first place? Who was responsible for them? However, those who initially expressed shock and indignation at the post, did not yet know anything about the pack of feral huskies that had ended up in the backcountry. What they did know was that this woman shot a husky. So, we have a clear difference in popular response in this case to the treatment of a husky versus a wolf, and this reaction cannot be explained by a difference in the positive obligations we have to the animals. On the other hand, the response can be straightforwardly explained by a difference in negative obligations we have to them.

I believe this case suggests that there is at least some intuitive pull for the idea that the moral content of hunting is, at least in part, determined by the relational context in which the hunter and the animal she hunts find themselves. Palmer's and Donaldson and Kymlicka's accounts tell us that we have different relationships to the wolf and the husky, and that this justifies a different set of positive obligations to each. However, the intuition that says that it is *particularly* wrong to hunt a husky might lead us to think that this is just one more implication of our different relationships to these animals. Thus, we may think our relationship context justifies not only a different set of positive obligations to these animals, but a different set of negative obligations as well. Especially since we have yet to see an argument from the previous accounts for why the relational context is *not* relevant for negative obligations. At the very least, the case of the hunted husky at least makes the question worth asking: Why doesn't the relational context justify differences in negative obligations as well as differences in positive ones?

Now I want to address my second concern regarding the role of animal agency in these accounts. I think we should ask whether these accounts allow for animals to engage in these relationships with humans on their own terms—and if not, then why not? I will start with the way I think Palmer would answer these questions. According to Palmer, some animals have a claim to assistance from humans

because *humans* have made them dependent or caused them harm. This privileges human agency for determining which kinds of relationships matter. Because the view is centered on harm committed by humans, it does not leave room for animal agency to shape the morally relevant relationships. An animal enters into these relationships simply through being harmed by a human. For example, the moral relevance of Roxy's relationship to my sister turns on the fact that my sister took her as a pet, and that humans have domesticated Roxy's species in a way that makes her acutely vulnerable to humans for survival. Roxy's own actions play no role here. Similarly, in the case of the displaced coyotes—they are in a morally “close” relationship with humans just insofar as humans are responsible for their displacement. I specify moral relevance in these cases because we might think that an animal is responsible for some features of their relationship to humans, even on Palmer's view. For instance, Roxy and my sister are peculiarly close, in part, because Roxy follows my sister everywhere, snuggles up next to her in bed, sits on her lap when she does homework, and so on. However, these actions do not change the special obligations my sister has to Roxy. These are determined by human actions alone. On Palmer's account then, as far as moral matters are concerned, animals are understood as objects of harm, or things which are morally relevant just in case they are harmed by humans. There is a clear reason for focusing her account this way; it is an effort to highlight the significant harms that humans have inflicted on animals and continue to be inflicted to this day, whether through factory farming, habitat destruction, or neglect. However, we should be careful that, in our attempts to bring this oppression to light, we may attribute too much power to the oppressor and overlook the agency that the oppressed have to lead their lives, make choices, and engage in relationships despite and within this oppression. Ultimately, there is more to the story about human relationships with animals than human action alone, and it would be presumptive to assume at the outset that human actions matter for our moral framework.

Turning to Donaldson and Kymlicka now, they are wary of the way ascribing too much power to humans effectively eliminates animal agency in these contexts. Regarding the way humans conceive of our relationships to animals, they write that “the fundamental problem is the treatment of animals as incompetent, and as passive recipients of our (benign or harmful) actions” (2011, p. 170). Donaldson

and Kymlicka argue that animals choose to engage (or not to engage) with humans in meaningful ways that implicate certain treatment by us. Recall how Donaldson and Kymlicka argue that there are “possibilities for cooperation, communication, and trust” between humans and animals (2011, p. 214). They argue that some animals have “physically proximate and socially meaningful interactions” with humans (Ibid.). For them, citizenship presupposes this context. In virtue of their intimate relationships with humans, domestic animals are enabled to express their interests and participate in a mixed human-animal political community. Donaldson and Kymlicka do a lot of work to establish that this is indeed possible; and that we have both the ability and the obligation to take animal interests seriously in our communities.

What is interesting is how Donaldson and Kymlicka deny that such a picture of communication, engagement, and cooperation is viable for non-domesticated animals. I will review three reasons they provide for this. To start, they claim that because liminal animals and wild animals typically avoid contact with humans, they cannot form the kind of relationship with humans required for citizenship (2011, p. 214). They simply don’t have proximate or meaningful interactions with humans. One might press that although some animals do not have the kind of intimate relationships with humans that would enable them to be citizens right now, they could develop them over time. There are cases where we might think it is in the animals’ interest to do so; for example, they might get food and protection out of the bargain. But Donaldson and Kymlicka deny this possibility. They deny it on the grounds that the only way animals can be socialized in the ways required for citizenship is through a process of basic rights violations, such as “confinement, separation of families, controlled breeding, radical changes to diet and other habitual behaviors” (2011, p. 214). Because of this, the animals who have not already suffered the rights violations entailed by domestication should not become citizens.

Another reason Donaldson and Kymlicka deny citizenship to wild animals specifically, is because they take the community membership of an animal to be closely tied to the territory on which it resides. Animal denizens are not included here because they have chosen to live on human territory. In contrast, for the animals that make up wild animal communities, living among humans “is neither feasible nor desirable” (2011, p. 156). These “truly wild” animals, as Donaldson and Kymlicka call them, “avoid

humans and human settlement, maintaining a separate and independent existence... in their own shrinking habitats and territories” (Ibid.). It is in virtue of their self-maintenance on their own territories that Donaldson and Kymlicka argue these animal communities ought to be recognized as sovereign, and we have a duty to respect that sovereignty through minimal interference, although we may aid or intervention in particularly trying circumstances (2011, p. 178).

This brings out the third reason given by Donaldson and Kymlicka for their exclusion of wild animals from the human-animal political community; this is the fact that these animals don't want to be a part of it. Above, we saw that they take such interaction between these animals and humans to be neither feasible nor *desirable*. Later, they make clear that they think such a community is not desired by the animals, writing that “wild animals show a clear preference to be independent of humans... insofar as they exhibit no inclination to join into society with us, we must respect them as forming their own sovereign communities” (2011, p. 177).

All of the reasons Donaldson and Kymlicka provide for excluding animals from the human-animal political community are subject to criticism. To start, I think we should wonder why the cooperation and communication with humans that Donaldson and Kymlicka work so hard to show is possible for domesticated animals is not extended to other animals. Especially because it seems like non-domesticated do have “physically proximate and socially meaningful interactions” with humans (2011, p. 214). Certainly, not all undomesticated animals avoid contact with humans. There are plenty of squirrels on my university's campus that are known to fearlessly approach people, usually in search of food. I have a friend who once had a squirrel find its way into her home in the winter. She let the squirrel stay with her for over a month, even providing food for it. These are cases where people find themselves in close proximity to non-domesticated animals, and it seems entirely possible for there to exist socially meaningful interaction between them. In addition, some domesticated animals avoid contact with humans. We can easily imagine stray dogs who have been abused by humans and have no desire to be close with them. Between these cases, it seems the squirrels are more likely candidates for citizenship than the dogs. What this shows is that the set of animals who have socially meaningful interactions and prefer to engage with humans is not coextensive with the set of animals we have

domesticated through controlled breeding, confinement, etc. This is evidence against Donaldson and Kymlicka's claim that we only have socially meaningful interactions with animals in cases where there is a history of rights violations.

Turning to wild animals, Donaldson and Kymlicka intend for their sovereignty model to affirm "the capacity of animals to pursue their own good, and to shape their own communities"—just as they defend this capacity in domesticated animals (2011, p. 170). Yet, they are quick to conclude that these animals do not pursue their own good or shape their communities with humans. Their evidence for this is the fact that these animals tend to avoid humans and stay on their own territory. However, this evidence alone does not justify this claim. Just because animals avoid some humans sometimes does not entail that these animals do not engage meaningfully and intimately with humans. Many of the animals we generally think of as wild do not strictly stay on their own territories. Elk sometimes camp out on people's front yards, mountain lions may live in urban parks, and bears may occasionally find themselves up a tree in the middle of a college campus. Animals may take up residence in urban areas, but they also may just stop there on occasion, or pass through. In these cases, where wild animals encounter and interact with humans, we should be critical of the claim that these animals are members of self-contained animal communities, living on their *own* territory. Perhaps Donaldson and Kymlicka could hedge on this point and say the wild animals who spend time in urban areas have now chosen to be members of mixed human-animal communities. But how many of the animals that we typically think of as wild will spend some of their lives near humans? Does this make them no longer "truly" wild? The lines become even more blurry when we discuss animal interactions with human communities in rural areas. And Indigenous communities in particular—where humans have taken up residence for millennia in spaces that others now refer to as wilderness.

In these cases, what we get is a different sort of picture, where humans and animals are *always already* interconnected, interacting with each other, and communicating in a myriad of ways. Donaldson and Kymlicka see as static and separate systems that could just as easily be construed as fluid and interconnected. Of course, some animals may live their lives without ever encountering a human. Even so, this doesn't imply that those animals pursue their own good outside of humans in any

intentional way, such that they would not engage with humans if the opportunity arose, unless we are clear that those animals prefer it that way. However, the fact that some animals avoid humans sometimes does not necessitate that their preference is to live in separate communities. And Donaldson and Kymlicka do not provide much else by way of support for this preference. But if animals don't prefer it that way, and just find themselves in those circumstances by happenstance, it's unclear why we have an obligation to respect their sovereignty. So, a lot ultimately turns on their assertion that wild animals do, in fact, prefer to live independently of humans.

We shouldn't be willing to accept Donaldson and Kymlicka's claim regarding the preferences of non-domesticated animals based on mere presumption. Especially because there are other accounts of these animals' interactions with humans. Nadasdy argues that animals like moose, wolves, and caribou that Donaldson and Kymlicka take to be wild are considered by northern Indigenous⁴ people to be "full and willing members of society;" what's more they are understood to be "powerful actors... perfectly capable of protecting their own interests and communicating their needs and desires directly to humans" (2016, p. 7). According to Nadasdy, the theories of northern Indigenous peoples understand the engagement between humans and animals, and particularly the power dynamics of this relationships, in a manner quite distinct from Donaldson and Kymlicka. These Indigenous theories are inconsistent with Donaldson and Kymlicka's claims that "wild" animals do not meaningfully interact with humans, that they maintain their communities on their own territory, and that they prefer to exist independently of humans. Further, these theories take animals to be powerful parties in these relationships (2016, p. 7). Accordingly, such theories do not share Donaldson and Kymlicka's concern with infringement on sovereignty or enabling political participation. Ultimately, Nadasdy concludes that Donaldson and Kymlicka's account "is predicated on the assumption that humans, plants and animals are the kinds of beings that they, rather than northern Indigenous people, believe them to be" (2016, p. 9). This critique will be explored further in the following chapter, where I consider the way

⁴This is a term Nadasdy uses to refer to indigenous groups in the arctic and subarctic, which he argues have similar conceptions of human-animal relations, despite significant cultural diversity (2016, p. 4).

Indigenous accounts of human-animal relations reject the assumptions about animals that are common to relational accounts of animal ethics in the Western tradition.

Donaldson and Kymlicka make a compelling case for the capacity of animals and humans to engage with each other in meaningful ways, in relations of cooperation and trust. However, they limit this potential to human relations with domesticated animals. Palmer's account likewise does not leave much room for animal agency or power in their relations with humans. What I hope to have shown is that these accounts operate on presumptions about animal nature that restrict animals' ability to engage on their own terms in their relationships with humans. In the next chapter, I will consider accounts provided by Indigenous theories of animal ethics. These accounts do not share the presumptions of Donaldson and Kymlicka or Palmer, making very different claims about the power and agency animals bring to their relations with humans, that ultimately allow for a very different conception of animal ethics.

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Chapter 3

Engaging with Indigenous Theories of Hunting Ethics

In the last chapter, I explained and motivated the claim that animal rights theory requires a relational account of animal ethics to avoid the problem of predation and account for intuitive differences in our positive obligations to animals. However, I left the discussion of relational accounts with a couple of worries. First, to the extent that relational accounts show that relational context is relevant for determining the set of positive obligations we owe to animals, I argued that we should wonder whether relational context also matters for the negative set of obligations we owe to animals. This question has been left open by relational accounts. Second, I argued that the relational accounts we discussed rely on a particular story about the way animals relate to humans, including conceptions about animal power and intention, which I hope to problematize in this chapter.

The discussion of the last chapter has functioned to highlight an important similarity between ART and Indigenous theories of hunting ethics. This is a concern with the role of relational context in defining our obligations to animals. In this chapter, I engage with Ojibwe and Cree theories of hunting ethics, which appeal to a theory of reciprocity to flesh out the implications of relational context for the way we should treat animals. These theories have a compelling story to tell regarding the way relationships determine our obligations. This is a story with which the theories discussed in chapter two must contend. I argue that the heart of the disagreement between Ojibwe and Cree theories of hunting ethics and ART is a fundamentally different understanding of integral ethical concepts. For one, by using reciprocity to define human-animal relations, these theories understand the nature of taking life quite differently than ART does. In some cases, Ojibwe and Cree theories confer a positive obligation to take an animal's life on humans. The second important issue is the different understanding of animal power found in these theories. Indigenous theories of hunting ethics do not rely on the same presumptions about animal power and intention in their relations with humans that are evident in the relational accounts in chapter two. Animals are understood by the Indigenous accounts we will discuss to be powerful participants in their relations with humans. The depth of the disagreement between

ART and Indigenous theories of hunting ethics is missed, however, when theorists commit WHI, presumptuously appealing to Western frameworks alone to make sense of Indigenous theories.

My analysis of Indigenous hunting ethics will center on a claim that is shared by many Indigenous traditions across North America. This claim is that animals will, in some instances, willingly give themselves up to hunters (Berkes 2017, Reo and Whyte 2012, Schmidt and Dowsley 2010, Nadasdy 2007, Brightman 1993). Of course, there is significant diversity among the Indigenous peoples who live within this region and claims about a single group do not generalize to all. I will focus primarily on accounts of ungulate hunting by Cree and Ojibwe cultural groups, although other writers discussing this topic in the context of different human and animal communities will be referenced on occasion. To be sure, this is not a discussion of what native folks think about hunting, animals, or anything else. When I say I am discussing Indigenous theories of hunting ethics, I do not mean that I am discussing what any native person believes about hunting; even within the groups I discuss, there will clearly be differing viewpoints on the subject.⁵ Given my own positionality and training, this would be problematic anthropology. Instead, Indigenous hunting ethics is meant to refer to the philosophical traditions that originated or were developed in an Indigenous cultural context. Whether and by whom these beliefs are asserted is a different issue.⁶ Although, as was discussed in chapter one, these beliefs are clearly salient for some—and this has led to the marginalization of Indigenous groups in wildlife management settings and other arenas. Finally, throughout the discussion of this chapter, we must be continually aware that there are theories consistent within Indigenous philosophical traditions that may conflict with the one I will describe here. This is a testament to the diversity and robustness of Indigenous philosophical traditions.

I focus on the claim that some animals willingly give themselves to hunters because it stands in contrast to much of Western theory—both in animal ethics and ethical theory more broadly. My intent is to bring this claim into conversation with animal rights theorists, and, in doing so, make clear the

⁵For a discussion of veganism as a practice consistent with Indigenous thought see Krásná 2022 and Robinson 2013.

⁶This is a nuanced distinction, but an important one. To see the distinction, consider how someone might claim that utilitarianism is a western ethical theory, without meaning that all those raised in a western cultural context are themselves proponents of utilitarianism.

possibility space that is open to those who do not share the presumptions or conceptual framing of animal rights theory. As was discussed in chapter one, my own positionality as a person of settler-descent entails that as soon as I enter a discussion about Indigenous philosophical traditions, I have already embarked on a collaborative project. I am taking these theories outside of their context, considering them against my own worldview and set of assumptions, in the context of Western academic philosophy. The success of this project depends entirely on the efforts of other writers and scholars to elaborate the details and nuance of Indigenous theories of hunting ethics to non-Indigenous readers. As I discussed in chapter one, the way of collaboration is ethically fraught, and can be successful only through honest engagement with epistemic friction, careful self-reflection, and a willingness to give up the comfort and control provided by one's privilege. However, engaging in such a project is preferable to continuing in willful ignorance.

Doing any work in philosophy involves re-constructing the arguments of others, but this re-construction necessarily involves the philosopher, who imports her own interpretations about meaning and values regarding what matters in her construction of others' arguments. For this reason, philosophers often critique each other's constructions of others' arguments; they might be critiqued for being uncharitable or failing to understand. I hope it is apparent how important it will be that my own re-construction of Indigenous theories of hunting ethics is subject to such critique. Given my own positionality and historical circumstances, my discussion will likely have many failings.

However, my importantly limited ability to engage with these theories does not hinder the ultimate project of this thesis, which is to motivate ART and other Western theories of animal ethics to reflect critically on their presumptions and recognize the legitimate conceptual tools produced by non-Western philosophical traditions. One way to think of my project is not as actually being an active contributor to the critical conversation that must take place between ART and Indigenous theories of hunting ethics, as much as clearing the way for this conversation. This is a project for which my own positionality is especially well suited. As a person of settler descent working in animal ethics, I see it as my responsibility to hold those like me accountable for their continual appeal to Western frameworks *alone* for answers to these questions, which frequently functions as an unfounded dismissal of the prominent and

compelling theories elaborated by Indigenous scholars—as I discussed in detail in chapter one. Because of the nature of my own positionality and settler-colonial power dynamics, the collaborative work of this thesis might be viewed as one-sided insofar as a critique is only being raised at ART. I argue that animal rights theorists must be critically reflective of the way their own presumptuous appeals to Western conceptual framings function to deny the theoretically legitimate points of contention between ART and Indigenous theories of hunting ethics. However, given the settler-colonial context and my own positionality, this one-sidedness is entirely appropriate.

I will start by describing the basic workings of a theory of reciprocity. While many theorists have worked to make the details of such a theory available to a broad readership, I will lean heavily on the popular work of Potawatomi author and scientist Robin Wall Kimmerer and the influential writings of Vine Deloria Jr. of the Standing Rock Sioux to do so.⁷ A theory of reciprocity serves as a framework for delineating important and distinct relations between human and non-human organisms, and the obligations these relations entail. After this, I will explain how the hunting of an animal is contextualized by an ongoing reciprocal relationship between the animal and its human hunters. To describe these hunting relationships, I draw from the work of Nicholas Reo, Kyle Whyte and the Lac du Flambeau Band of Lake Superior Chippewa Indians (part of the larger Ojibwe cultural group) and the work of Fikret Berkes and the Cree of Chisasibi. I chose these studies because they are either conducted by Indigenous researchers or are part of collaborative projects with Indigenous communities. Further, both offer nuanced and robust versions of an Indigenous hunting ethic. Finally, I chose these publications because of the way the hunting ethics these communities have elaborated overlap, despite the cultural diversity between these groups.

In my discussion of these theories, I hope to make clear the ways they diverge from the relational accounts discussed in chapter two. To start, I will explain how, within the context of relations of reciprocity, one could be understood to have a positive obligation to take an animal. This is largely

⁷The theory of reciprocity expressed by these authors, despite their belonging to different cultural groups, is relevant to our discussion of Ojibwe and Cree hunting practices insofar as their expression of a theory of reciprocity is understood as a basic framework to start from, keeping in mind that this framework may be instantiated in different ways, and may itself be disputed, in other cultural contexts.

because the conception of taking an animal as an act of violence or harm is not shared by theories of reciprocity. After this, I will turn to the issue of the conception of animal power and intention in their human relations in theories of reciprocity. I argue that animals are understood by these theories to shape the nature of the relationship to the same extent, if not more, than humans do because of the power they exercise in these relations.

At the end of the chapter, I will return to the matter of clearing a way for conversation between the Western and Indigenous theories we have discussed throughout this piece. I argue that concepts like the taking of life, harm, intentionality, and power can be understood quite differently when contextualized by Indigenous theories. This difference in conceptual framing is at the heart of the disagreement between ART and Indigenous theories of hunting ethics; however, it is precisely this difference that is missed when Western theorists refuse to recognize that Indigenous philosophical traditions employ different conceptual tools than Western ones. In this way, WHI renders the Indigenous position untenable, ultimately downplaying the theoretical significance of its disagreement with ART. Animal rights theorists have an ethical and epistemic duty to carefully attend to these conceptual differences when engaging with these theories and overcome WHI.

3.1 Theories of Reciprocity

To start, a theory of reciprocity takes relationships to be the basic building blocks of living things; if you want to understand the living world, you start with understanding these relationships (Deloria, 1999c, p. 34). Reciprocity is the principle that governs these relationships. In Robin Wall Kimmerer's 2013 book, *Braiding Sweetgrass*, she shares her own experiences with wild strawberries as a child in order to explain the workings of reciprocal relationships (2013, p. 23-25). She writes:

“Gifts from the earth or from each other establish a particular relationship, an obligation of sorts to give, to receive, and to reciprocate. The field gave to us, we gave to my dad, and we tried to give back to the strawberries. When the berry season was done, the plant would send out slender red runners to make new plants. Because I was fascinated by the way they would travel over the ground looking for good places to take root, I would weed out little patches of bare ground where the runners touched

down...No person taught us this—the strawberries showed us. Because they had given us a gift, an ongoing relationship opened between us” (2013, p. 25).

As Kimmerer explains, it is gift-giving that is the essential expression of reciprocal relationship, where ongoing processes of giving and receiving bind us to other life forms. In this excerpt, Kimmerer explains how she assisted the plant in reproduction in response to its gift, but she also responds to the gift with a sense of gratitude and wonder (2013, p. 23-25). Elsewhere, Kimmerer has written that relations of reciprocity are enacted in ways that are “simultaneously spiritual and material” with gratitude, careful attention and ceremony all being appropriate responses to the reception of a gift (2017, p. 370).

Note how gift giving entails a certain kind of attention and recognition of other beings. It involves engagement, communication, and negotiation with other life forms to structure the reciprocal relationships of which we are a part. Accepting the gifts of others also requires recognizing those others as givers. Within the ethic of reciprocity, we recognize the strawberry plant’s fruit as a gift rather than a mechanistic ecosystem service (Kimmerer, 2017, p. 369). The concept of gift functions to say something about the strawberry plant—that it is the kind of thing that can give. Thus, a theory of reciprocity seems to suggest a general attitude regarding other lifeforms as intelligent, creative, and intentional beings capable of participating in reciprocal relations (Deloria, 1999a, p. 71). According to Kimmerer, this is what it means to recognize another being as *kin* (2017, p. 376-377). But the recognition of a gift also functions to say something about the recipient—that she has obligations to the giver. A view of the world as full of intelligent, intentional agents with whom I am entangled because of both the things I receive and the things I give is foundational to the ethic of reciprocity. It is an understanding of the world that emphasizes the complex interdependence of all beings. One way to understand the ethic of reciprocity is as an ethical system that consists of the responsibilities entailed by our kinship relations.

The strawberry is an easier example of reciprocal relationship for those working within Western traditions to grasp, because accepting the gift of strawberries does not require physical harm to the plant. Kimmerer points to other examples of reciprocity that we might understand as mutual flourishing, where human communities thrive by tending to ecosystems in a way that increases and supports biodiversity (2011, p. 267). In order to bring the ethic of reciprocity into more critical

conversation with ART, I will focus on reciprocal relations that consist of interactions that ART would identify as harm. Further, I have chosen to focus on the organisms that animal rights theorists are concerned with—those beings who, as Tom Regan argues, are the subject of a life. This is a point of contention with Indigenous theories that do not limit subjectivity, the possibility for reciprocal relation, and the imperative of respectful engagement to animals alone. For the purposes of this project, I will be focusing on hunting relationships with ungulates, who do fit into the set of organisms with which animal rights theory is already concerned.

When moving from human relations with strawberries to human relations with deer, a tension becomes visible between ART and a theory of reciprocity that was not there before. The gift of venison can only be provided at the expense of the deer's life. In recognizing the deer's gift, one sees the deer as an intelligent agent to whom one owes the fulfillment of certain responsibilities. However, receiving the gift of venison requires taking the life of the deer. Those encountering a theory of reciprocity from the perspective of ART would contend at this point that such relations are unethical. Such theorists would likely question whether the deer is actually *giving* us its life, particularly in cases where the deer tries to run away or appears to show fear. The heart of the worry here for animal rights theorists will be how reciprocal relations justify this harm. What makes a reciprocal relation justified or ethically legitimate, rather than exploitive? These questions are Western in nature, showing a special concern for the protection of the individual, consent, and issues related to harm. These worries are suggested in Kimmerer's work when she identifies what she calls a "tension" between taking other lives and honoring them:

"Acknowledgement of the dependence of human lives on gifts—the lives of other beings—sets up a tension between the necessity of taking other lives and simultaneously honoring those lives. This contradiction, implicit in our heterotrophic biology, is resolved in Indigenous philosophy by the practice of reciprocity, by giving back in return for the gift of the lives that sustain us. It is understood that we humans must take other lives in order to sustain our own, so the manner in which they are taken becomes very important: to take in such a way that the life received is honored" (Kimmerer, 2017, p. 378).

According to Kimmerer, the ethical tension involved in taking another's life is resolved by theories of reciprocity. She identifies this tension as arising from the ethical necessity to honor life, and the "heterotrophic" necessity of taking life.⁸ While Kimmerer writes that we must recognize other beings as a 'who' rather than an 'it,' we also cannot avoid taking the lives of these very beings if we are to survive (Kimmerer, 2013, p. 183). For Kimmerer, the tension is resolved by reciprocity, which provides a way to honor life even as we take it. According to this, if we take the life of other organisms *properly*, the tension can be resolved. Importantly, Kimmerer recognizes dependency on other beings for food as a fact of human existence. To be human is to be heterotrophic—to require nourishment from life forms other than oneself.

Here we see the significance of the fact that a theory of reciprocity recognizes all beings, not just the animals ART is concerned with, but also beings like plants, rivers, and mountains, in the web of reciprocal relations. I think it is right to say that a theory of reciprocity recognizes all of these beings as having the Regonian sense of inherent value. I make use of Regan's terminology here for simplicity's sake rather than any theoretical attachment to the term itself. I described "inherent value" in chapter two as signifying an important understanding of the moral importance of other beings—as beings who place ethical demands of respect on us, demanding not to be treated as a mere resource or object. It is my contention that something like this understanding is shared in a theory of reciprocity, which can be seen in Kimmerer's concern with a life being honored, and it is this similarity that I hope to signify by employing the use of the term in this context as well.

Where animal rights theorists limit the set of beings with inherent value, they can contend that we don't have to eat those specific creatures to meet our caloric needs. The theory of reciprocity we see in Kimmerer, in contrast, is contextualized by the fact that we must eat some beings of inherent value in order to stay alive. But this is not conceived of as a moral tragedy. According to a theory of reciprocity, our dependency on other beings is precisely what helps define their moral significance. Our obligations to others are defined by the ways we depend on them, the ways they depend on others, and the ways they

⁸It should be noted here that not all methods available to humans to meet their caloric needs involve taking life—for instance, eating strawberries does not require this—but it is at least unclear that all humans could survive this way.

all depend on us. In this way, reciprocity not only governs our relationships to other beings, but defines them. Reciprocity starts with the reality of our biotic entanglement; it starts with the ways our lives are bound up with others given the kinds of creatures we are. Vine Deloria Jr. explains that the only beings that can be considered perfect are stones, because they have resolved all their social relationships (1999c, p. 34). Stones do not need the nourishment of other beings. Humans do. It is the very fact of our biology that places us in such deep dependency, and therefore intimate relationship, with other beings. Kimmerer asserts that we must eat others to live, and that, rather than taking this to mean we must starve or lament our existence as a moral tragedy, there is, in fact, an ethical way for us to accomplish this.

This leads us to the question: how do we go about eating *others*? Where animal rights theorists argue that our dinner plate should consist only of those creatures without inherent value, theories of reciprocity maintain that anything we might put on our plate is a morally important, intelligent being. Kimmerer has suggested that there is a tension between taking and honoring life that those working from within Western traditions will be at pains to resolve. The hunting ethics of Ojibwe and Cree ungulate hunters offer insight into how reciprocal relations deal with such a tension. I will review some of the common practices involved in these hunting relationships. At the same time, I will attempt to identify the implications these hunting practices have for what animal rights theorists recognize as a negative obligation not to kill others.

3.2 Ojibwe and Cree Hunting Ethics

Ojibwe and Cree hunting practices and beliefs exemplify the obligations hunters have to honor the lives that they take. To start, these obligations are expressed in interviews conducted with white-tail deer hunters who are enrolled citizens of the Lac du Flambeau Band of Lake Superior Chippewa Indians (LDF) (Reo and Whyte, 2012). There are many ways this community showed respect for the deer they hunted. Care is taken to kill the deer as painlessly as possible, a purpose which influences LDF hunters' decision to integrate hunting rifles into their hunting practice (Reo and Whyte, 2012). *Semaa*, or tobacco—a traditional gift used by the Ojibwe people to show respect—was offered to deer by all of the hunters in their practice (Reo and Whyte, 2012, p. 20). *Semaa* is offered before the hunt, after the deer

has been killed but before it is gutted, and laid over the remains of the deer after gutting and processing (Reo and Whyte, 2012, p. 20). In LDF hunting practice, it is considered unethical to waste deer meat; ribs, neck roasts, shanks, neck bones and backbones are all consumed—which is a practice uncommon for non-Indians (Reo and Whyte, 2012, p 22). Care is taken to handle, clean, and butcher the deer respectfully once it is taken (Reo and Whyte, 2012, p. 20). Sharing meat is also an important part of hunting practice. Meat is shared with elders, single mothers, and households that don't hunt (Reo and Whyte, 2012, p. 18). New hunters traditionally give away the first animal they harvest, some hunters give away the first deer they harvest annually, and many hunters take on the responsibility of providing venison for ceremonies like funerals (Reo and Whyte, 2012, p. 20-21). In response to the gift of deer meat, Ojibwe people see it as their responsibility to care for the land so that it continues to support white-tailed deer, as well as other living things (Reo and Whyte, 2012, p. 23).

Next, I turn to discussion of the hunting practices of the Cree of Chisasibi, based on the work of a non-native researcher and a group of senior hunters from the Cree Trappers Association, who sought to complete this study in order to “provide educational material on Cree culture for youth, to record and strengthen traditional practice, and to educate the outside world in defense of Cree culture and subsistence economy” (Berkes, 2018, p.110). Like the LDF hunters, in the hunting practice of the Cree of Chisasibi, everything that is killed must be eaten; one elder is recorded as saying that “we are done for as a hunting society if we ever reach the point of taking only the haunch of a moose or caribou, as white hunters do” (Ibid.). That all parts of the animal are, in fact, used by the community is understood to be confirmed by the whiskey jack, who frequently hovers above the camp (Berkes, 2018, p. 121). The Cree of Chisasibi also follow certain protocols when handling, cleaning, and butchering hunted animals (Berkes, 2018, p. 119-120). Sharing of the meat is similarly an important practice. Young hunters frequently give the meat of the animal they have hunted to an elder who sees to it that it is distributed well; this practice is a sign of respect to both elders and the taken animal (Berkes, 2018, p. 120). Other aspects of Cree hunting practice include maintaining an attitude of humility while hunting, approaching and killing an animal with respect, making an offering to the animal, and respectfully disposing of the remains of the animal (Berkes, 2018, p. 115-116).

These hunting practices are clear examples of the obligations entailed by relations of reciprocity, where a gift places certain responsibilities upon its receiver. These practices exemplify taking life while honoring it. What I want to investigate next is the way the context of reciprocal relationship actually changes the character of taking life. To start, as part of a reciprocal relationship between Ojibwe people and deer that has been ongoing for millennia, LDF hunters express that their responsibilities to deer are not fulfilled lightly (Reo and Whyte, 2012, p. 23). Ojibwe people consider hunting and successfully taking a deer to be a “sacred process” (Reo and Whyte, 2012, p.23). One LDF hunter asserted that he completed the ceremonial acts after the deer’s death as if it were a community member who had died (Reo and Whyte, 2012, p. 21). Another LDF hunter explained how, in lieu of the English word *kill*, he uses only the Anishinaabemowin phrase, *nin gi nisaa a’aw waawaashkeshii*, which translates roughly to “I did take that deer’s life” (Reo and Whyte, 2012, p. 21). The worry that the violence implied by the Western conception of killing does not accurately describe this action is shared elsewhere; Berkes argues that the Cree notion of killing game is not considered an act of violence (2017, p. 125). N. Scott Momaday claims that the English word *use*, as it is employed in the context of resource *use*, does not do justice to his relationship with the land. He says, “as an Indian I think: You say that I *use* the land, and I reply, yes, it is true; but it is not the first truth. The first truth is that I *love* the land; I see that it is beautiful; I delight in it; I am alive in it” (Momaday, 1999, p. 28). Momaday claim that the word *use* fails to accurately describe his relationship with the land bears resemblance to the interviewee’s choice to use Anishinaabemowin the language to express the action he took in hunting the deer. The English word *kill* simply cannot capture the fact that taking the life of a deer constitutes an act of love.

This is one example of how forcing Indigenous theories to fit into Western conceptual frameworks warps their meaning. On their own terms, reciprocal relations make sense of hunting as an act of love and respect.⁹ In fact, the theory of reciprocity can be understood as making the taking of life and the love and respect for that life tightly connected. In Cree hunting practice, a hunter is known to become successful as he gains respect for the animal he hunts; hunters also expressed that *not* hunting may cause

⁹The conception of respect I mean to invoke here is closely related to love and ought to be indexed to something like the care ethic elaborated in Whyte and Cuomo (1997) rather than the Kantian conception of recognition of the rational other.

one to lose respect for the animal (Berkes, 2017, p. 126). The mutual reinforcement of hunting an animal and respecting it is consistent with the fact that some LDF hunters see it as unethical to stock up on deer meat in the freezer (Reo and Whyte, 2012, p. 21). Like failing to hunt entirely, saving up large reservoirs of meat is inimical to ongoing human-deer interaction that is integral to reciprocity.

In his interview response, one LDF hunter exemplifies the mutual reinforcement of hunting and respect for the deer he hunts:

“My relationship with deer meat is... no man could ask for a better one. The deer are a great source of food and they’re a great animal and they’ll feed me for the rest of my life. Just to eat one is an honor, and for him to give his life to feed me is one of the greatest gifts you can ever receive... I wish I could give my life up to feed one of them, but I can’t, but who knows, one day when you’re pushin’ up daisies maybe one’ll eat off my grave” (Reo and Whyte, 2012, p. 21).

In the passage, it is clear that this interviewee’s respect for the deer is tied to its providing a food source for him. Because he hunts the deer, he respects it. However, the other side, which is perhaps unintuitive for Western thinkers, is that he hunts the deer *because* he respects it. It is telling that this hunter’s acknowledgement of the deer’s sacrifice does not prompt him to *stop* hunting deer. Quite the opposite—he explains how he will continue to eat deer for the rest of his life. Within a theory of reciprocity, the appropriate response to the gift of deer meat is to thankfully receive, following through with your reciprocal obligations, like sharing meat or offering *semaa*. In response to the gift of deer meat, the speaker in this passage offers deep gratitude, respect, and a desire to materially give back to the deer—even through his own body. However, like Kimmerer and Deloria, there is an acknowledgment that the facts of biotic existence govern reciprocal relations. The human body is such that it eats deer; deer do not eat humans. But the speaker suggests larger cycles of life and death that make it so that, although his biology dictates that he take the deer’s life now, one day he will return that gift.

On the one hand, the hunting ethics of the LDF tribe may seem to exemplify the way that practices of reciprocity resolve the “tension” Kimmerer pointed out between killing and honoring life. However, this discussion of respect as *tied up in* the taking of life suggests that the concern with a tension between taking and honoring life arises from Western conceptions of taking life, rather than Indigenous ones.

These reflections of LDF hunters and other Indigenous writers on the issue of taking life contend that this tension never even arises in some Indigenous theories of hunting ethics. As discussed with the concept of killing, Western concepts may simply fail to capture the nature of taking life within reciprocal relations, so those approaching these ethical theories from a Western worldview fail to understand how loving, respecting, and taking may be bound together in a single act.

It is within the context of reciprocal relations that hunters may have a positive obligation to take an animal. This is a significant step further than *not having* a negative obligation against taking an animal's life. As I argued in chapter two, relational accounts may lead us to think that negative obligations, and thus the moral significance of taking an animal's life, are affected by relational context. This was according to a Western framework where killing an individual is presumed to wrong that individual all else being equal, and a right against being killed is, generally speaking, considered a basic right. A theory of reciprocity might engage with the accounts of relational ethics we saw in chapter two here and argue that all of our obligations are deeply contextual, defined by our particular relationships to other beings, including our negative obligations. However, on the issue of killing, the difference between Indigenous and animal rights theories is even more significant. To start, a right against being eaten is nonsensical in a moral world where all creatures, plants, rocks, and mountains are beings with inherent value.¹⁰ In such a world, one's survival depends on eating others. Because of this, we can understand theories of reciprocity to reject the existence of the negative obligation against taking life. But theories of reciprocity go further than this, actually obligating someone to take the life of another in certain circumstances.

A positive obligation to take one's life will be particularly difficult for Western thinkers to accept; this, in part, is why I take this to be the crux of the issue between animal rights theory and Indigenous hunting ethics. To honestly engage Indigenous theories of hunting ethics, Western thinkers must open themselves up to the possibility that taking life, and death more generally, can be conceived of quite differently from the image of domination and violence we find in animal rights theories. The taking of life, on theories of reciprocity, is an important part of maintaining reciprocal relations. It is an act of love and respect. Within reciprocal relations, refusing to hunt an animal that is offering itself may

¹⁰I continue using Regan's phrasing here for the sake of simplicity.

constitute an offense, disrespecting the giver. A hunter does wrong by an animal by not taking its life when it is offered. Thus, in a theory of reciprocity, the animal rights' claim that we have a negative obligation against killing an animal contrasts with a positive obligation to be in proper relation with that animal. A hunter has a positive obligation to take an animal when taking the animal constitutes responsible action according to his reciprocal relations.

In this section, I've provided a rough sketch of a theory of reciprocity and described the way reciprocal relationships are lived out in Ojibwe and Cree hunting practices. I discussed the moral character of taking life understood in the context of these reciprocal relationships as distinct from the way taking life is understood by ART. Recognizing the implications of this difference in conceptual framing is important for understanding the nature of the disagreement between these theories. I will cover this issue in greater detail in the concluding section. In the next section, I continue discussion of Ojibwe and Cree theories of hunting ethics through consideration of the nature of animal power in these theories. I investigate further the role of the animal in hunting relationships, what constitutes an animal offering itself to its hunter, and what this implies for our obligations to the animal.

3.3 Animal Power and the Willing Sacrifice

There is a belief held by many culturally related northern Indigenous peoples that animals willingly give themselves to their hunters (Nadasdy 2007; Berkes 2017; Brightman 1993; Reo and Whyte 2012; Schmidt and Dowsley 2010). This belief could be fleshed out in various ways. On the one hand, it could just be that certain instances of hunting are instances where the animals willingly give themselves to their hunters. However, I will focus discussion on the stronger belief, which we find in Berkes' discussion of Cree hunting beliefs that animals are in control of the hunt, and cannot be hunted unless they "agree" to it (2017, p. 125). There are two points that will be important for our discussion. The first has to do with understanding the animal as an intentional giver in these encounters. The second has to do with the power exerted by hunted animals in their relationships with humans. Through this discussion, I hope to show that animals powerfully engage with humans on their own terms in these

relationships, in a manner inconsistent with the presumptions about animals we found in the relational accounts of chapter two.

To start, in relations of reciprocity, we have discussed how the presence of a gift suggests an intentional giver. Kimmerer recounts a hunting story shared by an elder named Oren, who explains how he waited all day, letting deer go by, with only one bullet waiting for "the one." She records him saying:

"...and then, without explanation, there's one who walks right into the clearing and looks you in the eye. He knows full well that you're there and what you're doing. He turns his flank right toward you for a clear shot. I know he's the one, and so does he. There's a kind of nod exchanged. That's why I only carry one shot. I wait for the one. He gave himself to me." (Kimmerer, 2013, p. 186).

In this statement, Oren attributes to the deer what can be understood as an intention to give its life, and describes an intimate communication between himself and the deer regarding this intention— a "nod exchanged." This attribution of intention is supported by a particular view of animal nature. This is a conception of other living beings as smart, witty, and capable. In some Indigenous theories, humans are taken to be the "younger brothers of Creation," who are the least powerful of all beings; within these traditions there are many stories of humans receiving lessons about how to live in the world from their plant and animal siblings (Kimmerer 2013; Deloria 1999, p.71; Nadasdy, 2016, p.7). In the story Kimmerer tells, Oren goes on to explain that deer are considered "the leader of the animals," because of their generous sacrifice (2013, p. 186). This starkly contrasts with the Western conception of humans as the powerful managers of the natural world. When we presuppose the Western hierarchy that places humans on top, as managers or dominators of the natural world, it is difficult to make sense of a deer who understands and communicates with a hunter in this way. However, on the view that takes humans to be the "younger brothers," it would be an act of hubris to assume that the deer is ignorant to the hunter's intentions. Recognizing the deer as willingly sacrificing itself is consistent with taking the deer to be wise to the actions of humans. On this view, deer are aware of their relationships, their place in the world, and the place of humans. As such, deer are not taken by surprise or confused, but capably and intentionally respond to the intentions of the hunter.

Animals also intentionally and intelligently engage with humans by clearly communicating and advocating for their own desires and preferences in these relationships. They communicate with humans in a variety of ways. Animals are taken to understand human speech and thought (Nadasdy 2016, Schmidt and Dowsley 2010). They communicate with humans through dreams, visions, and waking encounters (Nadasdy 2016). It's important to emphasize here that this is not properly understood as mythology. It is an assertion about how animals actually engage with people. Anthropologist Paul Nadasdy has written regarding his own research experiences that he “was told explicitly more than once that although animals in Kluane country probably cannot speak English, they most definitely can ‘speak Indian.’” (Nadasdy, 2007, p. 34). Finally, it is animals themselves who have authored many of the laws regarding appropriate behavior in hunting relationships (Nadasdy 2016). These are laws that the animals continue to enforce. This fact of enforcement is significant, because it entails that animals not only communicate their desires and preferences to humans, but they have the power to see to it that their wishes are respected.

That animals are powerful parties in their relationships with humans is an integral part of Indigenous theories of hunting. The fact that animals willingly give themselves to hunters suggests this animals power; it suggests that animals have control over the outcome of the hunt. Animal power is constituted by their ability to opt out of their relationships with humans. As we will see, this is an important part of what makes relations of reciprocity with these animals ethically legitimate, rather than exploitive. To start, there are many expressions of the belief that animals might leave or disappear in response to mistreatment. Returning to the controversy discussed in chapter one regarding the use of radio collars on the Porcupine Caribou Herd, one hunter expressed concern that caribou “disappeared during the period of the biologists’ field study...and reappeared in large numbers immediately after” (Kofinas, 2005, p. 185). In another case, Yup’ik Eskimo elders worried that geese would leave because of the actions of non-Yup’ik researchers (Fienup-Riordan 1990). In Jeremy Schmidt and Martha Dowsley’s 2010 study of conflict between Inuit hunting and Western wildlife management, one interviewee suggested that the polar bears were decreasing in number as a form of “retaliation” against Western management (p. 383). Diving further into Cree theories of hunting, Berkes writes that:

“the hunter always speaks as if the human is the passive partner in this relationship. If the animal decides to make himself available, the hunter is successful. The hunter has no power over the game; animals have the last say as to whether they will be caught. The hunter has to show respect to the animals because the hunter is dependent on game. The game is not there for the taking. There is no guarantee of a kill...” (2017, p. 111).

It is the fact of human dependence on these animals, which is made salient in their continued hunting of the animals, that makes the threat of animals leaving so powerful. It is not a very far off world where a hunter embarks on a hunt and comes home empty handed. The very real concern is that, the next time a hunting party goes into the woods, the animals will not be there, and the community will go hungry. This is why Nadasdy has argued that animals play “an overtly political role” in many arctic and subarctic Indigenous cultures—because they are not only able to communicate to humans their rules of engagement, but punish those who do not abide by them (2016, p. 8). Animals might punish humans by not giving themselves up in future hunts. This is animal power. And it is precisely because of human dependency on animals that animals are able to exercise this power. The more integral hunting is to a community, the more existentially dependent it is on the animal hunted. This makes the threat of the animal leaving more significant, thus giving the animal more power.

The role of animal power helps explain why Western conceptions of *killing* and *using* do not do justice to the way hunting practices are understood in these communities. If deer have control over the outcome of the hunt, then their lives are not being violently taken from them. The notion of violence situates the hunter as the powerful, dominating party in the interaction. In contrast, the reciprocal relationship between deer and humans is not characterized by human power. The hunter is the beneficiary of the deer’s gift, dependent on the deer for her survival. Nadasdy writes that “recognizing their indebtedness to the powerful other-than human persons upon whom they depend for their very existence, northern Indigenous people cultivate a sense of humility in their dealings with them. (2016, p. 7). Nadasdy goes on to cite the work of Jean-Guy Goulet and Mary Black-Rogers who each argued that, in their work with Dene and Anishinaabe cultural groups respectively, the receipt of a gift from another being affirmed the power of the giver and the pitifulness or poverty of the recipient (2016, p. 8).

Accepting the gift of another being, such as through the act of hunting, places the hunter in a position of dependence on the animal she hunts. In this sense, the animal is the powerful party in this relationship. Such a perspective is perhaps reflected in the practice of LDF hunters who appeal to the deer, either before or after a hunt, through *taagoziwin* or “a sort of prayerful conversation” (Reo and Whyte, p. 20). In a specific kind of *taagoziwin*, called, *gaagiizotaagoziwin*, hunters make a “speech of appeasement to an animal and its spirit” (Ibid.). The attempt to appease the spirit of the animal suggests the power that animals exercise in these hunting relationships.

It is important to note this version of Indigenous theories of hunting, where animals are the powerful parties who willingly give their lives to hunters, has been problematized by anthropologists. Particularly in the work of Brightman, who has argued that there is a tension between contradictory principles of reciprocity and domination in the beliefs of the Rock Cree of northern Manitoba (1993). Brightman argues that these hunters fluctuate between competing conceptions of animals, where on the one hand the animals are taken to willingly giving themselves to hunters, and on the other they are seen as adversaries who must be overcome if the hunters are to survive. So far in our discussion, we have considered examples of Indigenous hunting practices that seem to exemplify reciprocity. However, Brightman argues that some hunting practices are deceptive in character, thereby pointing to a relation of domination rather than reciprocity (1993, p. 200). The existence of such practices, Brightman argues, makes it unclear whether the animals are actually the powerful party in hunting relationships and whether they offer themselves willingly. Brightman’s argument has been challenged by Nadasdy, who argues that relationships of gift giving do not imply altruism; he claims that “gifts are not always freely given; those who wish to receive a gift must often resort to some strategy whether it be physical, social, or magical—to force the giver to part with the desired gift” (2007, p. 28). This discussion adds nuance to our understanding of the claim that animals willingly give themselves to hunters, and provides further insight into reciprocal hunting relationships. We have to make room in our conception of gift giving for the active role of human hunters in taking the animal’s life. Clearly, hunters make use of various strategies to put themselves in a better position in regard to being successful in their hunt. A conception of reciprocity that cannot account for this oversimplifies the complexity of the hunting relationship. In

contrast to Brightman's view, this does not require the conclusion that hunting is an act of domination. Rather, it is consistent with our discussion of the agency and power of animals in these relationships. Human hunters devise hunting strategies because hunting is difficult. Animals get away, and they're not always where you expect them to be. Rather than undercutting this power, careful preparation, and skill on the part of human hunters can be understood to affirm the power of the animals they hunt. Hunters work hard and sacrifice time and energy in order to put themselves in a position to receive the animal's gift. What is important for animal power is that humans ultimately do not have the final word in these encounters. And even as human hunters develop strategies to hunt more successfully, they must continue to follow the proper rules of engagement, fulfilling their reciprocal obligations to the animals, or risk having the animals let go of them.

3.4 The Debate with Animal Rights Theory

With this, admittedly minimal, understanding of some Indigenous theories of hunting ethics, I want to turn to the central goal of this thesis: that is clearing the way for conversation between ART and Indigenous theories of hunting ethics. Given that Indigenous theories of hunting ethics make our obligations sensitive to relational context, we may initially think they can function, like the other relational theories discussed, as a partner or addition to ART, ultimately making ART a more tenable position. I think most people would claim that this would not work, on the basis of their understanding that ART is inconsistent with Indigenous theories of hunting ethics. Generally speaking, ART forbids hunting. As we saw in chapter one, animal rights activists have staunchly taken positions against Indigenous hunting practices in many cases. What I hope to make clear are the theoretical points of contention between ART and Indigenous theories of hunting ethics that lead to such different evaluations of the moral character of hunting. This is an important first step in developing a conversation between these theories; we have to first get straight what exactly they disagree about. This helps resolve willful hermeneutical ignorance because it is a step towards legitimate consideration of Indigenous ethical theories as live alternatives to Western ones. In contrast, in the current animal ethics literature, it seems that it simply doesn't matter, at least theoretically, that Indigenous theories disagree

with dominant Western theories. To be sure, it is seen as a political or cultural issue—in terms of whether Indigenous communities should have the sovereignty to regulate their own hunting practices. However, very few seem to be concerned that this disagreement is a theoretical issue.

I will argue that there are two main points of contention between ART and Indigenous theories of hunting ethics that result in different evaluations of the moral character of hunting. These points of contention are the character of taking life and the nature of animal power in their relationships with humans. I argue that a proper understanding of what these theories disagree about makes it clear that the disagreement is very much a live one; it is quite unclear that ART has the correct view of hunting, or the more compelling ethical theory for that matter. Further, a proper understanding of the disagreement illustrates that engagement with Indigenous theories of hunting ethics is necessary to settle important theoretical questions with which ART should be concerned.

To start, a theory of reciprocity makes our obligations to animals sensitive to relational contexts, and in that regard are similar to the relational theories of animal ethics discussed in chapter two. Like these theories, a theory of reciprocity avoids objections like the problem of predation that have been raised against ART. However, theories of reciprocity are different from the relational theories we have seen so far in the way they carve up the morally important relationships. According to them, it is gift-giving, rather than liberal political categories or histories of harm, that serves as the framework through which our obligations to animals are determined.¹¹ This, perhaps, overlaps some with Palmer's understanding of dependency. However, in contrast to Palmer, dependency in these relationships is understood as inevitable, and an essential component of properly functioning reciprocal relations.

Using reciprocity to define our morally important relationships and determine our obligations to others sets up a very different conceptual framework that supports very different conceptions of hunting relationships than we see in ART. I take the main points of contention to consist of two issues: the first is the moral character of taking life, and the second is the extent of animal power in hunting relationships. First, in theories of reciprocity we see an altogether different conception of taking life

¹¹To be sure, political categories or histories of harm may still have a role to play in these theories. For instance, Kimmerer takes “nation” to be an appropriate concept to apply to maple trees (2013, p. 168).

than in ART, but also Western theories generally. This results in a very different understanding of obligations relating to this act. In Indigenous theories of hunting ethics, taking life is not considered a harm. At least, not in the same way that it is considered a harm by Western theories. This is largely due to the fact that theories of reciprocity do not recognize an exclusive club of beings with inherent value, but rather are quite expansive in who they consider inherently valuable. In fact, there is no attempt to distinguish a separate class of inherently valuable beings—all beings enjoy this status. This makes taking the life of inherently valuable beings inevitable if one is to eat anything at all.

However, theories of reciprocity do not consider this a moral tragedy; rather, the taking of life is also recognized from another perspective as the giving of life, thereby binding respect and love to this act. It is within longstanding relations of reciprocity that the taking of life has this character. So, it's not just that taking life of inherently valuable beings is seen as inevitable, but that it is not conceived of as a problematic act in the first place.

ART takes issue with this view, because a right to not be harmed is considered a basic right by ART—as we saw in Regan's account. As such, a right against harm is universally held by all those who are inherently valuable. Further, there is no inevitability about taking of life on ART, because only certain animals are inherently valuable and thus, we are not forced to violate their rights in order to feed ourselves. The disagreement about which beings have inherent value is important here, but it is not the central issue. Instead, this disagreement sets up the central point of contention: that is the moral character of taking life. Hunting practices are understood by Indigenous theories to be situated in the context of a natural world in which standard functioning involves taking others' lives. I think it is correct to see Indigenous theories of hunting ethics as starting from this fact about natural systems. It is out of this context that challenges are raised against the notion that the taking of life is morally problematic. Ojibwe and Cree theories contend that hunting in a relation of reciprocity is not properly characterized as harm, but rather is precisely the ethical way to live within such systems. Further, failing to hunt in certain circumstances is a failure to respect the animals who offer themselves; engaging in such relationships by accepting their gift and fulfilling one's own reciprocal obligations is ethical behavior. As such, hunting is characterized not by harm, but by love and respect for other beings.

There is another issue relevant to this disagreement to which I have already alluded in this and previous chapters. This is the issue of whether relational context matters for our negative obligations to animals. The assumption we saw in the relational accounts of chapter two is that relational context matters primarily for our positive obligations—like an obligation to protect or feed some animal. But relational accounts must face the problem of stopping the buck: Which of our obligations does the relational context matter for? And why stop there? I argued in chapter two that there is no compelling case made by these accounts as to why relational context *only* matters for the obligations they discuss. As such, we are left largely without answers to these questions. Indigenous theories exemplify the ways relational accounts might go when they don't presume the existence of a set of universal, negative rights. The Indigenous theories discussed in this chapter take relational context to be extremely important for determining the obligations we have regarding taking life. The point here is just that ART and the relational accounts discussed in chapter two have not yet even offered an argument for why relational context does not matter for such obligations.

Now I will turn to the second point of contention that I take to be central to the disagreement between ART and Indigenous theories of hunting ethics. This is the nature of animal power in their relationships with humans. This is connected to the character of taking life, because it is the active engagement of animals in relations of reciprocity, and their ability to opt out, that seems to confer ethical legitimacy on the act of taking life in such arrangements. Theories of reciprocity provide a different picture of the power dynamics in human-animal relationships and the possibilities for engagement. Indigenous theories of hunting ethics take animals to be powerful and intelligent actors who engage in relationships with humans on their own terms. This conflicts with presumptions about animals found in the relational accounts we discussed in chapter two. This is why Nadasdy writes, in his critique of Donaldson and Kymlicka, that “the beings that populate Zoopolis (human, animal, plant, mineral), and liberal political theory more generally, are fundamentally different kinds of beings than those encountered by northern First Nation hunters” (Nadasdy, 2016, p. 9). The vastly different understandings of animal nature found between Western and North American Indigenous cultures is at least one reason why a willing deer sacrifice can be widely accepted by some and dismissed outright by

others. The Indigenous theories of hunting ethics we have discussed in this chapter take animals to, in the right context, give themselves to hunters and clearly communicate that they are offering themselves to them. Further, animals have the power to negotiate this relationship—whether in waking encounters, dreams, or visions—and opt out of the relationship and refuse to offer themselves if they so decide. If ART accepted that animals had the ability to interact with humans in this way, they would not have a strong position against hunting in these circumstances.

However, animal rights theorists will likely not accept this conception of animals. How can Western theorists engage with Indigenous hunting ethics despite having such different conceptions of the very creatures about which they theorize? First, engagement with Indigenous theories should lead Western theorists to consider the presumptions about animals common to those working within Western philosophical traditions. In chapter two, I pointed to presumptions that underly conceptions of animal engagement and power in their human relationships in Palmer's and Donaldson and Kymlicka's accounts. I argued that Palmer, by focusing on human actions alone, attributes all of the power to humans in these relationships, effectively treating animals as objects of harm, rather than agents. Donaldson and Kymlicka are also concerned with animals as the vulnerable parties in their relations with humans. While Donaldson and Kymlicka do intentionally make space for animal agency in their framework; they assume that non-domesticated animals, and wild animals in particular, prefer not to engage and maintain separation from humans, despite human encroachment on their habitat. We might also recall our discussion in chapter one of Donaldson and Kymlicka's interpretation of Indigenous hunters, where they claimed that these cultures followed ceremonial protocols so as to appease their own guilt. In claiming this, they reveal that they consider humans to be the powerful agents in these hunting practices, assuming that the only thing these hunters would need to appease is themselves; when, in reality, it is more consistent with the practices of the LDF hunters, at least, to say that animals are the ones who need appeasement. The presumptions made by Palmer and Donaldson and Kymlicka are not shared by theories of Indigenous hunting ethics. The presumptions of most Western readers are also likely not shared by these theories. Those educated in a Western philosophical

tradition who approach these theories should consider their own presumptions, what purpose they serve in their theories, and whether they are defensible.

Those working within Western traditions should question the assumption that animals are powerless in their relations with humans and consider whether there are other possibilities for animal engagement in these relationships. One might argue that Western conceptions of animals are more “scientific.” However, Donaldson and Kymlicka do not refer to scientific evidence in their interpretation of animal behavior, and it seems more plausible that the conception of animals taken in many of these theories is not grounded firmly in a scientific field, like ethology, but in culturally dependent presumptions. This issue ought to be investigated further and requires a diligent assessment of the extent to which current scientific practice offers useful interpretations of animal behavior for animal ethicists, paying close attention to its limitations. It is problematic to assert Western science as the only way of knowing these animals; the problem with this presumption is well represented by the incredulity of local hunters in Canada’s Nunavut Territory in response to the biologist who claimed to be an expert on the animal. They asked, “you mean...you know about all caribou including our caribou here too?” (Berkes, 2018, p. 16). Presuming Western scientific knowledge as the only legitimate way of knowing these animals undercuts the attempt to overcome willful hermeneutical ignorance, and the possibility for further conversation between these distinct philosophical traditions.

The most compelling reason for ART to reject the conception of animal nature argued for by Indigenous theories is expressed by Claire Kim in her discussion of the controversy surrounding Makah hunting of gray whales. Kim recognizes the failings of Western “constructions” of animal nature but argues that Indigenous conceptions of animals are similarly constructed; she argues that we should ultimately “err on the side of caution and act as though gray whales wish to live” because we (humans) are at risk of “imposing our own systems of meaning on those who lack the power to contradict us” (2015, p. 245). Kim’s worry clearly illustrates the importance of conceptions of animal power in this debate. Western conceptions that emphasize human domination have reasons to take this concern seriously, while Indigenous conceptions that take animals to engage with us according to their own

intentions, having the power to opt out and ability to communicate their wishes, have less reason to be concerned.

Although so much turns on these different conceptions of animal power, it will be difficult to square away which view of animal power is more compelling. After all, power can be instantiated differently in different human-animal relations. Power is a social phenomenon and interpretations of power ought to be indexed to the relational contexts in which it is instantiated. And there is the further issue that what power is, including the way we attribute power to other beings, and the ethical significance of that power, will be interpreted differently by different conceptual frameworks. The understanding of power we have seen in this discussion of Indigenous theories of hunting ethics turns on material dependence. Animals have power precisely because communities depend on them, so that their wellbeing and the animals' are tied up together. In this way, power as a feature of reciprocal relations looks much different than conceptions of power in Western frameworks, which might understand it as a feature of adversarial relations. The understanding of power taken by reciprocal relations makes it clear why non-Indigenous communities do not experience animals as powerful in their relationships with humans; they are not bound to these animals in reciprocal relations, and they do not see themselves as dependent on them. There is no parallel close, material dependence in colonialist society with non-domesticated animals. Recalling our chapter one discussion of Nadasdy's critique of anthropologists, because Western theorists are not themselves part of reciprocal relations with animals, they too often deny the possibility of their existence at the outset. They deny alternative possibilities for animal power by presuming that animals simply cannot be a part of the relationships that Indigenous theories describe.

The issue of animal power, along with the character of taking life, are integral points on which the disagreement between ART and Indigenous theories of hunting ethics turns. Especially considering the significant overlap between these theories regarding concerns with relational context and respect for other beings, ART has reason to worry about the issues over which these theories disagree. Before concluding, I want to recall Donaldson and Kymlicka's claim that the view they argue for, which only allows for the killing of animals out of tragic necessity, is "arguably closer to traditional Indigenous attitudes than to the mainstream attitudes of Western societies for the past few centuries" (2011, p. 47).

Perhaps they are right that mainstream Western attitudes are even less amenable, but I hope the work of this thesis has made clear that Indigenous theories are inconsistent with this view. As Nadasdy has pressed, Donaldson and Kymlicka's implication that Indigenous communities are somehow locked in a fight for their lives against animals is completely uninformed by anthropological literature and, further, is reminiscent of the judgment that such societies are still "primitive" having not been able to move themselves out of a state of resource scarcity (2016, p. 13-14). The project of this thesis has been to correct this ignorance, attempting to move towards honest philosophical engagement between ART and Indigenous theories of hunting ethics, by recognizing the extent and nature of the disagreement between these theories.

I argued in chapter one that Donaldson and Kymlicka's failure to engage with Indigenous theories of hunting ethics is an instance of willful hermeneutical ignorance. In chapter two, I explored the argument that ART requires the addition of relational accounts of animal ethics to make it appropriately sensitive to relational contexts; and I looked at two candidates for what that relational account should look like. In this final chapter, I have outlined Cree and Ojibwe theories of hunting ethics. In mischaracterizing these ethical theories, Donaldson and Kymlicka also obscured the nature of their disagreement with ART. In my own discussion, I hope to have made more precise the nature of the disagreement between ART and these theories. What we have seen is that at least some significant features of this disagreement are owed to ART's assumptions about the character of taking life, the universality of a right against harm, and aspects of animal nature that limit animals' abilities to interact intentionally and powerfully in their relations with humans. It should be clear that concepts like killing, harm, intentionality, and power, which are all important for this disagreement, can be understood quite differently when contextualized by Indigenous theories. This difference in conceptual framing is at the heart of the disagreement. As such, the insidious perpetuation of WHI obscures the extent to which this disagreement is theoretically robust and interesting. Overcoming WHI and honestly engaging with Indigenous theories of hunting ethics is necessary for those who wish to settle the ethical questions at stake.

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